CODE

AUGUSTA, GEORGIA

also known as

AUGUSTA-RICHMOND COUNTY, GEORGIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 7155, adopted December 1, 2009.

See the Code Comparative Table for further information.

Included in the Charter is:


See the Charter Comparative Table for further information.

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AUGUSTA, GEORGIA

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CODE

AUGUSTA, GEORGIA

also known as

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Looseleaf Supplement

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**Ordinance No. 6992, adopted August 7, 2007.**

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AUGUSTA-RICHMOND COUNTY
GEORGIA*
MAYORS SERVED FROM 1996 TO PRESENT
  Larry Sconyers
  Bob Young
  Willie Mays-Interim
  Deke Copenhaver

COMMISSIONERS SERVED FROM 1996 TO PRESENT
  Betty Beard
  Marion F. Williams
    Joe Bowles
    Bernard Harper
  Calvin Holland, Sr.
    Andy Cheek
    Jerry Brigham
    Jimmy Smith
    J.R. Hatney
  Don Grantham
  Steve Shepard
  Henry Brigham
  Ulmer Bridges
    Bill Kuhlke
  Freddie Handy
  Jimmy Smith
  Richard Colclough
  Rob Zetterberg
  Lee Beard
  Calvin Stevenson Interim
  Keith Brown Interim
  Roy Reardon Interim
  Barbara Sims
  Moses Todd
  Willie Mays

ADMINISTRATORS SERVED FROM 1996 TO PRESENT
  Charles Dillard Interim
  Lynda Beasley Interim
    Randy Oliver
    George Kolb
    Fred Russell

CLERK
  Mrs. Lena Bonner
OFFICIALS

AUGUSTA, GEORGIA

AT THE TIME OF THIS PUBLICATION

Mayor
Deke Copenhaver

Commissioners
Betty Beard, Mayor Pro Tem
Marion F. Williams, District 2
Joe Bowles, District 3
Bernard Harper, District 4
Calvin Holland, Sr., District 5
Andy Cheek, District 6
Jerry Brigham, District 7
Jimmy Smith, District 8
J.R. Hatney, District 9
Don Grantham, District 10

County Administrator
Fred Russell

County Attorney
Stephen E. Shepard

Clerk of Commission
Lena Bonner
PREFACE

This volume contains the Charter and Code of Ordinances of the Code of Augusta-Richmond County Georgia. This Code is a republication of all ordinances of a general and permanent nature that were deemed advisable to be included. Only ordinances of a general and permanent nature prescribed for and affecting the public as a whole are included herein. Special ordinances dealing with only a portion of the inhabitants of the City, rather than all of them, relating to special purposes, such as ordinances levying special assessments, providing for bond issues, paving, vacating and opening specified streets, etc., are not included.

ORGANIZATION OF CODE PROVISIONS

As will be noted, the chapters have been conveniently arranged in alphabetical order and the various sections within each chapter have been appropriately catchlined to facilitate usage. Attention is also directed to the appropriate footnotes which tie related sections of the Code together and refer to relevant provisions of general state law.

The numbering system used in this Code is such that each section number consists of three component parts separated by a dash, the figure before the dash referring to the title number and the figure after the dash referring to the chapter number and the next figure referring to the position of the section within the chapter. Thus, the first section of Title 1 is numbered 1-1-1. Under this system, each chapter is identified with its title. New sections can be inserted in their proper places simply by using the decimal system for amendments. Thus, if new material consisting of three sections that would logically come between Sections 4-4-4 and 4-4-5 is to be added, the new sections would be numbered 4-4-4.1, 4-4-4.2, 4-4-4.3. Sections have been reserved at the end of articles and divisions to provide for future expansion.

New chapters may be included by the addition of a fractional number after the chapter number. As an example, if the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12½. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject and in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

The source of each addition is included in the history note in parentheses at the end thereof.

LOOSELEAF SUPPLEMENT SERVICE

A special feature of this Code to which the attention of the user is directed is the looseleaf form of binding and supplemental servicing for the Code. With this looseleaf system the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to
the holders of the Code with instructions for inserting the new pages and deleting the obsolete pages. Each such subsequent amendment, when incorporated into this Code, will be cited as a part thereof.

The successful maintenance of this Code up-to-date will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended that all such amendments be inserted immediately upon receipt to avoid misplacing them.

INDEX

The index to the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by city officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1-14 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Acknowledgments

This publication was under the direct supervision of John Dombroski, Vice-President of Production, and Janet Cramer, Electronic Publishing, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher’s staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Stephen E. Shepard, County Attorney and Ms. Lena Bonner, Clerk of Commission, and the following persons for their cooperation and assistance during the progress of the work on this republication: James B. Wall, former County Attorney; Sparticus Heyward and Vanessa Flournoy, Staff Attorneys; Amy Hudson, Esquire; John P. Manton, Esquire; and Grady Blanchard, Esquire; Lauren Blakley; Misty Dawn Human, and Betty Carrera, Augusta Law Department. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the Augusta-Richmond County, Georgia readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city’s affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida
ORDINANCE NO. 6992

AN ORDINANCE TO ADOPT A REVISED CODE OF ORDINANCES FOR AUGUSTA, GEORGIA; TO DESIGNATE SAID REVISED CODE AS THE CODE OF AUGUSTA, GEORGIA, REVISED, 2007, ALSO KNOWN AS "AUGUSTA CODE 2007".

WHEREAS, the Augusta Code was last codified in 1997 by an Ordinance adopted September 3, 1997 by the Augusta-Richmond County Commission; and

WHEREAS, the Augusta Code of Ordinances proposed for adoption specifically amends, restates and supersedes said 1997 Code except as provided in Section 1-1-10 in said Code of 1997 and as such exceptions are carried forward in the revised Code as Section 1-1-10 in the 2007 Code. All changes in ordinances have been incorporated through June, 2007.

NOW THEREFORE, be it ordained by the Augusta-Richmond County Commission that the Code of Ordinances of Augusta, Georgia, 2007 Revision, is hereby officially adopted as the Code of Augusta, Georgia (2007) and it can be cited as such.

FURTHER ORDAINED that the 2007 Code Revision is dedicated to those individuals who have served in elective offices and senior administrative positions in the Consolidated Government, since its adoption, in appreciation for their service to the community.

Duly adopted this 7 day of August, 2007.

AUGUSTA-RICHMOND COUNTY COMMISSION

/s/ Deke Copenhaver
Mayor

Attest:

/s/ Lena Bonner
Clerk of Commission

First reading: July 10, 2007

Second Reading: August 7, 2007

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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Chapter 1
ADMINISTRATION

ARTICLE 1. HOME RULE

Sec. 1-1. Scope of county legislative power.

(a) The governing authority of each County shall have legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general law and which is not inconsistent with this constitution, or any local law applicable thereto. Any such local law shall remain in force and effect until amended or repealed as provided in subparagraph (b). This, however, shall not restrict the authority of the general assembly by general law to further define this power or to broaden, limit or otherwise regulate the exercise thereof. The general assembly shall not pass any local law to repeal, modify or supersede any action taken by a county governing authority under this section except as authorized under subparagraph (e) hereof.

(b) Except as provided in subparagraph (c), a county may, as an incident of its home rule power, amend or repeal the local acts applicable to its governing authority by following either of the procedures hereinafter set forth:

(1) Such local acts may be amended or repealed by a resolution or ordinance duly adopted at two regular consecutive meetings of the county governing authority not less than seven nor more than 60 days apart. A notice containing a synopsis of the proposed amendment or repeal shall be published in the official county organ once a week for 3 weeks immediately preceding its final adoption. Such notice shall state that a copy of the proposed amendment or repeal is on file in the office of the clerk of the superior court of the county for the purpose of examination and inspection by the public. The clerk of the superior court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. No amendment or repeal hereunder shall be valid to change or repeal an amendment adopted pursuant to a referendum as provided in (2) of this subparagraph or to change or repeal a local act of the general assembly ratified in a referendum by the electors of such county unless at least 12 months have elapsed after such referendum. No amendment hereunder shall be valid if inconsistent with any provision of this constitution or if provision has been made therefor by general law.

(2) Amendments to or repeals of such local acts or ordinances, resolutions or regulations adopted pursuant to subparagraph (a) hereof may be initiated by a petition filed with the judge of the probate-court of the county containing, in cases of counties with a population of 5,000 or less, the signatures of at least 25 percent of the electors registered to vote in the last general election; in cases of counties with a population of more than 5,000 but not more than 50,000 at least 20 percent of the electors registered to vote in the last general election; and, in cases of a county with a population of more than 50,000, at least 10 percent of the electors registered to vote in the last general election; and, in cases of a county with a population of more than 50,000, at least 10 percent of the electors registered to vote in the last general election, which petition shall specifically set forth the exact language of the proposed amendment or repeal. The judge of the probate court shall determine the validity of such petition within 60 days of its being filed with the judge of the probate court. In the event the judge of the probate court determines that such petition is valid, it shall be his duty to issue the call for an election for the purpose of submitting such amendment or repeal to the registered electors of the county for their approval or rejection. Such call shall be issued not less than 10 nor more than 60 days after the date of the filing of the petition. He shall set the date of such election for a day not less than 60 nor more than 90 days after the date of such filing. The judge of the probate court shall cause a notice of the date of said election to be published in the official organ of the county once a week for
three weeks immediately preceding such date. Said notice shall also contain a synopsis of the proposed amendment or repeal and shall state that a copy thereof is on file in the office of the judge of the probate court of the county for the purpose of examination and inspection by the public. The judge of the probate court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. If more than one-half of the votes cast on such question are for approval of the amendment or repeal, it shall become of full force and effect; otherwise it shall be void and of no force and effect. The expense of such election shall be borne by the county, and it shall be the duty of the judge of the probate court to hold and conduct such election. Such election shall be held under the same laws and rules and regulations as govern special elections, except as otherwise provided herein. It shall be the duty of the judge of the probate court to canvass the returns and declare and certify the result of the election. It shall be his further duty to certify result thereof to the secretary of state in accordance with the provisions of subparagraph (g) of this paragraph. A referendum on any such amendment or repeal shall not be held more often than once each year.

(c) The power granted to counties in subparagraphs (a) and (b) above shall not be construed to extend to the following matters or any other matters which the general assembly by general law has preempted or may hereafter preempt; but such matters shall be the subject of general law or the subject of local acts of the general assembly to the extent that the enactment of such local acts is otherwise permitted under this constitution:

1. Action affecting any elective county office, the salaries thereof, or the personnel thereof, except the personnel subject to the jurisdiction of the county governing authority.
2. Action affecting the composition, form, procedure for election or appointment, compensation and expenses and allowances in the nature of compensation, of the county governing authority.
3. Action defining any criminal offense or providing for criminal punishment.
4. Action adopting any form of taxation beyond that authorized by law or by this constitution.
5. Action expending the power of regulation over any business activity regulated by the public service commission beyond that authorized by local or general law or by this constitution.
6. Action affecting the exercise of the power of eminent domain.
7. Action affecting any court or the personnel thereof.
8. Action affecting any public school system.

(d) The power granted in subparagraphs (a) and (b) of this paragraph shall not include the power to take any action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

(e) Nothing in subparagraph (a), (b), (c) or (d) shall affect the provisions of subparagraph (f) of this paragraph [section 1-1-2 of this chapter].

Sec. 1-2. Salary of county employees; how fixed.

The governing authority of each county is authorized to fix the salary, compensation and expenses of those employed by such governing authority and to establish and maintain retirement or pension systems, insurance, workers' compensation and hospitalization benefits for said employees.

(1983 Ga. Constitution, Article 9, § 2, ¶ 1(f)).

Sec. 1-3. Filing and publication of amendment or revision of local act.

No amendment or revision of any local act made pursuant to subparagraph (b) of this section [section 1-1-1(b)] shall become effective until a copy of such amendment or revision, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which such notice was published to the effect that said notice has been published as provided in said subparagraph, has been filed with the secretary of state. The secretary of state shall provide for the publication and distribution of all such amendments and revisions at least annually.

(1983 Ga. Constitution, Article 9, § 2, ¶ 1(g)).

Sec. 1-4. Supplementary powers.

(a) In addition to and supplementary of all powers possessed by or conferred upon any county, municipality or any combination thereof, any county, municipality or any combination thereof may exercise the following powers and provide the following services:

(1) Police and fire protection.

(2) Garbage and solid waste collection and disposal.

(3) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and animal control.

(4) Street and road construction and maintenance, including curbs, sidewalks, streetlights, and devices to control the flow of traffic on streets and roads constructed by counties and municipalities, or any combination thereof.

(5) Parks, recreational areas, programs and facilities.

(6) Stormwater and sewage collection and disposal systems.

(7) Development, storage, treatment, purification and distribution of water.

(8) Public housing.

(9) Public transportation.

(10) Libraries, archives, and arts and sciences programs and facilities.

(11) Terminal and dock facilities and parking facilities.

(12) Codes, including building, housing, plumbing and electrical codes.

(13) Air quality control.

(14) The power to maintain and modify heretofore existing retirement or pension systems, including such systems heretofore created by general laws of local application by population classification, and to continue in effect or modify other benefits heretofore provided as a part of or in addition to such retirement or pension systems and the power to create and maintain retirement or pension systems for any elected or appointed public officers and employees whose compensation is paid in whole or in part from county or municipal funds and for the beneficiaries of such officers and employees.

(b) Unless otherwise provided by law:

(1) No county may exercise any of the powers listed in subsection (a) of this section or provide any service listed therein inside the boundaries of any municipality or any other county except by contract with the municipality or county affected; and

(2) No municipality may exercise any of the powers listed in subsection (a) of this section or provide any service listed therein outside its own boundaries except by contract with the county or municipality affected.
(c) Nothing contained within this section shall operate to prohibit the general assembly from enacting general laws relative to the subject matters listed in subsection (a) of this section or to prohibit the general assembly by general law from regulating, restricting or limiting the exercise of the powers listed therein; but it may not withdraw any such powers.

(d) Except as otherwise provided in subsection (b) of this section, the general assembly shall act upon the subject matters listed in subsection (a) of this section only by general law.


Sec. 1-5. Planning and zoning.

The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the general assembly from enacting general laws establishing procedures for the exercise of such power.


Sec. 1-6. Eminent domain.

The governing authority of each county and of each municipality may exercise the power of eminent domain for any public purpose.


Sec. 1-7. Special districts.

As hereinafter provided in this section, special districts may be created for the provision of local government services within such districts; and fees, assessments and taxes may be levied and collected within such districts to pay, wholly or partially, the cost of providing such services therein and to construct and maintain facilities therefor. Such special districts may be created, and fees, assessments or taxes may be levied and collected therein by any one or more of the following methods:

(a) By general law which directly creates the districts.

(b) By general law which requires the creation of districts under conditions specified by such general law.

(c) By municipal or county ordinance or resolution, except that no such ordinance or resolution may supersede a law enacted by the general assembly pursuant to subsection (a) or (b) of this section.


(a) The general assembly may authorize any county, municipality or housing authority to undertake and carry out community redevelopment, which may include the sale or other disposition of property acquired by eminent domain to private enterprise for private uses.

(b) In addition to the authority granted by subsection (a) of this section, the general assembly is authorized to grant to counties or municipalities for redevelopment purposes and in connection with redevelopment programs, as such purposes and programs are defined by general law, the power to issue tax allocation bonds, as defined by such law, and the power to incur other obligations, without either such bonds or obligations constituting debt within the meaning of section V of this article (see article I-A of this chapter), and the power to enter into contracts for any period not exceeding 30 years with private persons, firms, corporations, and business entities. Notwithstanding the grant of these powers pursuant to general law, no county or municipality may exercise these powers unless so authorized by local law and unless such powers are exercised in conformity with those terms and conditions for such exercise as established by that local law. The provisions of any such local law shall conform to those requirements established by general law regarding such powers. No such local law, or any amendment thereto, shall become effective unless approved in a referendum by a majority of the qualified voters of the county or municipality directly affected by that local law.


Sec. 1-9. Limitation on the taxing power and contributions of counties, municipalities and political subdivisions.

The general assembly shall not authorize any county, municipality or other political subdivision
of this state, through taxation, contribution or otherwise, to appropriate money for or to lend its credit to any person or to any nonpublic corporation or association except for purely charitable purposes.


Sec. 1.10. Immunity of counties, municipalities and school districts.

The general assembly may waive the immunity of counties, municipalities and school districts by law.


ARTICLE 2. TAXATION POWER

Sec. 1.11. Power of taxation.

(a) Except as otherwise provided in this section, the governing authority of any county, municipality or combination thereof may exercise the power of taxation as authorized by this constitution or by general law.

(b) In the absence of a general law:

(1) County governing authorities may be authorized by local law to levy and collect business and occupational license taxes and license fees only in the unincorporated areas of the counties. The general assembly may provide that the revenues raised by such tax or fee be spent for the provision of services only in the unincorporated areas of the county.

(c) The general assembly may provide by law for the taxation of insurance companies on the basis of gross direct premiums received from insurance policies within the unincorporated areas of counties. The tax authorized herein may be imposed by the state or by counties or by the state for county purposes as may be provided by law. The general assembly may further provide by law for the reduction, only upon taxable property within the unincorporated areas of counties, of the ad valorem tax millage rate for county or county school district purposes or for the reduction of such ad valorem tax millage rate for both such purposes in connection with imposing or authorizing the imposition of the tax authorized herein or in connection with providing for the distribution of the proceeds derived from the tax authorized herein.


The governing authority of any county, municipality or combination thereof may expend public funds to perform any public service or public function as authorized by this constitution or by law or to perform any other service or function as authorized by this constitution or by general law.


Sec. 1.13. Purposes of taxation; allocation of taxes.

No levy need state the particular purposes for which the same was made nor shall any taxes collected be allocated for any particular purpose, unless otherwise provided by this constitution or by law.


ARTICLE 3. INTERGOVERNMENTAL RELATIONS


(a) The state, or any institution, department or other agency thereof, and any county, municipality, school district or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services or facilities which the contracting parties are authorized by law to undertake or provide.

(b) Subject to such limitations as may be provided by general law, any county, municipality or political subdivision thereof may, in connection with any contracts authorized in this section, convey any existing facilities or equipment to the state or to any public agency, public corporation or public authority.
(c) Any county, municipality or any combination thereof may contract with any public agency, public corporation or public authority for the care, maintenance and hospitalization of its indigent sick and may as a part of such contract agree to pay for the cost of acquisition, construction, modernization or repairs of necessary land, buildings and facilities by such public agency, public corporation or public authority and provide for the payment of such services and the cost to such public agency, public corporation or public authority of acquisition, construction, modernization or repair of land, buildings and facilities from revenues realized by such county, municipality or any combination thereof from any taxes authorized by this constitution or revenues derived from any other source.


ARTICLE 4. COUNTY OFFICERS AND EMPLOYEES—GENERALLY

Sec. 1-15. Election; term; compensation.

(a) The clerk of the superior court, judge of the probate court, sheriff, tax receiver, tax collector, and tax commissioner, where such office has replaced the tax receiver and tax collector, shall be elected by the qualified voters of their respective counties for terms of four years and shall have such qualifications, powers and duties as provided by general law.

(b) County officers listed in subsection (a) of this section may be on a fee basis, salary basis, or fee basis supplemented by salary, in such manner as may be directed by law. Minimum compensation for said county officers may be established by the general assembly by general law. Such minimum compensation may be supplemented by local law or, if such authority is delegated by local law, by action of the county governing authority.

Note—(1) Effective January 1, 2006, the Coroner shall receive an annual salary of $70,304.00. (2)

Note—(2) Beginning May 1, 2007, and thereafter, the following officials of Richmond County, Georgia, shall receive an annual salary, payable from the funds of Richmond County, Georgia, as follows:

(A) Clerk of Superior Court and State Court $ 90,000.00
(B) Solicitor of the State Court 97,000.00
(C) District Attorney 35,000.00
(D) Judge of the Superior Court 40,000.00
(E) Chief Judge of the Superior Court 42,000.00
(F) Sheriff 110,000.00

Note—(3) Beginning May 1, 2007, and thereafter, the following officials of Richmond County, Georgia, shall receive an annual salary, payable from the funds of Richmond County, Georgia, as follows:

(A) Clerk of Superior Court and State Court $ 97,000.00
(B) Solicitor of the State Court 97,000.00
(C) District Attorney 38,000.00
(D) Judge of the Superior Court 40,000.00
(E) Chief Judge of the Superior Court 42,000.00
(F) Sheriff 110,000.00

Note—(4) The compensation provided for in paragraphs (1) and (2) of this subsection shall be paid in equal monthly installments.

(c) The general assembly may consolidate the offices of tax receiver and tax collector into the office of tax commissioner.

(1983 Ga. Constitution, Article 9, § 1, ¶ 3).

Sec. 1-16. Civil service systems.

The general assembly may by general law authorize the establishment by county governing authorities of civil service systems covering county employees or covering county employees and employees of the elected county officers.


Sec. 1-17. Reserved.


(a) A person commits bribery when:

(1) He or she gives or offers to give to any person acting for or on behalf of the state or any political subdivision thereof, or of any agency of either, any benefit, reward or consideration to which he or she is not entitled with the purpose of influencing him or her in the performance of any act related to the functions of his or her office or employment; or
A public official, elected or appointed, or an employee of this state or any agency, authority, or entity of the state, or any county or municipality or any agency, authority, or entity thereof, directly or indirectly solicits, receives, accepts, or agrees to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his or her performance or failure to perform any official action. A thing of value shall not include:

- Food or beverage consumed at a single meal or event;
- Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;
- An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
- Food, beverages, and registration at group events to which all members of an agency, as defined in paragraph (1) subsection (a) of Code Section 21-5-30.2, are invited. An agency shall include the Georgia House of Representatives, the Georgia Senate, committees and subcommittees of such bodies, and the governing body of each political subdivision of this state;
- Actual and reasonable expenses for food, beverages, travel lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting;
- A commercially reasonable loan made in the ordinary course of business;
- Any gift with value less than $100.00;
- Promotional items generally distributed to the general public or to public officers;
- A gift from a member of the public officer's immediate family; or

Food, beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities; provided, however, that receiving, accepting, or agreeing to receive anything not enumerated in subparagraphs (a) through (j) of this paragraph shall not create the presumption that the offense of bribery has been committed.

A person convicted of the offense of bribery shall be punished by a fine of not more than $5,000.00 or by imprisonment for not less than one nor more than 20 years, or both. (O.C.G.A. § 16-10-2.)

Sec. 1-19. Violation of oath by public officer.

Any officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-1.)

Sec. 1-20. Receiving funds for enforcement of penal laws or regulations.

(a) Except as otherwise provided in this Code section, any officer or employee of the state or any agency thereof who receives from any private person, firm or corporation funds or other things of value to be used in the enforcement of the penal laws or regulations of the state is guilty of a misdemeanor.

(b) Except as otherwise provided in this Code section, any officer or employee of a political subdivision who receives from any private person, firm, or corporation funds or other things of value to be used in the enforcement of the penal laws or regulations of the political subdivision of which he is an officer or employee is guilty of a misdemeanor.

(c) Nothing contained within this Code section shall be deemed nor construed so as to prohibit any law enforcement officer of the state or any political subdivision thereof:

(1) From being employed by private persons, firms or corporations during his off-duty
hours when such employment is approved in writing by the chief or head, or his duly designated agent, of the law enforcement agency by which such law enforcement officer is employed; or

(2) From soliciting for or accepting contributions of equipment or of funds to be used solely for the purchase of equipment to be used in the enforcement of the penal laws or regulations of this state or any political subdivision thereof when such acceptance is approved in writing by the chief or head, or his duly designated agent, of the law enforcement agency by which such law enforcement officer is employed. (O.C.G.A. § 16-10-3.)

Sec. 1-21. Improperly influencing legislative action.

Any officer or employee of the state or any agency thereof who asks for or receives anything of value to which he is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the General Assembly, or procure or attempt to procure the approval or disapproval of the same by the Governor shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-4(a).)

Sec. 1-22. Officer or employee improperly influencing another officer or employee.

Any officer or employee of a political subdivision who asks for or receives anything of value to which he is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the legislative body of the political subdivision of which he is an officer of employee shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-4(b).)

Sec. 1-23. Officer or employee selling to political subdivision.

(a) Any employee, appointive officer or elective officer of a political subdivision (hereafter employing political subdivision), or agency thereof who, for himself or in behalf of any business entity, sells any real or personal property to:

(1) The employing political subdivision;

(2) An agency of the employing political subdivision;

(3) A political subdivision for which local taxes for education are levied by the employing political subdivision;

(4) A political subdivision which levies local taxes for education for the employing political subdivision;

shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(b) Subsection (a) of this Code section shall not apply to:

(1) Sales of personal property of less than $200.00 per calendar quarter;

(2) Sales of personal property made pursuant to sealed competitive bids made by the employee, appointive officer or elective officer, either for himself or herself or on behalf of any business entity; or

(3) Sales of real property in which a disclosure has been made:

a. To the judge of the probate court of the county in which the purchasing political subdivision is wholly included, or if not wholly included in any one county, to the judge of the probate court of any county in which the purchasing political subdivision is partially included and which shall have been designated by the purchasing political subdivision to receive such disclosures, provided that if the sale is made by the judge of the probate court, a copy of such disclo-
Sec. 1-24. Conspiracy to defraud state or political subdivision.

(a) A person commits the offense of conspiracy to defraud the state when he conspires or agrees with another to commit theft of any property which belongs to the state or to any agency thereof or which is under the control or possession of a state officer or employee in his official capacity. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the theft is consummated. A person convicted of conspiracy to defraud the state shall be punished by imprisonment for not less than one nor more than five years.

(b) A person commits the offense of conspiracy to defraud a political subdivision when he conspires or agrees with another to commit theft of any property which belongs to a political subdivision or to any agency thereof or which is under the control or possession of an officer or employee of a political subdivision in his official capacity. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the theft is consummated. A person convicted of the offense of conspiracy to defraud a political subdivision shall be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-21.)

Sec. 1-25. Conspiracy in restraint of free and open competition.

(a) A person who enters into a contract, combination, or conspiracy in restraint of trade or in restraint of free and open competition in any transaction with the state or any agency thereof, whether the transaction is for goods, materials, or services, shall, upon conviction thereof, be punished by imprisonment for not less than one year nor more than five years. The crime of conspiracy in restraint of free and open competition in transactions with the state shall be complete when the contract, combination, or conspiracy is effected and an overt act in furtherance thereof has been committed.

(b) A person who enters into a contract, combination, or conspiracy in restraint of trade or in restraint of free and open competition in any transaction with a political subdivision or any agency thereof, whether the transaction is for goods, materials, or services, shall, upon conviction thereof, be punished by imprisonment for not less than one year nor more than five years. The crime of conspiracy in restraint of free and open competition in transactions with political subdivisions shall be complete when the contract, combination, or conspiracy is effected and an overt act in furtherance thereof has been committed.

(c) A person who is convicted of or who pleads guilty to a violation of subsection (a) or (b) of this Code section as a result of any contract, combination, or conspiracy in restraint of trade or in restraint of free and open competition in any transaction which was entered into or carried out, in whole or in part on or after July 1, 1985, shall be ineligible to submit a bid on, enter into, or participate in any contract with any department, agency, branch, board, or authority of the state or any county, municipality, board of education, or other political subdivision thereof for a period of five years following the date of the conviction or entry of the plea. (O.C.G.A. § 16-10-22.)
Sec. 1-26. Malpractice in office.
Any elected county officer, including the judge of the probate court, clerk of the superior court, tax receiver, tax collector, and tax commissioner, where the office has replaced the tax receiver and tax collector, any member of any board of commissioners, or any mayor or member of any municipal governing authority, presently or formerly holding such office, who shall be charged with malpractice, misfeasance, or malfeasance in office; or with using oppression or tyrannical partiality in the administration or under the color of his office; or, when required by law, with willfully refusing or failing to preside in or hold his court at the regular terms thereof, or when it is his duty under the law to do so; or with using any other deliberate or illegal means to delay or avoid the due course or proceeding of law; or with any other illegal conduct in the performance or administration of the office which is unbecoming the character of a public officer; or who shall willfully and knowingly demand more cost than he is entitled to by law in the administration and under color of his office may be indicted. The indictment shall specially set forth the merits of the complaint against the accused public officer. A copy of the indictment shall be served on the accused public officer at least 15 days before it is presented to the grand jury. The accused shall have the right to appear before the grand jury to make such sworn statement as he shall desire at the conclusion to the presentation of the state's evidence. The accused shall not be subject to examination, either direct or cross, and shall not have the right individually or through his counsel to examine the state's witnesses. The accused and his counsel shall have the right to be present during the presentation of all evidence and alleged statements of the accused on the proposed indictment, presentment, or accusation, after which he and his counsel shall retire instantaneously from the grand jury room to permit the grand jury to deliberate upon the indictment. If a true bill is returned by the grand jury, the indictment shall, as in other cases, be published in open court and shall be placed on the superior court criminal docket of cases to be tried by a petit jury. If the accused is convicted, he shall be punished by a fine or by imprisonment, or both, at the discretion of the court; and if still in office, he shall be removed from office. (O.C.G.A. § 45-11-4.)

ARTICLE 5. CHARTER

Sec. 1-27. Augusta-Richmond County Commission; creation; powers.
The governing authority of Richmond County shall be a board of commissioners of said county. Said board is designated as the Augusta-Richmond County Commission, referred to in this Act as the Commission. The chief executive officer of said board is designated and referred to in this Act as the Mayor and the other members of said board are designated and referred to in this Act as commissioners. The board shall consist of a Mayor and ten commissioners. The Commission shall exercise and be subject to all of the rights, powers, duties, and obligations imposed by this Act or previously applicable to the governing authorities of the City of Augusta and Richmond County, and the City of Hephzibah if consolidated with the government of Richmond County as authorized by this Act, and to any general laws, local law, or constitutional provisions applicable or effective within the former City of Augusta, the former City of Hephzibah if consolidated with the government of Richmond County as authorized by this Act, and Richmond County. The Commission shall constitute a county as well as a municipality for the purpose of the application of the general laws and Constitution of this state. The consolidated government shall have a municipal form of government. The Commission may exercise the powers vested in the governing authority of the municipality or municipalities and municipalities generally as well as the powers vested in the former governing authority of the county and counties generally. Said county-wide government shall be a new political entity, a body politic and corporate, and a political subdivision of the state to be known as 'Augusta, Georgia,' at times in this Act called the 'consolidated government' or 'Augusta-Richmond County,' having all the governmental and corporate powers, duties, and functions heretofore held by and vested in the City of Augusta and Richmond County, and also the powers, duties, and functions provided in this charter. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

(1) For the purpose of electing members of the Augusta-Richmond County Commission, Richmond County is divided into 10 commission districts. One member of the board shall be elected from each such district. Commission Districts 1, 2, 3, 4, 5, 6, 7, and 8 shall be and correspond to those eight numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: richrev3 Plan Type: Local User: Gina Administrator: Richmond Co. Commission District 9 shall be composed of a combination of Commission Districts 1, 2, 4, and 5 as each is described in such plan. Commission District 10 shall be composed of a combination of Commission Districts 3, 6, 7, and 8 as each is described in such plan.

(2) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Richmond County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Richmond County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commission district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

Attachment to amend § 3 is incorporated herein by reference.

Attachment to amended § 3 incorporated by reference herein.
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Tract: 10
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  1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
     1017
  BG: 2
  BG: 3
  BG: 4
Tract: 106
  BG: 1
  BG: 2
  BG: 3
  BG: 4
     4020
  BG: 9
  9000 9001 9002 9003 9004 9005 9006 9007 9008 9009 9010 9011 9012 9013 9014
  9015 9016 9017 9018 9019 9020 9021 9022 9023 9024 9025 9026 9027 9028 9029
  9030 9031 9032 9033 9034 9035 9036 9037 9038 9039 9040 9041 9042 9043 9044
  9045 9046 9047 9048 9049 9050 9051 9052 9053 9054 9055 9056 9057 9058 9059
  9060 9061 9062 9063 9064 9065 9066 9067 9068 9069 9070 9071 9072 9073 9074
  9075 9076 9078 9080 9081 9082 9083 9089 9106 9107 9108 9109 9997 9998 9999
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  BG: 2
     2007 2013 2014
Tract: 12
  BG: 1 ;b45 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013
  1014 1015 1016 1017
  BG: 5
     5000
Tract: 13
  BG: 2
     2015 2016 2017 2021 2022
Tract: 15
  BG: 1
     1000 1001 1014
  BG: 2
     2000 2001 2002 2003 2004 2027 2028
Tract: 16
  BG: 1
     1000 1001 1002 1003 1004 1005 1006 1007
Tract: 2
  BG: 1

CHT:24
BG: 2
BG: 3
  3000 3001 3002 3003 3004 3005 3006 3007 3008
BG: 4
Tract: 3
Tract: 4
Tract: 6
Tract: 7
Tract: 8
Tract: 9

District 002
Richmond County
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  Tract: 103
    BG: 1
    BG: 2
      2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
    BG: 3
  Tract: 104
  Tract: 105.06
    BG: 1
  Tract: 105.08
    BG: 1
    BG: 2
      2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
  Tract: 105.10
    BG: 1
  Tract: 105.11
    BG: 1
      1000 1001 1002 1003 1004 1005 1006 1007 1009
    BG: 2
  Tract: 106
    BG: 4
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  Tract: 11
    BG: 2
      2008 2009 2010 2011 2012

CHT:25
Tract: 12
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    1018 1019
  BG: 2
  BG: 3
  BG: 4
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  BG: 5
    5001 5002 5003 5004 5005 5006 5007 5008 5009 5010 5011
  BG: 6
    6000 6001 6002 6003 6008 6010 6011 6012 6013 6014 6015
  BG: 7
Tract: 13
  BG: 1
  BG: 2
    2018 2019 2020 2023 2024 2025 2026 2027 2028 2029
Tract: 14
Tract: 15
  BG: 1
    1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013
  BG: 2
    2020 2021 2022 2023 2024 2025 2026 2029 2030 2031 2032 2033
  BG: 3

District 003
Richmond County
Tract: 1
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  BG: 3
    3010
  BG: 4
    4010 4011 4012
Tract: 102.01
  BG: 3
    3008 3014 3015 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032
    3999
Tract: 102.03
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    1016
  BG: 2

CHT:26
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    1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044
    1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
    1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074
    1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089
    1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1103 1104
    1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119
    1120 1121 1122 1123 1124 1125 1126 1127 1128 1130 1131
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Tract: 108
  BG: 9
    9001 9002 9003
Tract: 11
  BG: 1
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  BG: 2
  BG: 3
Tract: 12
  BG: 6
    6004 6005 6006 6007
Tract: 16
  BG: 1
    1008 1009 1010 1011 1012 1013 1014 1015 1016
  BG: 2
    2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035
    2036 2037 2038
  BG: 3
  BG: 4
  BG: 6
    6001
Tract: 2
  BG: 3
    3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021

*District 004*

Richmond County
  Tract: 102.04

CHT:27
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BG: 1
1129
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2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2997
2998
Tract: 105.05
BG: 2
2009
Tract: 107.03
BG: 1
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029
1030 1031 1032 1033 1034 1035 1036 1064 1065 1066 1067 1068
Tract: 107.04
BG: 1
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029
1030 1031 1032 1033 1034 1064 1065
Tract: 107.05
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Tract: 108
BG: 9
9000 9010 9011

District 005

Richmond County

Tract: 103
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BG: 4
BG: 5
Tract: 105.04
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BG: 2
2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2999
Tract: 105.05
BG: 1

CHT:28
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1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1998 1999
Tract: 108
BG: 9
9012 9013 9014
Tract: 12
BG: 4
4002 4006 4007 4008 4009 4010
BG: 6
6009
Tract: 16
BG: 5
BG: 6
6000 6002 6003 6004 6005 6006 6007 6008 6009 6010 6011

District 006
Richmond County
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BG: 3
Tract: 105.08
BG: 2
Tract: 105.09
Tract: 105.10
BG: 2
BG: 3
BG: 4
Tract: 105.11
BG: 1
1008 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1999
BG: 2
2003 2005 2006 2007 2008 2009 2010 2011
Tract: 107.05
BG: 2

CHT:29
§ 1-28  AUGUSTA-RICHMOND COUNTY CODE, READOPTED 7-10-2007

Tract: 107.06
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Tract: 109.02
  BG: 4
  4982

District 007
Richmond County
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Tract: 101.02
Tract: 101.04
Tract: 101.05
Tract: 102.01
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  BG: 3
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    3018 3019 3020
Tract: 102.03
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    1000
Tract: 102.04
  BG: 2
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Tract: 16
  BG: 2
    2000 2001 2002 2003 2004 2005

District 008
Richmond County
Tract: 106
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    9096 9097 9098 9099 9100 9101 9102 9103 9104 9105 9995 9996
Tract: 107.04
  BG: 1
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CHT:30
Tract: 107.06
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Tract: 108
BG: 9
9004 9005 9006 9007 9008 9009 9996 9997 9998 9999

Tract: 109.01

Tract: 109.02
BG: 2
BG: 3
BG: 4
4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022 4023 4024 4025 4026 4027 4028 4029 4030 4031 4032 4033 4034 4035 4036 4037 4038 4039 4040 4041 4042 4043 4044 4045 4046 4047 4048 4049 4050 4051 4052 4053 4054 4055 4056 4057 4058 4059 4060 4061 4062 4063 4064 4065 4066 4067 4068 4069 4070 4071 4072 4073 4074 4075 4076 4077 4078 4079 4080 4081 4082 4083 4084 4085 4086 4087 4088 4089 4090 4091 4092 4093 4094 4095 4096 4097 4098 4099 4100 4101 4102 4103 4104 4105 4106 4107 4108 4109 4110 4111 4112 4113 4114 4115 4116 4117 4118 4119 4120 4121 4122 4123 4124 4125 4126 4127 4128 4129 4130 4131 4132 4133 4134 4135 4136 4137 4138 4139 4140 4141 4142 4143 4144 4145 4146 4147 4148 4149 4150 4151 4152 4153 4154 4155 4156 4157 4158 4159 4160 4161 4162 4163 4164 4165 4166 4167 4168 4169 4170 4171 4172 4173 4174 4175 4176 4177 4178 4983 4984 4985 4986 4987 4988 4989 4990 4991 4992 4993 4994 4995 4996 4997 4998 4999

(b) For purposes of this subsection:

(1) The terms Tract, Block, and VTD shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia;

(2) The term Precinct is synonymous with the term voting precinct and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A., within which all electors vote at one polling place;

(3) Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any Commission district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;

(4) Any part of Richmond County which is not included in any Commission district described in this subsection shall be included within that Commission district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and

(5) Any part of Richmond County which is described in this subsection as being included in a particular Commission district shall nevertheless not be included within such Commission district if such part is not contiguous to such Commission district. Such noncontiguous part shall instead be included within that Commis-
sion district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.

(c) All members of the Commission shall be full voting members of the Commission. The Mayor shall be a member of the Commission. Except as otherwise provided in this Act, the Mayor shall have the right to vote only to make or break a tie vote on any matter.

(d) No person shall be eligible to serve as a Commissioner unless he or she:

(1) has been a resident of the Commission district from which elected for a period of one year immediately prior to the date of the election;

(2) continues to reside within the Commission district from which elected during his or her term of office;

(3) is a registered and qualified elector of Richmond County; and

(4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

No person who has served more than three-fourths of a second consecutive full term of office as Commissioner shall again be eligible to hold office as Commissioner until after the expiration of four years from the conclusion of that person’s last term of office as Commissioner.

(e) No person shall be eligible to serve as Mayor unless he or she:

(1) has been a resident of the county for a period of one year immediately prior to the date of the election;

(2) continues to reside within the county during his or her term of office;

(3) is a registered and qualified elector of Richmond County; and

(4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

No person who has served two consecutive full four-year terms of office as Mayor shall again be eligible to hold office as Mayor until after the expiration of four years from the conclusion of that person’s last term of office as Mayor.

(f) The Mayor shall be paid an annual salary of $65,000.00, the Mayor Pro Tempore shall be paid an annual salary of $20,000.00, and each of the other Commission members shall be paid an annual salary of $12,000.00. Future changes in the salary and expenses of such persons shall be effected in accordance with the provisions of Code Section 36-35-4 of the O.C.G.A.

Sec. 1-29. Election of commission.

(a) Those members of the commission who were serving as such on January 1, 2007, and any person selected to fill a vacancy in any such office, shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors.

(b) Those members of the commission who are elected to serve Commission Districts 2, 4, 6, 8, and 10 shall be elected at the election held on the Tuesday next following the first Monday in November, 2007, shall take office on January 1, 2008, and shall serve until December 31, 2010, and until their respective successors are elected and qualified. Thereafter, their successors shall be nominated and elected by majority vote as provided in this section at the general election held in the even-numbered year immediately preceding the expiration
of their respective terms of office, shall take the office on the first day of January immediately following the date of their election, and shall have terms of office of four years and until their respective successors are elected and qualified. Each member of the commission shall be elected by the electors residing within such member’s commission district. The initial three-year terms of office provided for in this paragraph shall be considered full terms of office for purposes of term limitations.

(2) Those members of the commission who are elected to serve Commission Districts 1, 3, 5, 7, and 9 shall be elected at the election held on the Tuesday next following the first Monday in November, 2009, shall take office on January 1, 2010, and shall serve until December 31, 2012, and until their respective successors are elected and qualified. Thereafter, their successors shall be nominated and elected by the majority vote as provided in this section at the general election held in the even-numbered year immediately preceding the expiration of their respective terms of office, shall take office on the first day of January immediately following the date of their election, and shall have terms of office for four years and until their respective successors are elected and qualified. Each member of the commission shall be elected by the electors residing within such member’s commission district. The initial three-year terms of office provided for in this paragraph shall be considered full terms of office for purposes of term limitations.

(3) The mayor pro tempore shall be a member of the commission.

(c) The initial Mayor shall be elected in a special nonpartisan election, without a special primary, to be held on the Tuesday after the first Monday in November, 1995. Candidates in such special election shall not be listed on the ballot according to political party affiliation; and such special election shall be conducted on a nonpartisan basis, without a special primary, and by majority vote as provided in this section. The person elected as Mayor at such special election shall take office on January 1, 1996, for an initial term of office expiring on December 31, 1998, and until a successor is elected and qualified. Thereafter, each successor to the office of Mayor shall be elected at a general election to be held on the Tuesday following the first Monday in November immediately preceding the expiration of a term of office, shall be nominated and elected by majority vote as provided in this section, shall take office on the first day of January immediately following the date of the election, and shall have a term of office of four years and until a successor is elected and qualified. The Mayor shall be elected on a county-wide basis by the electors of the entire county.

(d) Except as otherwise provided in this section, all primaries and elections for the Mayor and members of the Commission shall be in accordance with the provisions of Chapter 3 of Title 21 of the O.C.G.A., known as the Georgia Municipal Election Code, as now or hereafter amended. All primaries and elections for such offices shall be conducted on a nonpartisan basis and candidates in any such primary or election shall not be listed on the ballot according to party affiliation. Any person who is a registered voter of Richmond County shall be eligible to vote in any election under this section.

(1) As used in this paragraph, the term majority means the receipt by one candidate alone of the highest number of votes cast in a primary or election among the candidates for the same office provided that such candidate receives at least 45 percent of the total number of votes cast for the office sought, there is no majority. If no candidate receives a majority of the votes cast in any such primary or election, there shall be a run-off primary or a run-off
election which shall be called and conducted in the manner provided in Code § 21-3-407 of the O.C.G.A.


Sec. 1-30. Powers of mayor; mayor pro-tem; committees.

(a) The Mayor shall be the chief executive officer of Richmond County and the City of Augusta. The Mayor shall possess and exercise the following executive and administrative powers and duties:

(1) To preside at all meetings of the Commission;

(2) To serve as the official head of Richmond County and the City of Augusta for the service of process and for ceremonial purposes;

(3) To administer oaths and to take affidavits;

(4) To sign all written contracts entered into by the Commission on behalf of Richmond County and the City of Augusta and all other contracts and instruments executed by the county and city which by law are required to be in writing;

(5) To ensure that all laws, ordinances, and resolutions of Richmond County and the City of Augusta are faithfully executed; and

(6) To exercise such other powers and perform such other duties as may be required by ordinance or resolution of the Commission.

(b) The Mayor shall not be empowered to veto ordinances, resolutions, or other actions of the Commission.

(c) The members of the Commission shall elect a Mayor Pro Tempore at their first regular meeting in January, 1996, and at such meeting in each year thereafter. The Mayor Pro Tempore shall preside at Commission meetings in the absence of the Mayor and perform such other duties as may be entrusted to the office of the Mayor Pro Tempore by action of the Commission. The Mayor Pro Tempore shall continue to be a full voting member of the Commission when serving in the capacity of Mayor Pro Tempore. No person who has served two consecutive full one-year terms of office as Mayor Pro Tempore shall again be eligible to hold office as Mayor Pro Tempore until after the expi-
ration of one year from the conclusion of that person's last term of office as Mayor Pro Tempore.

(d) At its first regular meeting in January of each even-numbered year, the Commission shall organize itself. The Mayor and the Mayor Pro Tempore shall recommend to the Commission the appointment of such committees as they deem appropriate and the proposed membership thereof. If the Mayor and the Mayor Pro Tempore disagree on proposed appointments, the Commission shall determine such appointments. All committees and the membership thereof shall be created, abolished, and appointed as directed by the Commission. The Mayor shall not have the right to vote on the appointment of any member to a committee. The Mayor shall not be a voting member of any committee established by the Commission and appointed by the Mayor Pro Tempore.


Sec. 1-31. Vacancies.

(a) A vacancy which occurs in the office of the mayor or in the membership of the commission by death, resignation, removal from the commission district, or for any other reason shall be filled by the remaining members of the commission appointing a qualified person to serve for the unexpired term, unless the unexpired term exceeds 12 calendar months, in which event, the commission shall appoint a qualified person to serve until a successor is elected to serve for the unexpired terms as provided in this subsection. When the unexpired terms exceeds 12 calendar months, a special election shall be held in the county in the case of the mayor or in the commission district in which the vacancy occurred to elect a successor for the unexpired term. Any such special election shall be called, held, and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' Any vacancy in the membership of the commission to be filled on or after the date this subsection becomes effective in 2002 shall be filled from the newly reapportioned commission district.

(b) No person shall fill a vacancy for an unexpired term by appointment of the Commission unless that person receives a majority of the votes of the full Commission.

(c) In the event the office of Mayor Pro Tempore becomes vacant for any reason, the Commission by a majority vote of its full membership shall elect from among its members a successor who shall serve as such until the first meeting in January immediately following the creation of such vacancy, at which time a successor shall be elected.


Sec. 1-32. Quorum.

Seven members of the Commission shall constitute a quorum for the transaction of ordinary business, and an affirmative vote of at least six members shall be required for the Commission to take action. Official action of the Commission shall be entered upon its minutes. Any member of the Commission shall have the right to request a roll-call vote.


Sec. 1-33. Bonded indebtedness.

(a) The bonded indebtedness of the City of Augusta which is outstanding on January 1, 1996, shall become the debt and obligation of a special tax district which shall correspond to and be conterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1995. The ad valorem taxes imposed by the City of Augusta prior to January 1, 1996, to retire such bonded indebtedness shall continue to be imposed by the Commission within the special tax district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the City of Augusta in accordance with the terms of the obligations of such bonded indebtedness. The Commission, as the governing authority of the City of Augusta, shall be the successor to the previously existing governing authority of the City of Augusta for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.
(b) The bonded indebtedness of Richmond County outstanding on January 1, 1996, shall not be affected by this Act, and the Commission, as the governing authority of Richmond County, shall become the successor to the previously existing governing authority of Richmond County for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(c) The bonded indebtedness of the City of Hephzibah which is outstanding on January 1, 1996, shall become the debt and obligation of a special tax district which shall correspond to and be conterminous with the corporate limits of the City of Hephzibah as said corporate limits existed on December 31, 1995. The ad valorem taxes imposed by the City of Hephzibah prior to January 1, 1996, to retire such bonded indebtedness shall continue to be imposed by the Commission within the special tax district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the City of Hephzibah in accordance with the terms of the obligations of such bonded indebtedness. The Commission, as the governing authority of the City of Hephzibah, shall be the successor to the previously existing governing authority of the City of Hephzibah for all purposes relating to such bonded indebtedness.

Sec. 1-34. Service districts.

(a) There is created an Urban Services District to be known as Urban Services District A which shall correspond to and be conterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1995.

1. Any public funds on deposit or invested in certificates of deposit in the name of the City of Augusta on December 31, 1995, shall accrue to Urban Services District A and shall be utilized exclusively for the benefit of citizens residing in Urban Services District A.

(b) There is created a Suburban Services District which shall correspond to and be conterminous with the area of Richmond County which was not within the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1995, and, if the charter of Hephzibah is repealed as provided in Section 18 of this Act [section 1-44], which was not within the corporate limits of the City of Hephzibah as said corporate limits existed on December 31, 1995.

1. Any public funds on deposit or invested in certificates of deposit in the name of Richmond County on December 31, 1995, shall accrue to the Suburban Services District and shall be utilized exclusively for the benefit of citizens residing in the Suburban Services District and the Urban Services District or Districts.

(c) The Water and Sewage Sinking Fund, the Airport Sinking Fund, and the Airport Sinking Fund No. 2 shall accrue to the benefit of the citizens residing in the Suburban Services District and the Urban Services District or Districts. These sinking funds are to be retired as provided in the
anticipated revenue certificates and are not considered bonded indebtedness of the City of Augusta.

(d) Urban Services District A, Urban Services District H (if created), and the Suburban Services District created by this section shall continue in existence until the Commission modifies or abolishes such districts by ordinance duly adopted by the Commission.


Sec. 1-35. Ordinances, continuation.

(a) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments or agencies thereof not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the Commission and as rules and regulations of the appropriate department or agency thereof until they are modified or repealed.

(b) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1996, throughout the territorial limits of Richmond County shall continue to be effective throughout the territorial limits of Richmond County until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, or regulations.

(c) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1996, only within the unincorporated area of Richmond County shall be effective only in the Suburban Services District described in subsection (b) of Section 8 of this Act [section 1-34] until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations.

(d) Existing ordinances and resolutions of the city, council of Augusta which are not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the Commission until they are modified or repealed. If the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [section 1-44], existing ordinances and resolutions of the board of commissioners of the City of Hephzibah which are not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the Commission until they are modified or repealed.

(e) Existing ordinances and resolutions of the city council of Augusta and existing rules and regulations of departments and agencies of the City of Augusta shall be applicable only within the Urban Services District A described in Section 8 of this Act [section 1-34] until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations. If the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [section 1-44], existing ordinances and resolutions of the board of commissioners of the City of Hephzibah shall be applicable only within the Urban Services District H described in Section 8 of this Act [section 1-34] until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations.


Sec. 1-36. Budget; taxes; water rates.

(a) The budget and tax levy of the board of commissioners of Richmond County and the governing authority of any municipality consolidated with such county, adopted for the 1996 calendar year, shall serve as the budget and tax levy of the Commission for that calendar year.

(b) The tax assessments made by the board of tax assessors of Richmond County and any municipalities consolidated with such county as of
January 1, 1996, shall constitute the basis for the assessment and collection of taxes of the Commission for 1996.

(c) Amendments to the budget for the 1996 calendar year provided by subsection (a) of this section may be made by resolution or ordinance duly adopted by the Commission during 1996.

(d) Any special services district existing in Richmond County or any municipality consolidated with such county prior to January 1, 1996, shall continue to exist until it is modified or abolished by the Commission.

(e) In assessing ad valorem taxes, the Commission shall assess within any Urban Services District such additional millage as the governing body shall determine, and which shall be imposed on account of governmental services available therein that are not furnished in the Suburban Services District. As the Commission shall from time to time expand these governmental services to areas within the Suburban Services District, such areas shall be included in such Urban Services District and taxed accordingly.

(f) For purposes of this section, governmental services shall include fire protection of a higher class, garbage pickup, governmental water and sewer services, and such other services as may be provided only in an Urban Services District.

(g) The Commission may further divide the Suburban Services District into special service districts wherever additional governmental service or services are furnished but not to the extent as in an Urban Services District. Property within said special service districts shall be assessed with such additional ad valorem taxes as the Commission may determine on account of said services.

1. Property owners within an Urban Services District and the Suburban Services District shall not be obligated to pay any user fees for services they do not receive.

(h) It is the purpose of this section that property shall be subject to taxation in relation to services received.

(i) Without limiting any of the foregoing provisions of this section, on and after January 1, 1996, the residential, commercial, and industrial rates charged for water and sewerage services shall be the same within an Urban Services District as within the Suburban Services District.


Sec. 1-37. Special services tax districts.

The Commission shall create special services tax districts and shall assess, levy, and collect ad valorem taxes and collect service charges and fees for the provision of district services within a special services district only in accordance with the kind, character, type, and degree of district services provided by the Commission within such special services tax district. The provisions of this section shall control ad valorem taxation and the collection of service charges and fees for the provision of district services within special services tax districts by the Commission. District services shall mean and include all of those governmental services enumerated in Article IX, Section II, Paragraph III of the Constitution.


Sec. 1-38. Pension plan; employees.

(a) All employees and former employees of Richmond County and the City of Augusta and, if the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [section 1-44], the City of Hephzibah and of every agency, instrumentality, commission, or authority, thereof shall retain those pension rights which had accrued to them prior to January 1, 1996, under any pension plan adopted by law or by ordinance or resolution by the board of commissioners of Richmond County or the mayor and council of Augusta or the board of commissioners of the City of Hephzibah. The Commission shall assume on January 1, 1996, all obligations arising under all such pension plans, but the assumption of such obligations by the Commission shall not create any obligation on the part of the Commission or create any right which did not exist prior to January 1, 1996.
(b) This Act shall not result in and shall not be implemented to result in the termination of employment of any employees of Richmond County or the City of Augusta or the City of Hephzibah or of any agency, instrumentality, commission, or authority thereof, but this limitation shall not create or be construed to create any right to continued employment or create any employment contract which did not exist prior to January 1, 1996.


Sec. 1-39. Sheriff; fire protection; boards and authorities; municipal court.

(a) The sheriff of Richmond County shall perform his or her constitutional and statutory duties throughout the entire limits of Richmond County. The sheriff of Richmond County shall be the chief law enforcement officer of Richmond County.

(b) The Commission in cooperation with the sheriff shall utilize the facilities, equipment, vehicles, records, and personnel of the former Augusta Police Department, the former Hephzibah Police Department if the city charter is repealed as provided in Section 18 of this Act [section 1-44], and the Richmond County Sheriff's Department in such manner as it shall deem necessary to ensure adequate protection of the lives and property of all of the citizens of Richmond County.

(c) The chief of the former Augusta Fire Department shall perform his or her official duties as the chief firefighter throughout the entire limits of Richmond County.

(d) The Commission in cooperation with the chief shall utilize the facilities, equipment, vehicles, records, and personnel of both the former Augusta Fire Department, the former Hephzibah Fire Department if the city charter is repealed as provided in Section 18 of this Act [section 1-44], and the Richmond County Fire Department in such manner as it shall deem necessary to ensure the most advantageous rating classification of the commercial, residential, and public property in Richmond County.

(e) The Commission shall create a law department, to employ one or more full-time attorneys, to employ such clerical assistance as deemed necessary and appropriate, and to supply an office, office equipment, a law library, and such other equipment and supplies as may be necessary. Neither the Mayor nor any member of the Commission shall seek or receive legal advice or services from any member of the law department or any other attorney retained or employed by the Commission on any personal legal matter not related to the duties of his or her office.

(f) Except as provided by this Act or prohibited by the general laws of this state, the membership of all boards, commissions, committees, panels, authorities, or other entities appointed by the board of commissioners of Richmond County or the governing authority of the City of Augusta, or if the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [section 1-44], the City of Hephzibah, shall be increased by creating two new members for each who shall be recommended by the Richmond County delegation in the General Assembly of Georgia and appointed by the Commission established by this Act in accordance with the existing laws or ordinances for the appointment of members to such entities. Each such member shall serve out the term of office to which such member was appointed. As soon as practical, but in no event less than 90 days after the initial members of the Commission take office, the Commission shall identify those boards, panels, authorities, or other entities the membership of which is not comprised of persons who reside in each Commission district and shall propose a plan for each such board, commission, or entity to expand or contract the number of members thereof so that as soon as practical, each such entity shall consist of one member from each Commission district. Each appointee shall be designated by the Commission as a member representing a designated district. Except as provided by this Act or prohibited by the general laws of this state, the positions of director or administrative head, by whatever name known, of each department or entity of the governments of Richmond County and the City of Augusta and, if the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act
[section 1-44], the City of Hephzibah shall be abolished 90 days after the members of the Commission take office under this Act. Such departments may be reestablished, reorganized, or consolidated; new job descriptions shall be established as appropriate; and a director or administrative head shall be appointed for each department by the Commission. Any person who formerly occupied such position and any other person shall have the right to apply for any position thus created. The provisions of this subsection shall not result in the automatic termination from employment with the reorganized government of any such person and the provisions of Section 12 of this Act [section 1-38] shall be applicable to any such person. On or after January 1, 1996, no person shall be eligible for appointment to any position as the director or administrative head of any department or agency of the reorganized government unless such person meets such qualifications as may be established by the Commission.

(g) The Municipal Court of the City of Augusta shall act as the Municipal Court of Augusta-Richmond County and shall have jurisdiction throughout Richmond County until such court is abolished by an Act of the General Assembly.

(h) No elected official of such government nor any member of the General Assembly of Georgia whose district lies totally or partially within Richmond County shall be eligible to do business with or receive any contract from such government except through competitive bids. Said persons shall not receive personal services from county vendors, attorneys, or others.


Sec. 1-40. Equal opportunity.

(a) The government of Augusta-Richmond County shall encourage the meaningful involvement in its operations of all citizens of Augusta-Richmond County, particularly those who are members of minority or other traditionally disadvantaged groups, as appointees, employees, and independent contractors. The Commission shall afford equal opportunities for employment and promotion to all persons regardless of race, sex, religion, gender, creed, color, or national origin.

(b) It is the policy of the Augusta-Richmond County government to ensure the equitable participation of all minorities, including African Americans, women, and small businesses in providing goods and services to the city-county government. The goal of this section is to increase the use of such minorities and small businesses to a level comparable with their availability. This participation goal shall be used as a guideline to the Commission and shall not be construed as a ceiling or quota.

(c) In furtherance of the policies stated in subsections (a) and (b) of this section, the Commission shall employ a person to serve as equal employment opportunity director and as director of minority and small business opportunities. The director shall develop and, subject to the approval of the Commission, implement such policies, procedures, and guidelines as the director deems necessary or appropriate to ensure equal employment opportunities for all citizens. The director, subject to the approval of the Commission, shall propose and implement such policies, procedures, and guidelines as are necessary and appropriate to ensure equal opportunities for all businesses and citizens in contracting with the Commission and all departments, agencies, authorities, and other entities of local government and to encourage the development of minority and small businesses within Richmond County. In addition, said director shall have such other powers and duties as may from time to time be afforded by action of the Commission.

(d) The Commission shall establish a citizens advisory council for minority employment and small business opportunities to advise the Commission and director of matters pertaining to this section, and to meet with minorities and small businesses to review the problems of minority and small business opportunities.


Sec. 1-41. Amendments.

The Commission shall have the authority upon the affirmative votes of two-thirds of those elected
to the Commission, excluding the Mayor, to change the provisions of this Act which conflict with existing or future state or federal laws; provided, however, that no provisions shall be made which diminish or change the principle of representation of citizens by district on the Commission or any other entity.

Sec. 1-42. Town of Blythe.

Nothing contained in this Act shall be construed so as to amend, modify, or repeal an Act incorporating the Town of Blythe, Georgia, approved August 3, 1920.


Sec. 1-43. Transition task force.

(a) Effective July 1, 1995, there is created a transition task force for the purpose of planning and preparing for the assumption of governmental powers by the Commission on January 1, 1996. The transition task force shall be composed of members as follows:

(1) The board of commissioners of Richmond County shall appoint four members. One of such members shall be the chairperson of the board of commissioners, who shall serve as a member of the transition task force until January 1, 1996. The commissioners appointed to the task force shall be apportioned so that at least two of the commissioners are representatives of existing county commission districts three, six, seven, and eight and two commissioners are representatives of existing county commission districts one, two, four, and five;

(2) The city council of the City of Augusta shall appoint four members. One of such members shall be the mayor of the City of Augusta, who shall serve as the chief executive officer of the transition task force. The city council representatives who are appointed shall be apportioned so that at least two of such members are representatives of former Wards 1, 2, 3, 4, 9, 12, and 13 and two of such members are representatives of former Wards 5, 6, 7, 8, 10, and 11;

(3) The members of the General Assembly of Georgia whose districts include all or any portion of Richmond County shall appoint four members; and

(4) The board of commissioners of the City of Hephzibah shall appoint one member, provided that, if the voters of the City of Hephzibah do not approve an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Hephzibah providing for a reorganized government in Richmond County and providing for the repeal of said charter, the membership of such member on the transition task force shall be abolished on the date the results of such referendum are certified.

Any vacancy on the transition task force shall be filled by the appointing authority which originally appointed the member to such vacant position. The transition task force shall meet upon the call of the chief executive officer of the transition task force for the purpose of planning and scheduling the initial organization of the government in accordance with the applicable provisions of this Act. Any transition task force in existence on January 1, 1996, is abolished.

(b) The transition task force shall be authorized to make such recommendations as it deems appropriate for the assumption of governmental powers by the Commission on January 1, 1996. The transition task force is specifically charged with the responsibility of developing proposed ordinances, including ordinances relating to the creation of special services tax districts, which should be considered for adoption by the Commission at its first regular meeting held following January 1, 1996, or at a regular meeting of the Commission held as soon thereafter as practicable.

(c) All officers, officials, including elected officials, and employees of Richmond County, the City of Augusta, and the City of Hephzibah shall cooperate with and assist the transition task force. The transition task force shall be entitled to
examine all records, files, and other data in the possession of Richmond County, the City of Augusta, and the City of Hephzibah and all officers, officials, and employees and departments thereof. Richmond County, the City of Augusta, and the City of Hephzibah shall, to the extent possible, provide working areas and facilities for the transition task force.

(d) The transition task force shall be authorized to receive and expend appropriations from the board of commissioners of Richmond County and from the mayor and city council of Augusta and from the board of commissioners of the City of Hephzibah for the purpose of carrying out its duties, but members of the transition task force shall receive no compensation for their services as such members.

(e) During the period beginning on the date on which this Act is approved in the referendum provided for by Section 18 of this Act [section 1-44] or on the date an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Augusta providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Augusta, whichever is later, it shall be the duty of the transition task force to recommend and the duty of the board of commissioners of Richmond County, the board of commissioners of the City of Hephzibah, and the mayor and city council of the City of Augusta to implement, where possible, such consolidations or reorganizations of services, functions, powers, and duties as may be advantageous to the consolidation of such governments on January 1, 1996.

(g) Every effort shall be made to consolidate water and sewerage services as soon as practical and to ensure that every citizen within the county is treated fairly and equitably in the pricing of such services and is charged the same rate for the same service.

(h) The transition task force shall be abolished on the date specified by the Commission.

Sec. 1-44. Referendum.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Richmond County shall call and conduct an election as provided in this section for the purpose of submitting Part I of this Act to the electors of Richmond County for approval or rejection. The election superintendent shall conduct that election on the earliest date therefor permissible under § 21-2-540 of the O.C.G.A. and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Richmond County. The ballot shall have written or printed thereon the words:

() YES Shall the Act be approved which creates a board of commissioners designated as the Augusta-Richmond County Commission consisting of a Mayor and ten () NO Commissioners to
administer, govern, and operate a reorganized government in Richmond County with both county and municipal powers?

All persons desiring to vote for approval of Part I of the Act [sections 1-27—1-42] shall vote Yes, and those persons desiring to vote for rejection of Part I of the Act [sections 1-27—1-42] shall vote No. If more than one-half of the votes cast on such question are for approval of Part I of the Act [sections 1-27—1-42], it shall become of full force and effect as provided in subsection (c) of Section 19 of this Act [section 1-45(c)]. If Part I of the Act [sections 1-27—1-42] is not so approved or if the election is not conducted as provided in this section, Part I of this Act [sections 1-27—1-42] shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by Richmond County. It shall be the election superintendent’s duty to certify the result thereof to the Secretary of State.


Sec. 1-45. Effective date.

(a) Section 18 of this Act [section 1-44], this section, and Section 20 of this Act [section 1-45.1] shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.

(b) Part II of this Act [section 1-43] shall become effective on July 1, 1995.

(c) Part I of this Act [sections 1-27—1-42] shall become effective on May 1, 1995, for the purpose of conducting elections of the initial members of the Augusta-Richmond County Commission and shall become effective on January 1, 1996, for all purposes but only if an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Augusta providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Augusta and this Act is approved in the referendum provided for in Section 18 of this Act [section 1-44]. Those provisions of Part I of this Act [sections 1-27—1-42] which relate to the City of Hephzibah or which create Urban Services District II shall be repealed on January 1, 1996, unless an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Hephzibah providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Hephzibah and Part I of this Act [sections 1-27—1-42] becomes effective as provided in this subsection.


Sec. 1-45.1. Repealer.

All laws and parts of laws in conflict with this Act are repealed.


Sec. 1-45.2. Immunity.

The tort and nuisance liability of the consolidated government of Augusta-Richmond County shall follow the law and rules of tort liability applicable to counties in Georgia.

(1996 Ga. Laws p. 3607, § 1)

ARTICLE 6. COMMISSION POWERS AND DUTIES

Sec. 1-46. Powers and duties—Generally.

The said board of commissioners shall exercise all the powers relative to county matters that were vested in the judge of the city court as ex-officio commissioner of roads and revenues under and by virtue of an act to constitute the judge of the city court in the County of Richmond ex-officio commissioner of roads and revenues for Richmond County; to define his powers and duties; and for other purposes, approved September 17, 1883 [see section 1-47.]

(Ga. Laws 1931, p. 555, § 3)
Sec. 1-47. Same—As specified in 1883 act.

(a) The judge of the city court in the county of Richmond shall be ex-officio the commissioner of roads and revenues in said county, and as such shall have original and exclusive jurisdiction over the following subject matters, to wit:

1. In directing and controlling all the property of the county as he may deem expedient according to law;
2. In levying all county taxes according to law;
3. In establishing, altering or abolishing all roads, bridges or ferries in conformity to law;
4. In establishing and changing election and militia districts;
5. In supplying, by appointment, all vacancies in county offices and in ordering elections to fill them;
6. In examining, settling and allowing all claims against the county;
7. In examining and auditing the accounts of all officers having the care, management, keeping, collection or disbursement of money belonging to the county or appropriated for its use and benefit, and bringing them to a settlement;
8. In making such rules and regulations for the support of the county, for county police and patrol, for the promotion of health and quarantine as are granted by law or consistent therewith;
9. In appointing managers for county, state and national elections;
10. In regulating peddling and fixing the price of licenses therefor, in granting and issuing all licenses, the proceeds of which form or may form part of the county revenue;
11. In approving the bonds of all officers having the collection, custody or disbursement of county funds;
12. He shall have the power to appoint any person to discharge any trust authorized by his powers, where no other person is designated by law, and to regulate his compensation and take bond and security;
13. He is authorized and empowered to exercise all the powers that could be lawfully exercised by the justices of the inferior court when sitting for county purposes by the justices thereof at the time of the abolishment of the inferior court except as to proceedings and record in cases of lunacy, the appointment of processioners, and proceedings in cases of processioning, the taking and approving of all official bonds and qualifying of officers under demimus from the governor, except the bonds of all officers charged by law with the collection and custody of money must be submitted to the commissioner for his approval; in binding out and apprenticing of minors, in proceedings connected with estrays, marks, brands and weights and measures, the powers and duties herein excepted to be exercised by the ordinary who shall receive such fees as are now or may hereafter be provided by law for said services;
14. The said commissioner shall exercise such other powers as are or may be granted by law, or are indispensable to his jurisdiction over county matters and county finances.

(b) Said commissioner shall hold one session for county purposes at the courthouse on the first Tuesday in each and every month, and at other times as often as in his judgment the powers and duties herein conferred may require.

(c) He shall cause to be kept a book of minutes containing his acts and doings as commissioner, a complete record of the affairs of the county; said minutes, records and vouchers for all funds of the county disbursed shall be kept in the commissioner's office in the courthouse, and subject to the inspection and examination of the grand juries at each and every term of the superior court. He shall at the spring term of the superior court make to the grand jury thereof a full and explicit report of the condition of the affairs of the county for the year preceding, and
accompany said report with the statement of the receipts and disbursements for the year, and furnish any information to the grand jury they may desire concerning county matters.

(d) The clerk of the city court shall be ex-officio clerk of said commissioner, and shall keep the minutes and records for county purposes, and perform such other duties as may be required of him as said clerk and incident to said office. The said clerk shall receive as compensation for all services where no fees are provided by law such sum as the commissioner may deem reasonable and just, not to exceed the sum of $60.00 per month.

(Ga. Laws 1883, p. 528, §§ I-IV)

Sec. 1-48. Meetings.

Said commissioners shall hold one session for county purposes at the courthouse on the first Tuesday in every month, except the month of April 2007 and the month of April for every year thereafter, and at other times as often as in their judgment the powers and duties herein conferred may require.

(Ga. Laws 1931, p. 55, § 4; Ord. No. 6883, 5-2-06)

Sec. 1-49. Record; annual report.

The board of commissioners shall cause to be kept a book of minutes containing their acts and doings as commissioners, a complete record of the affairs of the county. Said minutes, records and vouchers for all funds of the county disbursed shall be kept in the commissioners' office in the courthouse, and subject to the inspection and examination of the grand juries at each and every term of the superior court; and they shall at the spring term of the superior court make to the grand jury thereof, a full and explicit report of the condition of the affairs of the county for the year preceding, and accompany said report with a statement of the receipts and disbursements for the year, and to furnish any information to the grand jury that they may desire concerning county matters.

(Ga. Laws 1931, p. 55, § 5)

Sec. 1-50. County administrator, power and authority to elect; duties, terms and conditions of employment.

Said board of commissioners shall have the power and authority to elect a county administrator, who shall have an office at the courthouse. The county administrator shall be responsible to the board of commissioners of Richmond County for the proper administration of the affairs of the county. The terms and conditions of employment of the county administrator, and the duties of the county administrator shall be as determined by resolution of the board of commissioners of Richmond County.


Sec. 1-51. County attorney, power and authority to elect; duties, term, compensation, ineligibility for retirement benefits.

The board of commissioners shall have the authority to elect an attorney-at-law who is licensed as such, and whose duty it shall be to advise and represent the said board of commissioners in all legal matters pertaining to the discharge of their official duties and to represent the interests of the county as said board of commissioners deem it proper. The term of office for said attorney shall be for one year, and he shall be elected by said board at its regular meeting in January of each year. Said attorney shall be compensated upon a fee basis or upon a fixed monthly, annually or other method of compensation as said board of commissioners deems to be in the best interest of the county. The county attorney shall be ineligible for membership under any existing pension or retirement laws of Richmond County.


Sec. 1-52. Additional attorneys, authority to employ.

The board of commissioners is authorized and empowered to employ additional attorneys for
compensation when deemed in the best interest of the county by said board of commissioners, and to pay said compensation out of county funds.

Sec. 1-53. Office closing—Board of commissioners.

The board of commissioners of roads and revenues of the County of Richmond shall be authorized, in its discretion, to close its offices in the municipal building in the City of Augusta, where the county courthouse is located, as well as its offices in other public buildings in said county, on Saturday of each week and to keep such offices open for the transaction of business on holidays other than Sundays, New Year's Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.
(Ga. Laws 1967, p. 3275, § 1)

Sec. 1-54. Same—Other county officials.

Each of the several elected officers of Richmond County, including clerk of superior court, treasurer, tax commissioner, sheriff, ordinary and each of the solicitors general and the judges of the courts, shall likewise be authorized, in the discretion of each such officer, to close his offices on Saturdays and to remain open for the transaction of business on holidays as set forth in Sec. 1-53.
(Ga. Laws 1967, p. 3275, § 2)

Sec. 1-55. Intent of act.

The authority hereby conferred upon the board of commissioners of roads and revenues is cumulative and shall not limit or modify the exercise of powers and the discharge of duties affecting the county government.
(Ga. Laws 1967, p. 3275, § 4)

ARTICLE 7. OTHER POWERS AND DUTIES

Sec. 1-56. Police power.

The General Assembly of the State of Georgia is hereby authorized to empower the governing authority of Richmond County to adopt ordinances or regulations for the governing and policing of said county for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens thereof as it may deem advisable, not in conflict with the general laws of this state and of the United States, and for the implementation and enforcement of all duties and powers now or hereafter vested in said governing authority of Richmond County, and to provide penalties for violations of such ordinances.
(Ga. Laws 1968, p. 1506)

Sec. 1-57. Power to adopt ordinances, etc.—Generally.

The governing authority of Richmond County is hereby granted the authority and power to adopt ordinances or regulations for the governing and policing of said county for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens thereof as such governing authority may deem advisable. Such ordinances shall not be in conflict with the general laws of the State of Georgia and of the United States.
(Ga. Laws 1975, p. 4548, § 1)

Sec. 1-58. Same—Particular ordinances enumerated.

The governing authority of Richmond County is hereby granted the authority and power to adopt such ordinances as provided for herein including, but not limited to, ordinances for fire prevention, fire safety and protection, minimum housing code and standards, animal control, zoning and zoning enforcement, abandoned and junk vehicles, subdivision regulations, erosion and sedimentation regulations and traffic regulations.
(Ga. Laws 1975, p. 4548, § 2)

Sec. 1-59. Same—State court jurisdiction.

The State Court of the County of Richmond shall have the jurisdiction to hear and determine cases involving violations of the ordinances of Richmond County, and the jurisdiction of the court shall extend throughout the entire territorial limits of Richmond County, Georgia. Said
ordinances shall be enforced in the State Court of the County of Richmond pursuant to the laws and acts creating said state court.  
(Ga. Laws 1975, p. 4548, § 3)

Sec. 1-60. Same—Penalties for ordinance violations.  
The governing authority of Richmond County is hereby granted the authority and power to provide penalties for the violation of such ordinances, said penalties not exceeding a fine in the amount of $300.00, imprisonment in the county jail for a period not in excess of 60 days, to work in the work gang on the public streets, or on such public works as the county authorities may employ the work gang not to exceed 60 days, or by any one or more of such punishments.  
(Ga. Laws 1975, p. 4548, § 4)  
Editor's note—This local act conflicts with O.C.G.A. § 17-10-3 which authorizes a fine not to exceed $1000.00, or imprisonment not to exceed 12 months.

Sec. 1-61. Provision for overtime use of courtrooms.  
Should the operation of any court in Richmond County require that the offices and courtroom of such court remain open after customary office hours or on Saturday, or should the continued deliberations of a jury require the occupancy of quarters in the courthouse at such times, it shall be the duty of the board of commissioners of roads and revenues to make provision for the continued and uninterrupted use and occupancy of the quarters, offices and courtrooms for such courts and juries.  
(Ga. Laws 1967, p. 3275, § 3)

Sec. 1-62. Reserved.

Sec. 1-63. Business taxes, licenses, rules and regulations.  
The board of commissioners of Richmond County shall have the right and power to assess and collect license fees and taxes from all persons, firms and corporations maintaining a place or places of business in any area of Richmond County outside the incorporated limits of municipalities; and the right and power to license and regulate taxicabs and cars for hire in such unincorporated areas; and the right and power to classify businesses and business enterprises, and to assess different fees and taxes against different classes of business, excepting from the application of these provisions only those businesses which are subject to regulation by the state public service commission. The board of commissioners of Richmond County shall also have the right and power to license all businesses and business enterprises (which are not subject to regulation by the state public service commission) in any area of Richmond County outside the incorporated limits of municipalities, in the interest of the welfare of the citizens of Richmond County, and to prescribe rules and regulations concerning the same, and to provide that violation of any license regulation adopted by the board of commissioners of Richmond County or the failure to pay any license fee or tax prescribed for any business shall constitute a misdemeanor punishable upon conviction thereof as prescribed by the general laws of the State of Georgia.  
(Ga. Laws 1970, p. 1099)  
Editor's note—Portions of this section conflict with O.C.G.A. Sec. 48-13-1 et seq. and are therefore repealed.

Sec. 1-64. Reserved.

Sec. 1-65. Traffic regulations—Generally.  
The governing authority of Richmond County is hereby authorized to enact traffic ordinances and regulations to police the movement of vehicles and the flow of traffic in the unincorporated areas of Richmond County for the purpose of protecting and preserving the health, safety, and welfare of the citizens thereof as it may deem advisable, not in conflict with the general laws of this state or the United States.  
(Ga. Laws 1969, p. 2657, § 1)

Sec. 1-66. Same—Penalties.  
The governing authority of said county is further authorized to prescribe penalties for the violation of such traffic ordinances and regulations, not in conflict with the general laws of this state or the United States.  
(Ga. Laws 1969, p. 2657, § 2)
Sec. 1-67. Advertisement, promotion of county.

The governing authority of Richmond County is authorized and permitted to appropriate property, moneys and services, any or all so as to advertise and promote the agricultural, industrial, historic, recreational and natural resources, facilities and assets of Richmond County and environs, to promote and encourage the location and expansion of industrial and commercial facilities therein and to attract tourists and conventions thereto, making such appropriations directly for such purposes through such agencies, public or private, as it may designate but conditioned that such appropriations shall not exceed $75,000.00 during any one calendar year.


Sec. 1-68. Forest lands and mineral resources—Declaration of policy.

It is hereby determined and declared that the forest and timbered lands and minerals within the State of Georgia are among the greatest and most valuable resources and assets of the state, and, if properly managed and utilized within the state, they will constitute a constantly increasing source of income and employment.

It is further determined and declared that great areas of forest lands and mineral deposits are located within the County of Richmond and surrounding territory, which fact, together with the available transportation facilities of the area and other relevant factors, should induce industries which utilize forest and mineral products to locate in Richmond County.

It is also determined and declared that further inducement of industries which utilize forest and mineral products to locate, expand and operate in Richmond County will result in an enhancement in the value of the timbered and mineral lands of said county and surrounding territory and will greatly stimulate and increase employment in that area, and will be to the best interests of said County of Richmond and its citizens, to the best interests of the counties adjoining the County of Richmond and the citizens thereof, and the best interests of the State of Georgia as a whole.

(Ga. Laws 1957, p. 2412, §§ 2—4)

Sec. 1-69. Same—Powers of board of commissioners.

In order to encourage, foster and further promote the utilization of Georgia forest and mineral products within the state, and particularly within the County of Richmond, any municipality acting by and through its governing body, in addition to the powers and authority which it may now have, shall have power:

(a) To sell, convey, lease for any term, or otherwise transfer any of its real property, or any interest therein, needed or useful in the construction, expansion or operation of, or as a site for an industrial plant, system or facility which utilizes timber or other forest and mineral products; provided that the governing body of said municipality shall first, in its discretion, determine and declare by appropriate resolution that such property or interest is not necessary to the municipality for other public purposes; and provided that the consideration for such sale, conveyance, lease or transfer may be the construction, expansion or operation of such industrial plants, system or facility in Richmond County, and the consequential benefit to said municipality or its citizens and only such other consideration as said governing body may, in its discretion, deem proper and fitting, regardless of the actual worth or value of such property or interests;

(b) To acquire by gift, purchase or the exercise of the right of eminent domain, to construct, to reconstruct, to improve, to better, to extend, to operate, and to maintain systems, plants, works, instrumentalities and properties used or useful in connection with the collection, treatment, aeration, or disposal of industrial wastes and effluents, sewerage and stormwater, or any of them; and as part of the service and operation of such systems plants, works, instrumentalities and properties, to expel, flow, direct or dump such wastes, effluents, sewerage and stormwater into any reservoir, settling ponds or aeration systems owned, maintained or operated
for that purpose, and into any branches, creeks, rivers or streams located in whole or part in said county;

(c) To make contracts with the owner or owners of existing future or proposed, industrial plants of the type which utilize timber or other forest products, or mineral products, whereby said municipality undertakes and obligates itself to collect, treat, aerate, or dispose of the sewerage or industrial wastes and effluents of such industrial plants for and during such period of years in such manner, at such costs, and for such fees, tolls, and charges as the governing body of said municipality may, in its discretion, deem proper and fit by such contract;

(d) To advertise the advantages of locating such industrial plants within said county.

(Ga. Laws 1957, p. 2412, § 5)

Sec. 1-70. Same—Exercise not to constitute nuisance.

It is determined and declared that the exercise of the powers conferred by section 1-69 hereof, or any of them, and the doing of the acts and things enumerated in said section 1-69, or any of them, shall be for the best interests of the public, and the exercise of any such powers, or the doing of any such acts or things by any municipality shall in no event constitute or be declared a public nuisance. (1957 Ga. Laws 1957, p. 2412, § 6.)

Sec. 1-71. Same—Definitions.

Whenever used in this act, unless different meaning clearly appears from the context, the following terms shall have the following meanings:

(a) Municipality. The County of Richmond, or any incorporated city or town located in Richmond County; and

(b) Governing body. The board, commission, council or other local legislative body of such municipality.

(Ga. Laws 1957, p. 2412, § 1.)

Sec. 1-72. Street lights.

The board of commissioners of Richmond County shall be authorized and empowered to establish districts for the purpose of erecting, establishing, maintaining and operating within Richmond County street lights and lamps for illumination of the public streets, roads, sidewalks and ways situated in said county. If at least fifty percent of the property owners within the proposed district shall assent thereto, the board shall be further authorized to levy, assess and collect a tax or special assessment against the property located in said districts for the aforesaid purposes or make service charges against all businesses and residents served by said facilities as the board of commissioners shall deem necessary for the services rendered, all without regard to uniformity. Such tax assessments shall be collected by the tax commissioner of said county and may be enforced by the issuance of fi fas or executions for said charges in the same manner and with the same lien dignity and priority as fi. fas. or executions are issued for state and county taxes. Said board shall also have authority to compel compliance with reasonable rules and regulations necessary for said services.

(Ga. Laws 1970, p. 1097.)

Sec. 1-73. Urban redevelopment.

All powers, privileges, duties or immunities now or heretofore granted to municipalities by the urban redevelopment law, and all acts amendatory thereof, are hereby granted to and conferred upon every county of this state having a population of 150,000 and not more than 500,000 according to the 1960 United States Census or any future such census.

(Ga. Laws 1969, p. 807.)

Sec. 1-74. Recreational program.

The board of commissioners of Richmond County shall establish and maintain a program of recreation for the benefit of all citizens of Richmond County. In establishing and carrying out said program, the commissioners shall establish and locate recreational facilities throughout the county so that such programs shall be available to all citizens of Richmond County.

(Ga. Laws 1970, p. 3325.)
Sec. 1-75. Creation of program to regulate and control access points and utility excavations on county roads.

The Board of Commissioners of Richmond County shall establish a program to regulate and control access points and utility excavations on all county roads, and said board shall have the authority to adopt reasonable regulations in relation to the subject matter of this section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section.


Sec. 1-76. Animal control—Program established.

The commissioners of Richmond County shall establish a program of animal control to prevent stray animals from running at large throughout the county. In order to carry out said program, the board of commissioners of Richmond County shall establish and maintain appropriate facilities for the collection and housing of impounded stray animals from throughout Richmond County. The commissioners of Richmond County shall have the authority to adopt reasonable resolutions in relation to the subject matter of this section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section.

(Ga. Laws 1970, p. 3327)

Sec. 1-77. Same—Penalty.

Any person, firm, partnership or corporation violating any rule or regulation established by the board of commissioners under the authority of this law for the protection of the general public in the control of animals, not in conflict with the general laws of this state or the United States, shall be guilty of a misdemeanor.

(Ga. Laws 1973, p. 3197)

Sec. 1-78. Special assessments for streets, sidewalks, water and sewer mains.

The general assembly may grant to the governing authority of Richmond County the right to construct or repair streets and sidewalks and to lay curbing, water and sewer mains and to assess the costs thereof pro rata against the abutting property owners; provided, the owners of 75 percent of the property abutting such improvements shall consent thereto and to provide for the issuance and enforcement of execution for the collection of such assessments and for the creation of liens thereby against such abutting property. Provided, however, that any act of the general assembly adopted pursuant hereto shall restrict the authority to those areas of said county where the property has been subdivided into lots having 350 feet of street frontage or less.

(Ga. Laws 1955, p. 460)

Sec. 1-79. Revenue anticipation bonds for incinerator, garbage and refuse facilities.

Anything in this Constitution to the contrary notwithstanding, Richmond County, Georgia, is hereby authorized to acquire, construct, add to, improve, equip, maintain and operate incinerator, garbage and refuse facilities of every kind and character and to make and to prescribe and revise rates and to collect fees, tolls and charges for the use thereof and to lease all or any part thereof and to contract with other political subdivisions or public corporations and private corporations and persons for the use thereof and to accomplish the foregoing is hereby authorized to issue its revenue bonds or obligations to finance, in whole or in part, the cost of acquiring, constructing, adding to, improving and equipping incinerator, garbage and refuse facilities, including, but not limited to, all buildings, structures and equipment useful or desirable in connection therewith, acquiring the necessary property therefor, both real and personal, and paying all expenses incident thereto. Any such revenue bonds authorized to be issued hereunder shall be issued and validated pursuant to the provisions of the Revenue Bond Law (Georgia Laws 1957, page 36 et seq.), amending the law formerly known as the Revenue Certificate Law of 1937 (Ga. Laws 1937, page 761 et seq.), as amended, and when so validated thereunder shall be forever incontestable and conclusive in every respect.

(Ga. Laws 1978, p. 2355, § 1; Ga. Laws 1986, p. 4483, § 1)
Sec. 1-80. Purchase of goods, materials, etc.—
Without bid or advertisement—
Cost not in excess of ten thousand five hundred dollars.

The Augusta-Richmond County Commission is hereby authorized to purchase any goods, materials or supplies of any nature, used by Richmond County in its government affairs, without bid and legal advertisement, by obtaining at least three (3) quotations in writing, or by telephone, which shall be reduced to writing, entered on the minutes of said Commission and retained for a period of at least two years, when the cost of said goods, materials or supplies is between $1,500.00 and $10,000.00.


Sec. 1-81. Same—Same—Cost between fifteen hundred dollars and five thousand dollars.

The board of commissioners of Richmond County, Georgia, is hereby authorized to purchase any goods, materials or supplies of any nature used by Richmond County in any of its governmental affairs, without bid and legal advertisement, by obtaining at least three written quotations entered on the minutes of said board, and retained for a period of at least two years, when the cost of said goods, materials or supplies is between $500.00 and $5,000.00.


Sec. 1-82. Same—Same—When emergency exists.

In the event the board of commissioners of Richmond County determines, at an open meeting of which minutes are recorded, that an emergency exists and there is an immediate need for goods, materials or supplies to relieve said emergency, the board of commissioners shall be allowed to approve purchases without bids in the event the board has determined an emergency exists, but all such declarations of emergency shall be in strict accordance with applicable state law defining emergency.

(Ga. Laws 1975, p. 4334, § 4)

Sec. 1-83. Same—Advertisement for bids.

With the exceptions provided in this section and sections 1-80, 1-81, 1-82, 1-84, and 1-85, the board of commissioners of Richmond County, Georgia, shall, in all other instances before purchasing any goods, materials or supplies to be used by Richmond County, or entering into any lease of equipment to be used by Richmond County, advertise for bids once a day for three days within a 10-day period in the legal gazette for Richmond County.

(Ga. Laws 1975, p. 4334, § 4)

Sec. 1-84. Same—Negotiation for purchase when no bids received.

In the event the Board of Commissioners of Richmond County receives no bids, the Board of Commissioners of Richmond County, Georgia, is hereby authorized to negotiate for the purchase of the goods, materials or supplies needed for the operation of its governmental affairs; provided, however, that any such negotiated bid shall be read one time in regular meeting held at least ten days prior to the acceptance or approval of such negotiated bid by the Board of Commissioners of Richmond County.

(Ga. Laws 1975, p. 4334, sec. 5.)

Sec. 1-85. Same—Used equipment.

The Board of Commissioners of Richmond County is authorized to purchase used equipment for the operation of its governmental affairs based on three written appraisals from recognized dealers in the subject equipment. Said written appraisals together with the acceptance and approval shall be entered on the regular minutes of the Board of Commissioners of Richmond County at the time said board considers the purchase of any used equipment; provided, however, no such purchase shall be consummated until after the written appraisal proposed to be adopted has been read one time in regular meeting held at least ten days prior to the consummation of said purchase.

(Ga. Laws 1975, p. 4334, sec. 6.)

Sec. 1-86. Authority of board over employees of other elected county officials; limitations.

The governing authority of Richmond County, shall have the authority to set the table of orga-
nization and compensation of the sheriff's department, deputy sheriffs and clerks of the elected officials of Richmond County, and to provide compensation and increases in compensation for said employees, deputy sheriffs and clerks under the elected officials of Richmond County, provided however, that the number of employees of the sheriff's department, deputy sheriffs and clerks of the elected officials of Richmond County, shall be fixed by the general assembly. Said governing authority shall provide compensation and increases in compensation on a uniform basis in relation to the classification and wage and salary structure for employees under the governing authority of Richmond County.

(Ga. Laws 1977, p. 3701, sec. 1.)

Sec. 1-87. Authority of board to provide retirement, insurance and other benefits to employees of other elected county officials.

The governing authority of Richmond County shall have the authority to establish and maintain retirement or pension systems, insurance, workmen's compensation and hospitalization benefits for employees under the elected officials of Richmond County.

(Ga. Laws 1977, p. 3701, § 2)

ARTICLE 8. EX-OFFICIO COMMISSIONER

Sec. 1-88. Judge of city court.

The judge of the city court in the County of Richmond shall be ex-officio the commissioner of roads and revenues in said county, and as such shall have original and exclusive jurisdiction over the following subject matters, to-wit: first, in directing and controlling all the property of the county as he may deem expedient according to law; second, in levying all county taxes according to law; third, in establishing, altering or abolishing all roads, bridges or ferries in conformity to law; fourth, in establishing and changing election and militia districts; fifth, in supplying, by appointment, all vacancies in county offices and in ordering elections to fill them; sixth, in examining, settling and allowing all claims against the county; seventh, in examining and auditing the accounts of all officers having the care, management, keeping, collection or disbursement of money belonging to the county or appropriated for its use and benefit, and bringing them to a settlement; eighth, in making such rules and regulations for the support of the county, for county police and patrol, for the promotion of health and quarantine as are granted by law or not inconsistent therewith; ninth, in appointing managers for county, state and national elections; tenth, in regulating peddling and fixing the price of licenses therefor, in granting and issuing all licenses, the proceeds of which form or may form part of the county revenue; eleventh, in approving the bonds of all officers having the collection, custody or disbursement of county funds; twelfth, he shall have the power to appoint any person to discharge any trust authorized by his powers, where no other person is designated by law, and to regulate his compensation and take bond and security; thirteenth, he is authorized and empowered to exercise all the powers that could be lawfully exercised by the justices of the inferior court when sitting for county purposes by the justices thereof at the time of the abolishment of the inferior court except as to proceedings and record in cases of lunacy, the appointment of processioners, and proceedings in cases of processioning, the taking and approving of all official bonds and qualifying of officers under dedimus from the governor; except, the bonds of all officers charged by law with the collection and custody of money must be submitted to the commissioner for his approval, in binding out and apprenticing of minors, in proceedings connected with estrays, marks, brands and weights and measures, the powers and duties herein excepted to be exercised by the ordinary who shall receive such fees as are now or may hereafter be provided by law for said services; fourteenth, the said commissioner shall exercise such other powers as are or may be granted by law, or are indispensable to his jurisdiction over county matters and county finances.

(1882—83 Ga. Laws 528.)

ARTICLE 9. BOARD OF ELECTIONS

Sec. 1-89. Creation.

There is hereby created in each county of this state having a population of not less than 183,000
and not more than 216,000 according to the United States Decennial Census of 1990, or any such future census, a board of elections which shall have jurisdiction over the conduct of primaries and elections and the registration of electors in such counties.


Sec. 1-90. Membership—Composition; election.

The board of elections in such counties shall be composed of five members, each of whom shall be an elector and resident of the county, and who shall be selected in the following manner:

(a) Two members shall be appointed by the county executive committee of the political party whose candidates, at the last preceding general election, received the largest number of votes in this state for members of the general assembly, and two members shall be appointed by the county executive committee of the political party whose candidates at such election received the next largest number of such votes. The initial appointments of such members shall be made by each party for two and four years, respectively. Thereafter, all appointments shall be for terms of four years and until their successors are duly appointed.

(b) The fifth member shall be appointed from a list of three names submitted by the members of the general assembly representing such counties to the governing authority of each such county for a term of office of four years and until his successor is duly appointed. The member appointed by the governing authority shall be the chairman of the board of elections.

(Ga. Laws 1973, p. 2283, § 2)

Sec. 1-91. Same—Qualifications.

No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office.

(Ga. Laws 1973, p. 2283, § 3)

Sec. 1-92. Same—Appointment.

The appointment of each member shall be made by the respective appointing authority filing an affidavit with the clerk of the superior court, no later than 30 days preceding the date at which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this act. The clerk of the superior court shall record each of such certifications on the minutes of the court and shall certify the name of each such member to the secretary of state and provide for the issuance of appropriate commissions to the members and chairman, within the same time and in the same manner as provided by law for registrars.

(Ga. Laws 1973, p. 2283, § 4)

Sec. 1-93. Same—Resignation; removal.

Each member of the board shall be eligible to succeed himself for one term and shall have the right to resign at any time by giving written notice of his resignation to the respective appointing or electing authority and to the clerk of the superior court, and shall be subject to removal from the board at any time, for cause after notice and hearing, in the same manner and by the same authority as provided for removal of registrars.

(Ga. Laws 1973, p. 2283, § 5)

Sec. 1-94. Same—Oath.

The first members of the board under this act shall take office on April 1, 1973. Before entering upon his duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

(Ga. Laws 1973, p. 2283, § 5)

Sec. 1-95. Vacancies.

In the event a vacancy occurs in the office of any member before the expiration of his term, by removal, death or resignation, or otherwise, the
respective appointing authority shall appoint a successor to serve the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments, in the same manner as the regular appointment members.

(Ga. Laws 1973, p. 2283, § 6)

Sec. 1-96. Powers and duties—Generally.

Each board of elections shall:

(a) With regard to the preparation for conduct and administration of primaries and elections, succeed to and exercise all duties and powers granted to and incumbent upon the ordinary pursuant to title 21 of the Code of Georgia, as now or hereafter amended, and/or any other provision of law.

(b) With regard to the registration of electors, succeed to and exercise all of the powers, duties and responsibilities granted to and incumbent upon the board of registrars in such counties pursuant to title 21 of the Code of Georgia, as now or hereafter amended, or any other provision of law.

(Ga. Laws 1973, p. 2283, § 8)

Sec. 1-97. Employees.

The board shall be responsible for the selection, appointment and training of poll workers in elections; and such workers shall be appointed, insofar as practicable, from lists provided the board by the county executive committee of each political party. The board shall be authorized to employ not less than two full-time employees and such other employees as the governing authority shall approve. There shall also be authorized a full-time executive director whose initial appointment shall be made by the governing authority. Subsequent appointment of the executive director shall be made by the board of elections.

(Ga. Laws 1973, p. 2283, § 9)

Sec. 1-98. Ordinary and board of registrars relieved from powers and duties.

Upon the effective date of this act, the ordinary and the board of registrars in such counties shall be relieved from all powers and duties to which the board of elections succeeds by the provisions of this act and they shall deliver thereafter to the chairman of the board, upon his written request, the custody of all equipment, supplies, materials, books, papers, records and facilities of every kind pertaining to such powers and duties. Also, at such time, the board of registrars in such counties shall be abolished.

(Ga. Laws 1973, p. 2283, § 10)

Sec. 1-99. Chairman.

The chairman of the board of elections shall be the chief executive officer of the board of elections and shall generally supervise, direct and control the administration of the affairs of the board of elections pursuant to law and duly adopted resolutions of the board of elections. The board of elections shall fix and establish by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction.

(Ga. Laws 1973, p. 2283, § 11)

Sec. 1-100. Compensation.

The compensation of the executive director, clerical assistants and other employees of the board shall be such as may be fixed by the governing authority. The members of the board of elections, not including the chairman, shall receive for each day of service the sum of $10.00. The chairman shall receive the sum of $20.00 for each day of service for the board. No member of the board shall receive pay for more than 60 days' service every two years, such period of time to be calculated from April 1, 1973, and for every two-year period thereafter. Such compensation shall be paid wholly from county funds.

(Ga. Laws 1973, p. 2283, § 12)


The governing authority of the county shall provide the board with proper and suitable offices.

(Ga. Laws 1973, p. 2283, § 13)

Sec. 1-102. Authority to contract.

The board of elections shall have the authority to contract with any municipality located within the county for the holding of any primary or election by the board to be conducted within the municipality.
(b) In all counties of this state having a population of not less than 183,000 and not more than 216,000 according to the United States decennial census of 1990 or any future such census, municipal elections in any municipality having a population in excess of 40,000 according to the United States decennial census of 1980 or any future such census and lying wholly within such counties shall be conducted by the county board of elections. With reference to any such election, such municipality shall pay the county all costs incurred in conducting such elections.


Sec. 1-103. Definitions.

The words election, elector, political party, primary, public office, special election, and special primary, shall have the same meaning ascribed to those words by code section 21-2-2 of the Code of Georgia, as amended, unless otherwise clearly apparent from the text of this act.

(Ga. Laws 1973, p. 2283, § 15)

ARTICLE 10. SHERIFF'S DEPARTMENT

DIVISION 1. GENERALLY

Sec. 1-104—1-107. Reserved.

DIVISION 2. MERIT SYSTEM

Sec. 1-108. Definitions.

As used in this act [division], the following terms have the following meanings:

(a) Board. The Richmond County Sheriff's Merit System Board created by this act [division].

(b) Employee. Any employee, except as provided in subsection (1) of this paragraph, of the sheriff of Richmond County, including but not limited to deputy sheriffs.

(1) Employee shall not include any member of the sheriff's department with the rank or position of chief deputy or above and shall not include the personal secretary of the sheriff.

(c) Employer. The sheriff of Richmond County.

(Ga. Laws 1983, p. 4495, § 1)

Sec. 1-109. Created.

(a) There is created and established a merit system of employment and personnel administration for employees of the sheriff's department of Richmond County, which shall be governed by the Richmond County Sheriffs Merit System Board.

(b) All employees shall be placed under a merit system of employment and personnel administration.

(Ga. Laws 1983, p. 4495, § 2)

Sec. 1-110. Membership of board.

(a) The board shall be composed of seven members as follows:

(1) Three citizens of Richmond County who shall be appointed by the governing authority of Richmond County.

(2) Three citizens of Richmond County who shall be appointed by the members of the General Assembly who represent Richmond County.

(3) One citizen of Richmond County appointed by the governing authority of Richmond County from a list of three persons submitted by the members of the General Assembly who represent Richmond County. No person shall be appointed under this paragraph unless such person has at last four years' experience in personnel management or its equivalent.

(b) Initial members appointed by Richmond County shall be appointed for terms of one year, two years, and three years; and initial members appointed by the members of the General Assembly shall be appointed for terms of one year, two years, and three years. The initial member appointed by the governing authority from the list of three persons shall be appointed for a term of three years. Thereafter, members shall be appointed for terms of three years. No appointed
member of the board shall hold any public office and no appointed member shall be a public employee. Five members of the board shall constitute a quorum for the purpose of conducting business.

(c) The member appointed by the governing authority from the list of three persons submitted by the members of the General Assembly shall be the initial chairman of the board and shall serve as chairman for a term of two years and until his successor is selected and qualified. Thereafter, the board shall, every two years, select a chairman from among its members who shall serve until his successor is selected and qualified.

(d) Vacancies on the board shall be filled in the same manner and by the same authority which appointed the member whose position has become vacant. The member so appointed shall serve for the unexpired term.

(e) Any member of the board who does not attend three consecutive meetings of the board shall be deemed to have vacated his position and the appointing authority shall fill such vacancy for the unexpired term. The board may excuse any absence, in which case no vacancy shall occur.

(Ga. Laws 1983, p. 4495, § 3)

Sec. 1-111. Duties, functions, responsibilities—Generally; meetings of board.

It shall be the duty, function, and responsibility of the board to represent the interest of the public in the improvement of personnel administration as to those matters involving adverse action taken against a sheriff's department employee by the sheriff or the employee's supervisor. All meetings of the board shall be held in offices provided therefor by the governing authority of Richmond County. The governing authority of said county is authorized to provide necessary clerical assistance to the board and may use the employees of the personnel office of the governing authority of Richmond County to provide such assistance. Said board shall hold regular meetings at least once a month and may hold additional meetings as may be required for the proper discharge of its duties.


Sec. 1-112. Jurisdiction.

All employees, as defined in this act [division], shall be subject to the full provisions of this act [division] and shall come under the jurisdiction of the board.

(Ga. Laws 1983, p. 4495, § 5)

Sec. 1-113. Specific duties, functions of board.

The duties and functions of the board shall be as follows:

(a) To hold public hearings regarding proposed merit system policies and procedures and standards of the merit system and thereafter to adopt policies and procedures and standards effectuating the merit system established under this act [division]. Such policies and procedures shall include provisions as to demotion, separation, tenure, service rating, any disciplinary action that may be taken against the employee by the sheriff or any of the employee's supervisors, and such additional policies and procedures as may be deemed to be in the best interest of orderly appeals and hearings on these matters. Such policies and procedures shall prohibit political activity by any employee covered by the merit system or the board. Said policies and procedures when proposed by the board as aforesaid and approved and adopted by the board shall be binding upon all employers and employees.

(b) To conduct hearings and render decisions on charges preferred against employees of the sheriffs department included in said merit system and to hear appeals from any employee who claims to have been improperly dismissed.

(c) The board shall keep and maintain an accurate record of minutes, and the governing authority of Richmond County shall provide clerical assistance to maintain such records.

(d) Said board shall be authorized to make amendments, additions to, and changes
in said policies and procedures from time to time; and, when said amendments, changes, or additions are adopted, said amendments shall be binding on all parties affected by said merit system.

(e) The authority and jurisdiction of the board shall be limited to those areas enumerated in subsection (a) of this section and shall not extend to matters relating to hiring; appointment; promotion; transfer; compensation; workers' compensation; insurance; pension and retirement plans and benefits; sick leave; vacation; leaves of absence; military leaves; regulations of the sheriff pertaining to firearms, uniforms, officers-in-charge, preventive maintenance, safe driving techniques and duty requirements; and holidays for employees.

(f) The authority and jurisdiction of the board shall not extend to any matter relating to law enforcement duties or other duties which the sheriff is required by law to perform.


Sec. 1-114. Dismissal of employees; right of appeal.

No employee who has been brought under the merit system pursuant to this act [division] may be dismissed from employment except for good cause and in accordance with policies and procedures of the board. Any employee who is dismissed shall have the right of appeal pursuant to the terms of the policies and procedures prescribed for appeal by the board. Such appeal shall be heard at the next regular or special meeting of the board after it is filed and must be heard and determined by the board within 45 days of the date said appeal is filed with the board; however, such dismissed employee must file his appeal with the board in writing within 10 days from the date of his dismissal and provided that this provision shall not apply to persons dismissed from employment due to curtailment in funds, reduction in staff, or abolition of the job held by such employee. The decision of the board shall be binding upon the employer as to whether such dismissal was for proper cause.

(Ga. Laws 1983, p. 4495, § 7)

Sec. 1-115. Review of board actions.

Any final action of the board, including promulgating policies and procedures and changes thereto and rendering decisions on review and appeal of actions by employers and employees under such policies and procedures, shall, within five days of such action, be submitted to the employer for review. If within five days of receipt, the employer does not object in writing to such action, such action shall become of full force and effect and shall be binding on the employer and employee. If the employer files a written objection to such action with the board within five days, such action shall have no force and effect unless the board overrides such written objection by an affirmative vote of five members of the board, in which case such action shall become of full force and effect and shall be binding on the employer and employee.

(Ga. Laws, 1983, p. 4495, § 8)

Sec. 1-116. Costs, expenses, supplies borne by county.

All costs, expenses, and supplies for the establishment and operation of the merit system and the board shall be borne by the county and paid out of county funds as a cost of administration. The members shall receive $20.00 for each meeting of the board they actually attend not to exceed two meetings during any calendar month.


Sec. 1-117. Reduction in rank of chief deputy.

Notwithstanding the fact that individuals with the rank or position of chief deputy or above are not covered by the Richmond County Sheriff's Merit System Board, no sheriff shall reduce any chief deputy below the rank of lieutenant except for good and justifiable cause.

(Ga. Laws 1983, p. 4495, § 10)
ARTICLE 11. COUNTY TREASURER

Sec. 1-118. Office abolished.

The office of county treasurer in Richmond County is abolished.
(Ga. Laws 1983, p. 3863, § 1)

Sec. 1-119. County treasurer emeritus—Qualifications.

The county treasurer in Richmond County who shall be serving in the capacity of county treasurer at the time such office is abolished and who shall have at least 10 years of service as county treasurer in Richmond County and shall have attained the age of 65 shall be eligible to be county treasurer emeritus by presenting his evidence of his eligibility to the governing authority of Richmond County. At that time he shall be county treasurer emeritus.
(Ga. Laws 1983, p. 3863, § 2)

Sec. 1-120. Same—Prohibited from holding compensating position with state, county or city, etc.

The county treasurer emeritus shall not hold any compensating position with any state, county, or city, or agencies of any, except upon taking leave of absence as such county treasurer emeritus, and forever waiving and relinquishing compensation during and for such leave of absence.
(Ga. Laws 1983, p. 3863, § 3)

Sec. 1-121. Same—Financial consultant.

The county treasurer emeritus shall be qualified to serve as a consultant to the governing authority of Richmond County on financing matters when called upon by the governing authority of Richmond County.
(Ga. Laws 1983, p, 3863, § 4)

Sec. 1-122. Same—Compensation; death benefits to widow.

The county treasurer emeritus shall be entitled to receive, and shall receive, $500.00 per month, to be paid monthly out of the treasury of the county, by the person or persons charged by law with paying out the money of the county. Upon the death of the county treasurer emeritus, if he is survived by his wife, she shall be entitled to receive and shall receive $250.00 per month as long as she lives.
(Ga. Laws 1983, p. 3863, § 5)

ARTICLE 12. RESERVED

Sec. 1-123—1-125. Reserved.

ARTICLE 13. CONFLICTS OF INTEREST IN ZONING ACTIONS

Sec. 1-126. Definitions.

(a) Applicant. Any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

(b) Business entity. Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

(c) Campaign contribution. A contribution as defined in paragraph (6) of Code Section 21-5-3.

(d) Financial interest. All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.

(e) Local government. Any county or municipality of this state.

(f) Member of the family. The spouse, mother, father, brother, sister, son, or daughter of a local government official.

(g) Opponent. Any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

(h) Oppose. To appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.

(i) Person. An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
(j) **Property interest.** The direct ownership of real property and includes any percentage of ownership less than total ownership.

(k) **Real property.** Any tract or parcel of land and, if developed, any buildings or structures located on the land.

(l) **Rezoning action.** Action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another. (Code 1981, § 36-67A-1, enacted by Ga. Laws 1986, p. 1269, § 1; Ga. Laws 1991, p. 1365, § 1.)

**Sec. 1-127. Disclosure of financial interests.**

A local government official who knew or reasonably should have known he or she:

(a) Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;

(b) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or

(c) Has a member of the family having any interest described in paragraph (a) or (b) of this Code section.

shall immediately disclose the nature and extent of such interest, in writing, to the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (a) or (b) of this Code section shall disqualify himself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or an other person to influence action on the application for rezoning. The disclosures provided for in this Code section shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, § 36-67A-2, enacted by Ga. Laws 1986, p. 1269, § 1; Ga. Laws 1991, p. 1365, § 1.)

**Sec. 1-128. Disclosure of campaign contributions.**

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating $250.00 or more to a local government official of the local government to which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
(d) The disclosure required by subsection (c) of the Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.


Sec. 1-129. Penalties.

Any person knowingly failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor.


Sec. 1-130. Appointment of disinterested special master if governing authority unable to attain a quorum.

(a) Where one or more disqualifications required by this chapter result in the inability of the governing authority of the county or municipality to attain a quorum for the purpose of making a final decision when considering a rezoning action, the governing authority immediately shall petition the superior court wherein the property which is the subject of the rezoning is located for appointment of a disinterested special master for the purpose of hearing evidence regarding the proposed rezoning action and making a recommendation to the petitioning governing authority. The court, in its order appointing the special master, shall give such directions for notice and the service thereof as well as for the time in which a hearing must be held and recommendations issued as are just and appropriate under the circumstances and as are consistent with this chapter.

(b) The disinterested special master provided for in this Code section shall be appointed by the judge or judges of the superior courts of each judicial circuit and shall discharge the duties provided for in this Code section. The special master so appointed must be a competent attorney at law, be of good standing in his profession, and have at least three years' experience in the practice of law. He shall hold office at the pleasure of the judge and shall be removable at any time with or without cause. The court, in its order appointing the special master, shall designate the person or entity responsible for compensating the special master at a rate not less than $50.00 per day nor more than $250.00 per day for the time actually devoted to the hearing and consideration of the matter.

(c) The special master shall consider any factors relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property.

(d) The hearing provided for in this Code section and all records pertinent thereto shall be open and available to the public.

(e) Nothing contained in this Code section shall be construed as a delegation of the final decision-making powers of the governing authority to the special master and the recommendation of the special master is not a final decision as to the rezoning action. Where a special master has been appointed and has made a recommendation, the disqualification requirement of Code Section 36-67A-2 shall be waived.


Sec. 1-131. Voting on zoning decision if ordinance being adopted for first time or ordinance being revised pursuant to comprehensive plan.

Nothing in this chapter shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.


Sec. 1-132—1-134. Reserved.
ARTICLE 14. CONSOLIDATION

Sec. 1-135. Authority of general assembly to consolidate governments.

(a) Any other provision of this constitution notwithstanding, the general assembly shall have power, by local act or acts, to create, designate, vest powers and duties, set terms and compensation, establish other and different municipal, county or combined governments, governing authorities, political subdivisions, public agencies, courts, offices, officers, boards, bureaus, departments, commissions, and authorities within the limits of Richmond County; to abolish municipal, county or combined governments, governing authorities, political subdivisions, public agencies, courts, offices, officers, boards, bureaus, and authorities now or hereafter existing within the limits of Richmond County; to create, transfer or combine and consolidate any or all of the several powers, authorities, duties, liabilities and functions, which now or hereafter by the Constitution of Georgia or by other provisions of law, may be vested in any municipal or county or combined government, governing authority, political subdivision, public agency, court, office, officer, board, bureau, department, commission or authority now or hereafter existing within the limits of Richmond County; to create two or more taxing districts within the limits of Richmond County so as to permit different rates of taxation where services rendered in such districts vary; to authorize the transfer of government property to any combined or consolidated government; to provide for the preservation of all existing civil service pension and retirement rights, to provide for the assumption of obligations including any bonded indebtedness and any indebtedness under the Georgia Revenue Bond Law outstanding against any existing government, governing authority, political subdivision or public agency within Richmond County by any appropriate successor; and to provide for methods and procedures to effectuate the same.

Provided however, nothing herein contained shall be construed as authorizing the general assembly to:

(1) Abolish any state or county court or the office of sheriff of Richmond County; or

(2) Alter the status of the Richmond County Board of Education or any constitutional provision by which any such named agency was authorized or preserved.

(3) Impair or diminish any civil service pension and retirement rights existing at the time of the ratification of this amendment.

(4) Impair or diminish any homestead or other exemptions from taxation now or hereafter specified in this constitution.

Provided, however, that none of the foregoing limitations applicable to the designated courts, offices, officers, boards and commissions which are presently serving the entire area shall be construed as prohibiting the general assembly from adding to or increasing the functions of the public offices, officers or agencies herein next above described, nor from merging the functions and jurisdiction of municipal courts and state courts nor from exercising any legislative control with respect thereto which existed prior to the adoption of this paragraph.

Provided, further, that any new combined or consolidated government shall continue to be eligible to have, hold, enjoy and be entitled to any assistance, credits, benefits, monies, grants, grants in aid, funds, loans, aid, appropriations and matching funds to the same extent that any municipality or county of the State of Georgia now or may hereafter enjoy or possess under the Constitution and laws of the State of Georgia or by other provisions of law or under any present or future state or federal programs.

(b) The general assembly, in enacting legislation under this authority, shall make the effectiveness thereof contingent upon its approval by a majority of the qualified voters of Richmond County who are affected thereby who vote at public referenda to be held as shall in such legislation be prescribed. The powers herein granted to the general assembly:

(1) Are remedial and shall be liberally construed to effectuate their purpose.

(2) May be exercised by it notwithstanding any other provision of this constitution or of law.
ARTICLE 15. AUTHORITIES

DIVISION 1. AUGUSTA-RICHMOND COUNTY BUILDING AUTHORITY

Sec. 1-136. City-county agreements under constitutional amendment.

Pursuant to provisions of the preceding paragraphs (a) and (b), the city council of Augusta and Richmond County, Georgia, acting by and through their respective governing bodies are hereby authorized to enter into lease contracts and other agreements with each other and with individuals, private firms and corporations and with the Augusta-Richmond County Building Authority so as to acquire the use of buildings and related facilities for their respective governmental, proprietary and administrative functions and obligate said city and county to pay for the use of same from monies received from taxes and from any other source. Such contracts and agreements may be entered into upon the assent of a majority of the qualified voters of the city council of Augusta and Richmond County, respectively, voting in an election for that purpose to be held as prescribed by law, and if so authorized same shall not create a debt of the respective subdivisions within the meaning of article VII, section VI, paragraph I of this constitution.

The rights and powers herein conferred upon the city council of Augusta and Richmond County and their respective governing bodies are self-executing and no enabling act of the general assembly shall be necessary and are hereby made cumulative of and in addition to such other rights and powers as they may now or hereafter have under the constitution or laws of this state.

(Ga. Laws 1952, p. 576)

DIVISION 2. AUGUSTA-RICHMOND COUNTY COLISEUM AUTHORITY

Subdivision 1. Generally

Sec. 1-137. Short title.

This may be cited as the Augusta-Richmond County Coliseum Authority Act.

Sec. 1-138. Purpose of authority.

Without limiting the generality of any provisions of this act, the general purpose of the Authority is declared to be that of acquiring, constructing, equipping, maintaining and operating one or more projects consisting of multi-use coliseum and civic center type facilities to be used for athletic contests, games, meetings, trade fairs, expositions, political conventions, agricultural events, theatrical and musical performances, conventions and other public entertainments, and the usual facilities related thereto, including, without limitation, refreshment stands and restaurants, and facilities for the purveying of foods, beverages, publications, souvenirs, novelties, and goods of all kinds, whether operated or purveyed directly or indirectly through concessions, licenses, leases or otherwise, parking facilities or parking areas in connection therewith; for acquiring, constructing, equipping, maintaining and operating recreational centers and areas including, but not limited to, gymnasium and athletic facilities and related buildings, and the usual and convenient facilities appertaining to such undertakings; the extension and improvements of such facilities; acquiring the necessary property therefor, both real and personal, with the right to contract for the use of, or to lease or sell any or all of such facilities, including real property, and to do any and all things deemed by the Authority necessary, convenient and desirable for and incident to the efficient and proper development and operation of such types of undertakings.

(Ga. Laws 1974, p. 3207.)

Sec. 1-139. Creation; composition; appointment, term and compensation of members; officers; vacancies; chairman's vote; rules and regulations; existence.

(a) There is created a body corporate and politic to be known as the Augusta-Richmond County Coliseum Authority which shall be deemed to be a...
political subdivision of the State of Georgia and a public corporation and by that name, style, and title said body may contract and be contracted with, sue and be sued, impede and be impeded, and complain and defend in all courts of law and equity. Beginning on the day after the date this section becomes effective in 2009, the Authority shall consist of seven members to be appointed as follows:

(1) Six members shall be appointed by the Augusta-Richmond County Commission, with the five commissioners of Super District 9 entitled to appoint three members and the five commissioners of Super District 10 entitled to appoint three members; and

(2) One member shall be appointed by the legislative delegation which shall consist of all members of the General Assembly representing all or a portion of Richmond County. The member appointed by the legislative delegation shall be the chairperson of the Authority.

In order to be qualified to serve on the Authority, an appointee shall be a resident of Richmond County and shall have experience in business.

(b) Beginning on the day after the date this section becomes effective in 2009, the appointees of the county commission shall serve a term concurrent with the term of the Super District commissioner from the Super District that made the appointment. The appointee from the legislative delegation shall serve a two-year term, except as otherwise specified in this section. In order for an appointee of the county commission to be removed from the Authority, seven members of the Augusta-Richmond County Commission, including four members from the Super District that made the appointment, without the necessity of a showing of cause, must vote for the removal of the appointee.

(c) The members of the Authority in office on the day before the date this section becomes effective in 2009 shall not serve until the regular expiration of the terms to which such members were appointed, and the terms of such members shall expire at 11:59 P.M. on the date this section becomes effective in 2009.

(d) As soon as practicable on or after the date this section becomes effective in 2009, the Augusta-Richmond County Commission shall appoint such members provided for in this section for terms beginning on the day after such date to replace the previously appointed members of the Authority. All appointees to the Authority shall serve until their respective successors are appointed and qualified.

(e) Appointed members of the Authority may be reappointed only after taking at least a one-year break between appointments.

(f) As soon as practicable on or after the date this section becomes effective in 2009, the legislative delegation shall appoint such member provided for in this section for a term beginning on the day after such date and ending on December 31, 2010, or until his or her respective successor is appointed and qualified. Subsequent appointees of the legislative delegation shall serve two-year terms or until his or her respective successor is appointed and qualified.

(g) Immediately after their appointment, the members of the Augusta-Richmond County Coliseum Authority shall enter upon their duties. They shall all attend an orientation and training course approved by the Augusta-Richmond County Commission. They shall elect one of their number as vice chairperson, and may also elect a secretary and treasurer who need not necessarily be a member of the Augusta-Richmond County Coliseum Authority. The vice chairperson and secretary and treasurer shall serve for a period of one year and until their successors are appointed and qualified. Four members of the Augusta-Richmond County Coliseum Authority shall constitute a quorum. The chairperson shall be a nonvoting member of the Authority, except he or she may vote to break a tie vote by the other members. The chairperson shall form committees and appoint members thereto as he or she deems necessary.

(h) As soon as practicable after the date this section becomes effective in 2009, the members of the Augusta-Richmond County Coliseum Authority shall cause to be published a manual governing the acceptable business practices and management techniques to be followed by all members during their service on the Authority. This man-
ual shall also include a statement of the purpose
of the Augusta-Richmond County Coliseum Au-
thority and a statement of the vision for the
future of the Authority.

(i) In the event of a vacancy by reason of death,
disqualification, removal, resignation, or other
reason, the body which appointed such member
shall appoint a person to serve the remainder of
the term of such member. No vacancy on the
Augusta-Richmond County Coliseum Authority
shall impair the right of the quorum to exercise
all their rights and to perform all of the duties of
the Authority.

(j) The members of the Augusta-Richmond
County Coliseum Authority shall serve without
compensation provided that all members shall be
reimbursed for their actual expenses necessarily
incurred in the performance of their duties. The
Authority shall make rules and regulations gov-
erning the procedures to be followed in conduct-
ing the business of the Authority. It shall have
perpetual existence.

3300; Ga. Laws 1993 p. 4087, §§ 1-3; Act of
5-31-2009 § 1, (HB 813))

Sec. 1-140. Definitions.

As used in this act, the following words or
terms shall have the following meanings:

(a) Authority. The Augusta-Richmond County
Coliseum Authority created by this act.

(b) Project. The acquisition, construction,
equipping, maintenance and operation of
multi-use coliseum and civic center type
facilities to be used for athletic contests,
games, meetings, trade fairs, expositions,
political conventions, agricultural events,
thrival and musical performances, conven-
tions and other public entertainments,
and the usual facilities related thereto,
including, without limitation, refresh-
ment stands and restaurants, and facilities
for the purveying of foods, beverages,
publications, souvenirs, novelties and goods
of all kinds, whether operated or pur-
veyed directly, or indirectly through con-
cessions, licenses, leases or otherwise, park-
ing facilities or parking areas in connection
therewith, recreational centers and areas
including, but not limited to, gymnasium
and athletic facilities and related build-
ings, and the usual and convenient facil-
ities appertaining to such undertakings
and the extension and improvements of
such facilities, acquiring the necessary
property therefor, both real and personal,
and the lease, sale and licensing of any
part or all of such facilities, including real
and personal property, to any persons,
firms or corporations whether public or
private so as to assure the efficient and
proper development, maintenance and op-
eration of such facilities and areas, deemed
by the Authority to be necessary, conven-
nient or desirable. The Authority shall
have the right to acquire and construct
more than one project and any combina-
tion of facilities may be constructed as a
separate project.

(c) Cost of the project shall embrace the cost
of construction, the cost of all lands, prop-
erties, rights, easements and franchises
acquired, the cost of all machinery and
equipment, financing charges, interest
prior to and during construction, and for
one year after completion of construction,
cost of engineering, architectural and le-
gal expenses and of plans and specifica-
tions, and other expenses necessary or
incident to the financing herein autho-
rized, or the construction of any project,
the placing of the same in operation, and
the condemnation of property necessary
for such construction and operation. Any
obligation or expense incurred for any of
the foregoing purposes shall be regarded
part of the cost of the project and may be
paid or reimbursed as such out of the
proceeds of revenue bonds issued under
the provisions of this act for such project.

(d) Revenue bonds, bonds and obligations.
Revenue bonds as defined and provided
for in the revenue bond laws of Georgia,
amending the law formerly known as the
revenue certificate law of 1937, as
amended, and such type of obligations
may be issued by the Authority as autho-
rized under said revenue bond law and in addition, shall also mean obligations of the Authority, the issuance of which are hereinafter specifically provided for in this act.

(e) Any project shall be deemed self-liquidating if in the judgment of the Authority, the revenues and earnings to be derived by the Authority therefrom and all properties used, leased and sold in connection therewith will be sufficient to pay the
principal and interest of the revenue bonds which may be issued to finance, in whole or in part, the cost of such project or projects.


Sec. 1-141. Powers—Generally.

(a) The Authority shall have powers:

(1) To have a seal and alter the same at its pleasure;

(2) To accept gifts, grants and donations;

(3) To acquire by purchase, lease or otherwise, and to hold, lease and dispose of, real and personal property, of every kind and character for its corporate purposes;

(4) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights of easements therein, or franchises necessary or convenient for its corporate purposes, and to use the name so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority, the Authority being under no obligation to accept and pay for any property condemned under this act except from the funds provided under the authority of this act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceedings as may be just to the Authority and to the owners of the property to be condemned, and no property shall be acquired under the provisions of this act upon which any lien or encumbrance exists, unless at the time such property is so acquired a sufficient sum of money be deposited in trust to pay and redeem the fair value of such lien or encumbrance; and if the Authority shall deem it expedient to construct any project on any other lands the title to which shall then be in the State of Georgia, the governor is hereby authorized to convey, for and in behalf of the state, title to such lands to the Authority upon payment to the state treasurer for the credit of the general fund of the state, the reasonable value of such lands, such value to be determined by three appraisers to be agreed upon by the governor and the chairman of the Authority;

(5) To appoint, select and employ officers, agents and employees, including engineering, architectural and construction experts, fiscal agents and attorneys and fix their respective compensation;

(6) To make contracts and leases, and to execute all instruments necessary or convenient, with any and all persons, firms and corporations and any city, town, municipality, consolidated government, county or other political subdivision, or departments, institutions or agencies of this state including contracts for construction of any project and leasing of any project and contracts with respect to the use and management of any project and contracts with respect to the use and management of any project and any and all persons, firms and corporations and any city, town, municipality, consolidated government, county or other political subdivision, department, institution or agency of this state is hereby authorized to enter into contracts, leases or agreements with the Authority upon such terms and for such purposes as they deem advisable; and any such project shall be for the development and promotion in this state of the cultural growth, public welfare, education and recreation of the people of this state and accordingly all such projects shall, and hereby are declared to be, public buildings to be used for public purposes; and without limiting the generality of the foregoing, authority, right and power is hereby specifically granted to any such city, town, municipality, county or consolidated government to enter into and make contracts, lease agreements and other undertakings with the Authority with re-
pect to the furnishing of services and facilities by the Authority and for the payments of rents, fees and charges for the use by such cities, towns, municipalities or consolidated governments or the residents thereof of any project; and the rentals contracted to be paid by the lessees or tenants to the Authority under any such contracts or leases entered into pursuant to the provisions of this act shall constitute general obligations of any such city, town, municipality, county or consolidated government for the payment of which the full faith and credit of such city, town, municipality, county or consolidated government shall be and the same hereby is pledged to provide the funds required to fulfill all obligations arising under any such contract or lease; and any such city, town, municipality, county or consolidated government which shall have entered into such a contract or lease pursuant to the provisions of this act shall annually in each and every fiscal year during the term of such contract or lease include in a general revenue or appropriation measure, within any millage limitations of its power of taxation and whether or not any other items are included, sums sufficient to satisfy the payments required to be made in each year by such contract or lease until all payments required under such contract or lease have been paid in full, and such contract or lease payments shall constitute a first charge on all such sums so appropriated, and such sums shall be and hereby are unconditionally obligated to the payment of such contracts or leases; provided, however, that such payments shall not impair existing obligations of such city, town, municipality, county or consolidated government. In the event for any reason any such provision or appropriation is not made, then the fiscal officers of such city, town, municipality, county or consolidated government are hereby authorized and directed to set up as an appropriation on their accounts in each fiscal year the amounts required to pay the obligations called for under any such contract or lease. The amount of the appropriation in each fiscal year to meet the obligations of such contract or lease as authorized and required hereby shall be due and payable and shall be expended for the purpose of paying and meeting the obligations provided under the terms and conditions of such contract or lease, and such appropriation shall have the same legal status as if the contracting city, town, municipality, county or consolidated government had included the amount of the appropriation in its general revenue or appropriation measure, and such fiscal officers shall make such payment to the Authority if for any reason such appropriation is not otherwise made; and any such city, town, municipality, county or consolidated government may obligate itself and its successors under any such contract or lease to use only such structures, buildings, or facilities constituting such project and none other;

(7) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage projects, as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds of the Authority or from such proceeds and any grant from the United States of America or any agency or instrumentality thereof;

(8) To accept loans and/or grants of money, materials, or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may require;

(9) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(10) To establish charges, rates and regulations for users of the facilities and services of the Authority;
(11) To do all things which municipalities are empowered to do under the provisions of the Revenue Bond Law of Georgia, approved March 31, 1937, as amended, codified in Georgia Code Annotated, chapter 36-82, subject to any limitations herein contained; and

(12) To do all things necessary or convenient to carry out the powers expressly given in this act.

(b) The Authority, in considering whether a contracting party for a project is responsible, may consider the contracting party's quality of work, general reputation in the community, financial responsibility, previous employment on public works, and compliance with a minority business enterprise participation plan or making a good faith effort to comply with the goals of such a plan. The members of the Authority shall notify annually their respective appointing bodies of efforts to comply with the goals of such a plan.

(c) It shall be unlawful for any elected public official for himself or herself or on behalf of any business or for any business in which such official has a substantial interest to transact business with the Authority. Nothing in this section shall be construed to prohibit any member of an elected official's family from transacting business with the Authority.


Sec. 1-142. Sale of malt beverages.

(a) As used in this section:

(1) Coliseum authority means any public coliseum authority created by law in any county of the state having a population of not less than 145,000 and not more than 165,000, according to the United States decennial census of 1970 or any future such census.

(2) Coliseum means any multi-use coliseum-type facility having a seating capacity of nine thousand or more and which is a project of the coliseum authority, together with related buildings, facilities, and extensions of the project.

(b) Any coliseum authority presently or hereafter operating a coliseum may sell malt beverages at retail as an incident to the operation of the coliseum. Such sales may be made during all hours during which such sales are lawful in the state including, but not limited to, between the hours of 12:30 p.m. and 12 o'clock midnight on Sundays.

(c) For the purposes of regulating and taxing the sale, storage and distribution of malt beverages as provided in this section, the coliseum shall be considered to be within a municipality if the coliseum, or the greater part of the coliseum, is within the limits of the municipality. The coliseum shall be considered to be within the unincorporated area of the county if the coliseum, or the greater part of the coliseum, is located within the unincorporated part of the county.

(Ga. Laws 1979, p. 349, § 1)

Subdivision 2. Revenue Bonds

Sec. 1-143. Authorization to issue.

The authority, or any authority or body which has or which may in the future succeed to the powers, duties and liabilities vested in the authority created hereby, shall have power and is hereby authorized to provide by resolution for the issuance of negotiable revenue bonds of the authority, for the purpose paying all or any part of the cost as herein defined of any one or more projects. The principal and interest of such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates per annum, payable at such time or times not exceeding forty years as may hereafter be authorized by the bonding laws of the State of Georgia, shall be payable in such medium of payment as to both principal and interest as may be determined by the authority and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of bonds.

(Ga. Laws 1973, p. 3042, § 5.)
Sec. 1-144. Form; denominations: registration; place of payment.

The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. The bonds may be issued in coupon or registered form, or both, as the authority may determine. Provisions may be made for the registration of any coupon bond as to principal alone and also as to both the principal and interest.  
(Ga. Laws 1973, p. 3042, § 6.)

Sec. 1-145. Signatures; seal.

In case any officer whose signature shall appear on any bonds, or whose facsimile signature shall appear on any coupon, shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All such bonds shall be signed by the chairman of the authority and the official seal of the authority shall be affixed thereto and attested by the secretary of the authority and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. Any coupon may bear the facsimile signature of such persons and any bond may be signed, sealed and attested on behalf of the authority by such persons as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such persons may not have been so authorized or shall not have held such office.  
(Ga. Laws 1973, p. 3042, § 7.)

Sec. 1-146. Negotiability; exemption from taxation.

All revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the laws of this state. Such bonds are declared to be issued for an essential public and governmental purpose and the said bonds and the income thereof shall be exempt from all taxation within the state.  
(Ga. Laws 1973, p. 3042, § 8.)

Sec. 1-147. Sale; price.

The authority may sell such bonds in such manner and for such price as it may determine to be for the best interests of the authority.  
(Ga. Laws 1973, p. 3042, § 9.)

Sec. 1-148. Use of proceeds of bonds.

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects, and unless otherwise provided in the resolution authorizing the issuance of the bonds, or in the trust indenture, additional bonds may in like manner be issued, to provide the amount of any deficit, which, unless otherwise provided in the resolution authorizing the issuance of the bonds, or in the trust indenture, shall be deemed to be of the same, and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the funds, hereinafter provided, for the payment of principal and interest of such bonds.  
(Ga. Laws 1973, p. 3042, § 10.)

Sec. 1-149. Interim receipts and certificates or temporary bonds.

Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts, interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.  
(Ga. Laws 1973, p. 3042, § 11.)

Sec. 1-150. Replacement of lost or mutilated bonds.

The authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.  
(Ga. Laws 1973, p. 3042, § 12.)
Sec. 1-151. Issuance.

Such revenue bonds may be issued without any other proceedings, or the happening of any conditions or things other than those proceedings, conditions and things which are specified or required by this act. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of any particular project. Any resolution, providing for the issuance of revenue bonds under the provisions of this act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its members.

(Ga. Laws 1973, p. 3042, § 13.)

Sec. 1-152. Payment of obligation—State, county or city not obligated to levy tax or make appropriation.

Revenue bonds issued under the provisions of this act shall be deemed to constitute a debt of the State of Georgia, County of Richmond or the City of Augusta or a pledge of the faith and credit of said state, county, or city, but such bonds shall be payable solely from the funds hereinafter provided for, and the issuance of such revenue bonds shall not directly, indirectly or contingently, obligate the said state, county or city to levy or to pledge any form of taxation whatever therefor, or to make any appropriation for the payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section.

(Ga. Laws 1973, p. 3042, § 14.)

Sec. 1-153. Same—Trust indenture as security.

In the discretion of the authority, any issuance of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust indenture may pledge or assign fees, tolls, revenues and earnings to be received by the authority. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair and insurance of the project and the custody, safeguarding and application of all monies, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority, and satisfactory to the original purchasers of the bonds issued therefor, and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues or other monies be satisfactory to such purchasers, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the project affected by such indenture.

(Ga. Laws 1973, p. 3042, § 15.)

Sec. 1-154. Same—To whom proceeds of bond sale paid.

The authority shall, in the resolution providing for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person, who, or any agency, bank or trust company which shall act as trustee of such funds and
shall hold and apply the same to the purposes hereof, subject to such regulations as this act and such resolution or trust indenture may provide. (Ga. Laws 1973, p. 3042, § 16.)

**Sec. 1-155. Same—Sinking fund.**

The revenues, fees, tolls and earnings derived from any particular project or projects, regardless of whether or not such fees, earnings and revenues were produced by a particular project for which bonds have been issued, unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged, for whatever source received, which said pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a sinking fund which said sinking fund shall be pledged to and charged with the payment of (1) the interest upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest and (4) any premium upon bonds retired by call or purchase as hereinabove provided. The use and disposition of such sinking funds shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in the trust indenture, surplus monies in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be canceled and shall not again be issued. (Ga. Laws 1973, p. 3042, § 17.)

**Sec. 1-156. Remedies of bondholders.**

Any holder of revenue bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia, or granted hereunder, or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture, to be performed by the authority, or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished. (Ga. Laws 1973, p. 3042, § 18.)

**Sec. 1-157. Refunding bonds.**

The authority is hereby authorized to provide by resolution for the issuance of bonds of the authority for the purpose of funding or refunding any revenue bonds issued under the provisions of this act and then outstanding, together with accrued interest thereon. The issuance of such funding or refunding bonds, the maturities and all other details thereof, the rights of the holders thereof and the duties of the authority in respect to the same, shall be governed by the foregoing provisions of this act insofar as the same may be applicable. (Ga. Laws 1973, p. 3042, § 19.)

**Sec. 1-158. Tax exemptions.**

It is hereby found, determined and declared that the creation of the authority and the carrying out of its corporate purpose is in all respects for the benefit of the people of this state, and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this act, and this state covenants with the holders of the bonds that the authority shall not be required to pay any taxes or assessments upon any of the property acquired or leased by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation or maintenance of the projects erected by it or any fees, tolls or other charges for the use of such
projects or other income received by the authority, and that the bonds of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state. The exemption from taxation herein provided shall not extend to tenants nor lessees of the authority. The authority shall be exempt from sale and use taxes on sales to the authority when paid for directly by the authority.


Sec. 1-159. Venue and jurisdiction.

Any action to protect or enforce any rights under the provisions of this act or any suit or action against such authority shall be brought in the Superior Court of Richmond County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions.

(Ga. Laws 1973, p. 3042, § 21)

Sec. 1-160. Validation of bonds.

(a) All bonds of the authority shall be confirmed and validated in the Richmond County Superior Court in accordance with the procedure of the Revenue Bond Law of Georgia, approved March 31, 1937, as amended, codified in Georgia Code Annotated, chapter 36-82. The petition of validation shall be brought against said authority and, in the event the payments to be made by any city, town, municipality, county or consolidated government under a contract or lease entered into between the authority and such political subdivision are pledged as security for the payment of revenue bonds sought to be validated, such political subdivision or subdivisions shall also be made parties defendant, and the defendants shall be required to show cause, if any exists, why such contract or lease or contracts or leases and the terms and conditions thereof should not be adjudicated to be in all respects valid and binding upon such subdivision or subdivisions. It shall be incumbent upon such subdivision or subdivisions to defend against adjudication of the validity and binding effect of such contract or lease or contracts or leases or be forever bound thereby. Notice of such proceedings shall be included in the notice of the validation hearing required to be issued and published by the clerk of the Superior Court of Richmond County in which court such validation proceeding shall be initiated. Any resident of the State of Georgia may intervene in the validation proceedings at or before the time set for the validation hearing and may assert any ground of objection to the validity and binding effect of such bonds and the security therefor and of such contract or lease or contracts or leases on his own behalf and on behalf of all citizens and residents of the State of Georgia. In the event no bill of exceptions shall be filed within 20 days from the date of the judgment of validation, or if filed and the judgment shall be affirmed by the proper appellate court of this state, the judgment of the Richmond County Superior Court so confirming and validating the validity and binding effect of such contract or lease or contracts or leases and of such bonds and the security therefor shall be forever conclusive upon the issue of the validity and binding effect of such contracts, leases and bonds and the security therefor and upon the issue of the validity and constitutionality of this and any other act pertaining to such contracts and bonds and the security therefor against the authority issuing the same and against the parties to such contracts and against all residents of the State of Georgia.

(b) Any action or proceeding to contest the validity or binding effect of any such revenue bonds or resolution or trust instrument pertinent thereto or any contracts made for the purposes of providing the payment of such bond as aforesaid must be commenced and filed prior to the conclusion of the validation hearing, notice of which shall have been given as provided by law. After the expiration of such period of limitation no right of action or defense founded upon the invalidity of such bonds, resolutions, trust instruments, or contracts shall be asserted nor shall the validity and binding effect of such bonds, resolutions, trust instruments, or contracts be opened to question or attack in any court upon any ground whatever, except in an action or proceeding commenced and filed prior to the conclusion of such validation hearing.

Sec. 1-161. Protection of bondholders' interest by insuring status of authority.

While any of the bonds issued by the authority remain outstanding, the powers, duties or existence of said authority or of its officers, employees, or agents, shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds, and no other entity, department, agency, or authority, will be created which will compete with the authority to such an extent as to affect adversely the rights and interests of the holders of such bonds, nor will the state itself so compete with the authority. The provisions of this act shall be for the benefit of the authority and the holders of any such bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds.

(Ga. Laws 1973, p. 3042, § 23.)

Sec. 1-162. Rates, charges, etc., for services, facilities, etc., of authority.

The authority is hereby authorized to prescribe and fix and collect rates, fees, tolls and charges, and to revise from time to time and collect such rates, fees, tolls and charges for the services, facilities or commodities furnished, including leases, concessions or subleases of its lands or facilities, or contracts for the use of its land and facilities, and to determine the price and terms at and under which its lands or facilities may be sold, and, in anticipation of the collection of the revenues and income of such undertakings or projects, is authorized to issue revenue bonds as herein provided to finance, in whole or in part the cost of the acquisition, construction, reconstruction, improvement, equipment, betterment or extension of its lands and facilities and to pledge to the punctual payment of said bonds and interest thereon, all or any part of the revenues and income of such undertakings or projects, including the revenues of improvements, betterments or extensions thereto, thereafter made or the sale of any of its lands and facilities.

(Ga. Laws 1973, p. 3042, § 25.)

Sec. 1-163. Authority to prescribe rules and regulations for operation of projects.

It shall be the duty of the authority to prescribe rules and regulations for the operation of the project or projects constructed under the provisions of this act.

(Ga. Laws 1973, p. 3042, § 26.)

Sec. 1-164. Tort immunity of authority.

The authority shall have the same immunity and exemption from liability for torts and negligence as Richmond County and the City of Augusta; and the officers, agents and employees of the authority when in the performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents and employees of Richmond County and the City of Augusta when in the performance of their public duties or work.

(Ga. Laws 1973, p. 3042, § 27.)

Sec. 1-165. Powers of authority supplemental to powers conferred by other laws.

The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers not existing.

(Ga. Laws 1973, p. 3042, § 28.)

Sec. 1-166. Act to be liberally construed.

This act, being for the welfare of various political subdivisions of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

(Ga. Laws 1973, p. 3042, § 29.)
DIVISION 3. RICHMOND COUNTY
INDUSTRIAL DEVELOPMENT AUTHORITY

Sec. 1-167. Short title.

This act may be cited as the Richmond County
Industrial Development Act.
(Ga. Laws 1957, p. 3175, § 1.)

Editor’s note—Because this Authority does not exist, the
provisions have been omitted. See Part 2, section 1-4-6 et seq.
for the Development Authority of Richmond County.

Sec. 1-168—1-173. Reserved.

DIVISION 4. AUGUSTA-RICHMOND
COUNTY STADIUM AUTHORITY*

Sec. 1-174—1-181. Reserved.

DIVISION 5. AUGUSTA-RICHMOND
COUNTY TRANSPORTATION AUTHORITY†

Sec. 1-182—1-199. Reserved.

DIVISION 6. RESERVED

Sec. 1-200—1-229. Reserved.

DIVISION 7. RICHMOND COUNTY
HOSPITAL AUTHORITY

Sec. 1-230. Status of existing members.

(a) Except as provided in subsection (b) of this
section, members of the board of the Richmond
County Hospital Authority who were serving on
the board on January 1, 1985, shall serve for the
remainder of the terms to which they were ap-
pointed and until their successors are appointed
and qualified.

(b) The two members of the board whose terms
expired December 31, 1984, shall serve until their
successors are appointed and qualified under this
act [division].
(Ga. Laws 1985, p. 3892, § 1)

Sec. 1-231. Appointment of successor—Term
expiring December 31, 1984.

The successor to one of the two members of the
board whose term expired December 31, 1984,
shall be appointed by the governing authority of
Richmond County. The one member appointed
under this section and successors to such member
shall be a member of the governing authority of
Richmond County.
(Ga. Laws 1985 p. 3892, § 2)


The successor to one of the two members of the
board whose term expired December 31, 1984,
successors to the two members of the board whose
terms expire December 31, 1985, successors to the
two members of the board whose terms expire
December 31, 1986, and successors to the three
members of the board whose terms expire-Decem-
ber 31, 1987, shall be appointed by the governing
authority of Richmond County from lists of the
names of eligible persons submitted by the board
of the Richmond County Hospital Authority. For
each position on the board to be filled, a list of the
names of three persons shall be submitted to the
governing authority of Richmond County. The
governing authority shall select one of the three
persons named to succeed the member whose
term has expired.
(Ga. Laws 1985, p. 3892, § 3)

Sec. 1-233. Same—Terms of office.

Members of the board appointed under sections
2 and 3 of this act [sections 1-231 and 1-232] and
successors of such members shall serve for terms
of office of four years and until their successors
are appointed and qualified as provided and using
the procedures in section 2 or section 3 of this act
[sections 1-231 and 1-232] as the case may be.
(Ga. Laws 1985, p. 3892, § 4)
Sec. 1-234. Filling of vacancies.

If a vacancy occurs for any reason, a qualified person shall be appointed to serve for the remainder of the unexpired term and until his successor is appointed and qualified using the procedures set forth in section 2 or section 3 of this act [sections 1-231 and 1-232] as the case may be. (Ga. Laws 1985, p. 3892, § 5)

DIVISION 8. RESERVED

DIVISION 9. AUGUSTA CANAL AUTHORITY

Sec. 1-235. Purpose.

Creating the Augusta Canal Authority; to provide for definitions; to provide for the purposes of the authority; to provide for membership of the authority; to provide for the appointment, terms, and eligibility for reappointment of the members of the authority; to provide for a quorum; to provide for officers; to provide for filling vacancies; to provide for the removal of members; to describe conflicts of interest and penalties for violations; to provide for powers of the authority; to provide for the issuance of revenue bonds generally; to provide for the application of the Revenue Bond Law; to provide for the authorized contents of agreements of the authority generally; to provide for the construction of this Act; to declare powers supplementary; to provide for severability; to repeal conflicting laws; and for other purposes. (Ga. Laws 1989, p. 4750, Act No. 289)

Sec. 1-236. Creation of authority.

There is created the Augusta Canal Authority, which shall be an instrumentality and political subdivision of the State of Georgia and a public corporation. The authority may contract and be contracted with, sue and be sued, plead and be impleaded, and complain and defend in all courts of law and equity. (Ga. Laws 1989, p. 4750, § 1)

Sec. 1-237. Definitions.

As used in this Act, the following terms shall have the following meanings ascribed to them below:

(a) Authority. The Augusta Canal Authority created by this Act.

(b) Cost of the project or cost of any project means and includes:

(1) All costs of acquisition, by purchase or otherwise, construction, assembly, installation, modification, renovation, or rehabilitation incurred with any project or any part of any project;

(2) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; and the cost of preparation of any application therefor and the cost of all fixtures, machinery, equipment, furniture, and other property used in or in connection with or necessary for any project;

(3) All financing charges and loan fees and all interest on revenue bonds, notes, or other obligations of the authority which accrue or are paid prior to and during the period of construction of a project and during such additional period as the authority may reasonably determine to be necessary to place such project in operation;
(4) All costs of engineering, surveying, and architectural and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;

(5) All expenses for inspection of any project;

(6) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuance of any revenue bonds, notes, or other obligations for any project;

(7) All fees of any type charged by the authority in connection with any project;

(8) All expenses of or incidental to determining the feasibility or practicability of any project;

(9) All costs of plans and specifications for any project;

(10) All costs of title insurance and examinations of title with respect to any project;

(11) Repayment of any loans made for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans;

(12) Administrative expenses of the authority and such other expenses as may be necessary or incidental to any project or the financing thereof or the placing of any project in operation; and

(13) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the authority may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any revenue bonds, notes, or other obligations of the authority may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be part of the cost of the project and may be paid or reimbursed as such out of proceeds of revenue bonds, notes, or other obligations issued by the authority.

(c) **Governing body.** The elected or duly appointed officials constituting the governing body of the City of Augusta or any successor government to the City of Augusta.

(d) **Member.** A member of the authority established by this Act.

(e) **Project.** Any undertaking of the authority in connection with the revitalization and development of the City of Augusta within a project area, and shall be declared to include the creation of parks and recreation areas; buildings to be constructed and used for the housing of exhibits, exhibition purposes, amusement or educational purposes, or any combination of the above; public parking areas and public parking buildings; causeways, tunnels, viaducts, bridges, and other crossings; thoroughfares, parkways, and any avenue of traffic; and all other buildings, structures, or facilities useful and desirable in connection therewith, extension and improvements of such facilities, and the acquisition of the necessary property therefor, both real and personal, in order to accomplish the essential public purpose for which the authority is created.

(f) **Project area** means the right-of-way of the Augusta Canal and any contiguous tract of land, a portion of which fronts on either side of the Augusta Canal, or any structure linking a tract of land on one side of the Augusta Canal to a tract of land on
the opposite side of the Augusta Canal. A contiguous tract of land is deemed to mean any parcel or parcels of land which are contiguous except for the interposition of a road, street, stream, or similar property. Otherwise, parcels are contiguous if their boundaries meet at one or more points.

(g) Revenue bonds or bonds. Any bonds of the authority which are authorized to be issued under the Constitution and laws of the State of Georgia, including refunding bonds but not including notes or other obligations of the authority.

Sec. 1-238. Purposes of the authority.

(a) It is determined, declared, and established that the purpose of the authority is to promote the revitalization and development of the City of Augusta through the creation in the project areas of parks, recreation areas, and all other facilities useful or desirable in connection therewith. The creation of such areas is intended to develop and promote for the public good and general welfare trade, tourism, commerce, industry, and employment opportunities and to promote the general welfare of this state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade, commerce, and tourism opportunities within the City of Augusta.

(b) It is determined, declared, and established that the creation of the authority and the implementation of the corporate purposes set forth in this Act is in all respects for the benefit of the people of this state generally and for the people residing in the City of Augusta and surrounding areas of the State of Georgia specifically; and it is further declared that the revitalization and development of the project areas are proper public purposes and this Act is adopted for the purposes of promoting and expanding for the public good and welfare the public facilities of said areas, including the construction of streets, roadways, and parks and for the purposes of acquiring, constructing, adding to, extending, improving, equipping, maintaining any and all facilities useful or desirable in connection therewith, acquiring the necessary property therefor, both real and personal, with the right to contract for the use of or to lease or sell any or all of such facilities, including real property, and to do any and all things deemed by the authority necessary, convenient, or desirable for and incident to the efficient and proper development, revitalization, modernization, and operation thereof.

(c) It is further found, determined, and declared that all property of said authority is declared and shall in all respects be considered to be public property and title to such property shall be held by the authority only for the benefit of the public, and the use of such property pursuant to the terms of this Act shall be and is declared to be for public and governmental purposes, that is, for the promotion of the general public welfare in matters of cultural development, education, pleasure, convenience, and recreation of the public at large, in an effort to better the general condition of society or that considerable part of society residing in the City of Augusta and surrounding areas of the State of Georgia, which promotion is declared to be a public beneficence for the good of humanity and for the general improvement and happiness of society, and all the property, income, obligations, and interest on the obligations of the authority and the transfer thereof shall be and are declared to be nontaxable for any and all purposes.

Sec. 1-239. Authority; membership.

The authority shall be composed of 12 members who shall be residents and qualified voters of Augusta, Georgia. Except as hereinafter provided, ten members of the authority shall be appointed by the Augusta-Richmond County Commission, which shall designate each member to be a representative from one of the ten election districts used in electing the commissioners for the Augusta-Richmond County Commission. Three current members of the authority shall continue to serve as members for terms expiring March 31, 2000, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 2—Robert S. Woodhurst III, District 6—Jeanic C. Allen, and
District 10—D. Hugh Connolly. Two current members of the authority shall continue to serve as members for terms expiring March 31, 2002, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 3—Thomas H. Robertson and District 9—Richard S. Fox. New authority members shall be appointed as above set forth to be representatives for Districts 4 and 8 for terms expiring March 31, 2000, and to be representatives for Districts 1, 5, and 7, respectively for terms expiring March 31, 2002. In addition, two members shall be recommended by the Augusta-Richmond County delegation in the General Assembly of Georgia and appointed by the Augusta-Richmond County Commission, which shall designate one such member's term to expire March 31, 2000, and the other such member's term to expire March 31, 2002. Following expiration of the initial terms as set forth above, members of the authority shall serve four-year terms expiring on March 31 of the year of expiration. If at the end of any term of office of any member, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until a successor is appointed and assumes office. A majority of the members of the authority shall constitute a quorum. Any members of the authority otherwise qualified shall be eligible for reappointment. No member shall be a member of the Augusta-Richmond County Commission, but there shall be no other disqualification to hold public office by reason of membership in the authority. (Ga. Laws 1989, p. 4750, § 4; Ga. Laws 1999, p. 3891, 3892, § 2)

Sec. 1-240. Officers.

The members shall elect one of their number as chairman and another as vice chairman and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a member. The members shall receive no compensation for their services but shall be reimbursed for actual expenses incurred in the performance of their duties. The authority shall have perpetual existence. (Ga. Laws 1989, p. 4750, § 5)

Sec. 1-241. Vacancies in authority.

Should an appointed member vacate his or her office by resignation, death, change of residence, or removal as provided in Section 7 of this Act or for any other reason, the Augusta-Richmond County Commission or the Augusta-Richmond County Commission upon the recommendation of the Richmond County delegation in the General Assembly of Georgia shall, as soon as practicable, appoint another qualified person to serve as a member of the authority for the unexpired term. (Ga. Laws 1989, p. 4750, § 6; Ga. Laws 1999, p. 3891, 3892, § 2)


Any member may be removed from office for good cause affecting his ability to perform his duties as a member, for misfeasance, malfeasance, or nonfeasance in office, or for violating the conflicts of interest provisions of this Act, by vote of three of the other members, but only after a public hearing at which such member is given the right to present evidence in his own behalf and only upon a finding by three of the other members that good cause for removal affecting the member's ability to perform his duties as a member exists, that he was guilty of misfeasance, malfeasance, or nonfeasance in office, or that he violated the conflicts of interest provisions of this Act. (Ga. Laws 1989, p. 4750, § 7)

Sec. 1-243. Conflicts of interest.

No member of the authority or officer or employee thereof shall have a financial interest, direct or indirect, in any contract with the authority, or be financially interested, directly or indirectly, in the sale to the authority of any lands, material, supplies, or services, except on behalf of the authority as a member, officer, or employee thereof. Any violation of this provision by a member of the authority shall be grounds for removal pursuant to Section 7 of this Act [Sec. 1-242]. Any violation of this provision by any officer or employee of the authority who is not also a member of the authority shall be grounds for removal by vote of three members of the authority. (Ga. Laws 1989, p. 4750, § 8)
Sec. 1-244. Powers of the authority.

(a) The authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act including, without limiting the generality of the foregoing, the power:

(1) To bring and defend actions;

(2) To adopt and amend a corporate seal;

(3) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects, and contracts with respect to the use of projects;

(4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the authority;

(5) To finance, by loan, grant, lease, or otherwise, and to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of revenue bonds, notes, or other obligations of the authority or any other funds of the authority or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the authority is authorized to receive, accept, and use;

(6) To borrow money to further or carry out its public purpose and to execute revenue bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assign-ments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the authority, to evidence and to provide security for such borrowing;

(7) To issue revenue bonds, notes, or other obligations of the authority and use the proceeds thereof for the purpose of paying, or loaning the proceeds thereof to pay, all or any part of the cost of any project and otherwise to further or carry out the public purpose of the authority and to pay all costs of the authority incidental to, or necessary and appropriate to, furthering or carrying out such purpose;

(8) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the authority's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(9) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the authority;

(10) To contract for any period, not exceeding 50 years, with the State of Georgia, state institutions, or any municipal corporation or county of this state for the use by the authority of any facilities or services of the state or any such state institution, municipal corporation, or county, or for the use by any state institution or any municipal corporation or county of any facilities or services of the authority, provided that such contracts shall deal with such activities and transactions as the authority and any such political subdivision with which the authority contracts are authorized by law to undertake;

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(11) To extend credit or make loans to any person, corporation, partnership, whether limited or general, or other entity for the costs of any project or any part of the costs of any project, which credit or loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or such other instruments, or by rentals, revenues, fees, or such terms and conditions as the authority charges, upon shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this Act in connection with any project, the authority shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project, and such other terms and conditions, as the authority may deem necessary or desirable;

(12) As security for repayment of any revenue bonds, notes, or other obligations of the authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority, including, but not limited to, real property, fixtures, personal property, and revenues or other funds, and to execute any lease, trust indenture, trust agreement, agreement for the sale of the authority’s revenue bonds, notes, or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in such agreement or instrument. The State of Georgia, on behalf of itself and each county, municipal corporation, political subdivision, or taxing district therein, waives any right it or such county, municipal corporation, political subdivision, or taxing district may have to prevent the forced sale or foreclosure of any property of the authority upon such default and agrees that any agreement or instrument encumbering such property may be foreclosed in accordance with the laws of this state and the terms thereof;

(13) To receive and use the proceeds of any tax levied by a municipal corporation to pay the costs of any project or for any other purpose for which the authority may use its own funds pursuant to this Act;

(14) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;

(15) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to the best advantage of the authority and the public purpose thereof;

(16) To acquire, accept, or retain equitable interests, security interests, or other interests in any real property, personal property, or fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer in order to secure the repayment of any money loaned or credit extended by the authority;

(17) To appoint, select, and employ engineers, consultants, surveyors, architects, urban
or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

(18) To encourage, advertise, and promote the improvement and revitalization of the project areas and to make, contract for, or otherwise cause to be made long-range plans or proposals for the project areas in cooperation with the City of Augusta;

(19) To adopt bylaws governing the conduct of business by the authority, the election and duties of officers of the authority, and other matters which the authority determines to deal with in its bylaws; and

(20) To do all things necessary or convenient to carry out the powers conferred by this Act.

(b) The powers enumerated in each paragraph of subsection (a) of this section are cumulative of and in addition to those powers enumerated in other paragraphs of subsection (a) of this section and elsewhere in this Act, and no such power limits or restricts any other power of the authority.

(Ga. Laws 1989, p. 4750, § 9)

Sec. 1-245. Revenue bonds—Generally.

(a) The authority, or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created by this Act, shall have the power and is authorized to provide by resolution for the issuance of revenue bonds for the purpose of paying all or any part of the cost as defined in this Act of any one or more projects.

(b) Revenue bonds, notes, or other obligations issued by the authority shall be paid solely from the property, including, but not limited to, real property, fixtures, personal property, revenues, or other funds, that is pledged, mortgaged, conveyed, assigned, hypothecated, or otherwise encumbered to secure or to pay such bonds, notes, or other obligations.

(c) All revenue bonds, notes, and other obligations shall be authorized by resolution of the authority and adopted by a majority vote of the members of the authority at a regular or special meeting.

(d) Revenue bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the authority authorizing the issuance of such revenue bonds, notes, or other obligations shall bind the members of the authority then in office and their successors.

(e) The authority shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted under this Act. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.

(f) There shall be no limitation upon the amount of revenue bonds, notes, or other obligations which the authority may issue. Any limitations with respect to interest rates or any maximum interest rate or rates found in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the Revenue Bond Law, the usury laws of this state, or any other laws of this state shall not apply to revenue bonds, notes, or other obligations of the authority.

(Ga. Laws 1989, p. 4750, § 10)
Sec. 1-246. Applicability of revenue bond law; form; provisions for exchange and transfer; certificate of validation; specification of interest rates in notice to district attorney or attorney general; cost of the project or cost of any project defined.

(a) All bonds issued by the authority under this Act shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the Revenue Bond Law, except as provided in this Act, provided that notes and other obligations of the authority may, but shall not be required to, be so validated.

(b) Bonds issued by the authority may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.

(c) Bonds shall bear a certificate of validation. The signature of the clerk of the Superior Court of Richmond County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated, and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state.

(d) In lieu of specifying the rate or rates of interest which bonds to be issued by an authority are to bear, the notice to the district attorney or the Attorney General, the notice to the public of the time, place, and date of the validation hearing, and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest, which may be fixed or may fluctuate or otherwise change from time to time, specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which may be fixed or may fluctuate or otherwise change from time to time, so specified; provided, however, that nothing in this Act shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even if in doing so the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

(e) The terms cost of the project and cost of any project shall have the meaning prescribed in this Act whenever those terms are referred to in bond resolutions of the authority, in bonds, notes, or other obligations of the authority, or in notices or proceedings to validate such bonds, notes, or other obligations of the authority.

(Ga. Laws 1989, p. 4750, § 11)

Sec. 1-247. Authorized contents of agreements and instruments of authority—Generally; use of proceeds; subsequent issues; bond anticipation notes.

(a) Subject to the limitations and procedures provided by this section and by Section 11 of this Act [section 1-246], the agreements or instruments executed by the authority may contain such provisions not inconsistent with law as shall be determined by the authority.

(b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by the authority shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted in this Act, all or part of the cost of any project or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this Act.

(c) Issuance by the authority of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects; provided, however, that the proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, mortgage, deed to secure debt, trust deed, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior
issue the right is expressly reserved to the authority to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

(d) The authority shall have the power and is authorized, whenever bonds of the authority shall have been validated as provided in this Act, to issue from time to time its notes in anticipation of such bonds as validated and to renew from time to time any such notes by the issuance of new notes, whether or not the notes to be renewed have matured. The authority may issue such bond anticipation notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. Such notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the authority may sell such notes at public sale or at private sale. Any resolution or resolutions authorizing notices of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing bonds of the authority to any issue thereof; and the authority may include in any notes any terms, covenants, or conditions which the authority is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of such bonds, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued.

(Ga. Laws 1989, p. 4750, § 12)

Sec. 1-248. Obligations of authority not public debt of state or political subdivision thereof.

No bonds, notes, or other obligations of and no indebtedness incurred by the authority shall constitute an indebtedness or obligation of the State of Georgia or any county, municipal corporation, or political subdivision thereof, nor shall any act of the authority in any manner, nor any contract entered into by the authority with any county, municipal corporation, or political subdivision thereof, constitute or result in the creation of an indebtedness of this state or any county, municipal corporation, or political subdivision thereof. Any county, municipal corporation, or political subdivision of this state may obligate itself to pay the payments required under such contracts from moneys received from taxes and from any other source without creating a debt within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state or any county, municipal corporation, or political subdivision thereof, nor to enforce the payment thereof against the state or any such county, municipal corporation, or political subdivision.

(Ga. Laws 1989, p. 4750, § 13)

Sec. 1-249. Constitutional authority for enactment of act; tax exemption.

This Act is enacted pursuant to authority granted the General Assembly by the Constitution of the State of Georgia. The authority is created for nonprofit and public purposes, and it is found, determined, and declared that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of this state and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this Act; and for such reasons the state covenants from time to time with the holders of the bonds, notes, and other obligations issued under this Act, that the authority shall be required to pay any taxes or assessments imposed by this state or any counties, municipal corporations, political subdivisions, or taxing districts thereof upon any property acquired by the authority or under its jurisdiction, control, possession, or supervision or leased by it to others or upon its activities in the operation or maintenance of any such property or on any income derived by the authority in the form of fees, recording fees, rentals, charges, purchase price, installments, or otherwise; and that the bonds, notes, and other obligations of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within this state. The tax exemption provided for in this Act shall not include any exemption from sales and use taxes on property purchased by the authority or for use by the authority.

(Ga. Laws 1989, p. 4750, § 14)

The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the Georgia Securities Act of 1973. No notice, proceeding, or publication except those required by this Act shall be necessary to the performance of any act authorized by this Act, nor shall any such act be subject to referendum.

(Ga. Laws 1989, p. 4750, § 15)

Sec. 1-251. Effect of act under successor government.

Any reference in this Act to the City of Augusta shall be deemed to include the City of Augusta in its present governmental form or any governmental entity which may succeed to the powers, duties, and liabilities vested in the current government. All provisions of this Act shall be effective under any such successor government, which would include, but is not limited to, a successor consolidated government of the City of Augusta and Richmond County.

(Ga. Laws 1989, p. 4750, § 16)

Sec. 1-252. Construction.

This Act and all provisions, rights, and powers granted to the authority, being for the welfare of the state and its inhabitants, shall be liberally construed for the accomplishment of its purposes.

(Ga. Laws 1989, p. 4750, § 17)

Sec. 1-253. Powers declared supplementary.

The provisions of this Act shall be regarded as supplementary and additional to powers conferred by other laws and shall not be regarded as being in derogation of any powers now existing.

(Ga. Laws 1989, p. 4750, § 18)

Sec. 1-254. Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

(Ga. Laws 1989, p. 4750, § 19)

Sec. 1-255. Repealer.

All laws and parts of laws in conflict with this Act are repealed.

(Ga. Laws 1989, p. 4750, § 20)

DIVISION 10. AUGUSTA PORTS AUTHORITY

Sec. 1-256. In general; purpose.

An Act creating the Augusta Ports Authority; conferring and granting powers and imposing duties; authorizing the execution of leases and agreements and the hypothecation and mortgaging of its properties; authorizing the Authority to sue and in certain instances to be sued; authorizing the issuance of revenue anticipation bonds and certificates upon certain conditions; making the bonds and certificates of the authority legal investments; fixing the lien status of special funds of the Authority; declaring the Authority to be a department and instrumentality of the State; exempting the property, income and bonds thereof from taxation; providing for the separate enactment of each provision of this Act and repealing all laws or parts of laws in conflict with the provisions of this Act; and for other purposes.

(Ga. Laws 1959, p. 2761, Act No. 261)

Sec. 1-257. Augusta port authority.

There is hereby created a body corporate and politic in Richmond County to be known as the Augusta Port Authority.

(Ga. Laws 1959, p. 2761, § 1)

Sec. 1-258. Definitions.

As used in this Act, the following words and terms shall have the following meaning:

(a) Authority. The Augusta Port Authority created by Section 1 of this Act [section 1-257].
(b) The word *project* shall be deemed to mean and include commercial and/or recreational development and activities, as well as special educational and/or entertainment events on the Savannah River or its shores. It shall also be deemed to mean and include the acquisition of lands, properties and improvements by purchase, lease or otherwise for industrial or manufacturing use, expansion and development, wharves, docks, terminals, ships, ferries, piers, quays, elevators, compresses, refrigeration storage plants, warehouses, buildings and facilities to be used in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry; if the use and operation thereof will in the judgment of the Authority result in the increased use of the port facilities of the Port of Augusta. Any project may include other structures and any and all facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of belt line railroads, railroad sidings, roads, highways, bridges and causeways necessary or useful in connection therewith, and shipping facilities and transportation facilities incident thereto and useful or convenient for the use thereof, including terminal railroads, and also airports, seaplane bases, air transportation terminals, and truck terminals. There may be included as a part of any project any public utility facilities necessary or desirable to supply public utility services to other parts of such project or to the users of any of the facilities of the Authority which public utility facilities may include, but without limitation, facilities for the supplying of electricity, gas and water and for the collection and disposal of storm and sanitary sewage. There may be included as part of any project all appurtenances, equipment and machinery of every kind and nature necessary or desirable for the full utilization of the project.

(c) The term *cost* of the project shall embrace the cost of construction and the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of engineering, architectural, fiscal agents and legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation.

(d) Any project shall be deemed self-liquidating if, in the judgment of the Authority, the revenues and earnings thereof will be sufficient to pay the cost of constructing, maintaining, repairing and operating the project and to pay the principal and interest of revenue bonds which may be issued for the cost of such project. Any buildings or facilities acquired by the Authority hereunder which are to be utilized in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry, which may be acquired by the Authority for operation by a corporation, entity or persons other than the Authority, as distinguished from facilities acquired by the Authority for operation by it as a part and allied facilities for the direct use of the public, shall be acquired and financed hereunder only if prior to the issuance of bonds therefor the Authority shall have entered into a lease or leases thereof or an agreement or agreements for the sale thereof pursuant to the terms of which the lessees or purchasers shall pay to the Authority such rentals or installment purchase payments, or both, as upon the basis of determinations and findings to be made by the Authority, will be fully sufficient to pay principal of and interest on the bonds issued for the financing thereof, to build up and maintain any
reserves deemed by the Authority to be advisable in connection therewith, and to pay the cost of maintaining the buildings and facilities in good repair and keeping them properly insured, unless the leases or agreements obligate the lessees or purchasers to pay for such insurance or maintenance. The Authority is given full power and discretion to enter into any such agreements or leases as may in its judgment be desirable for the best interests of the Authority. Any such agreement or lease may provide that any surplus capacity of the buildings or facilities which are the subject matter thereof may be utilized by and for the benefit of the general public, in which event such surplus capacity may be maintained or operated, or both, by either the Authority or by the lessee or purchaser under the lease or agreement, or in part by each, all as may be provided in the lease or agreement. Any project may include in part one or more buildings or facilities or combinations thereof to be leased or sold as provided in this paragraph and in part other facilities described in subsection (b) of this section, the revenues of the whole being allocated and pledged to the financing of the project as a whole, and in such event the requirements of this paragraph applicable to buildings or facilities to be leased or sold, shall be applicable only to the part of the project which consists of the buildings or facilities to be so leased or sold.

(e) **Port.** Any place, natural or artificial, in Richmond County in which water going vessels may be sheltered or loaded or unloaded.

(f) **Harbor.** Any place, natural or artificial, in Richmond County in which vessels capable of moving articles of commerce by waterborne vessels may be loaded, unloaded or accommodated.

(Ga. Laws 1959, p. 2761, § 2; Ga. Laws 1989, p. 4087, § 1)

**Sec. 1-259. Membership.**

The authority shall consist of 12 members who shall serve for a term of years and who shall be eligible for reappointment. The members be residents and qualified voters of Augusta, Georgia. Except as after [hereinafter] provided, ten members of the authority shall be appointed by the Augusta-Richmond County Commission, which shall designate each member to be a representative of one of the ten commission districts for the Augusta-Richmond County Commission. Three current members of the authority shall continue to serve as members for terms expiring March 31, 2000, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 4—John P. Timmerman, District 6—Stovall Walker, and District 10—Dr. Carl Nechtman. Three current members of the authority shall continue to serve as members for terms expiring March 31, 2002, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 1—Virginia Fox, District 3—Richard Toole, and District 7—Jack Barber. New authority members shall be appointed as above set forth to be representatives for Districts 2 and 8 respectively for terms expiring March 31, 2000, and to be representatives for Districts 5 and 9 for terms expiring on March 31, 2002. In addition, two members shall be recommended by the Augusta-Richmond County delegation in the General Assembly of Georgia and appointed by the Augusta-Richmond County Commission, which shall designate one such member's term to expire March 31, 2000, and the other such member's term to expire March 31, 2002. Following expiration of the initial terms as set forth above, members of the authority shall serve four-year terms expiring on March 31 of the year of expiration. Vacancies shall be filled for any unexpired term. If, at the end of any term of office of any member, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until a successor is appointed and assumes office. A majority of the members shall constitute a quorum and a majority may act for the authority in any matter. No vacancy shall impair the power of the authority to act. No member shall be a member of the

The powers of the Authority shall include but not be limited to, the power:

(a) To buy, acquire, hold, develop, improve, own, operate, maintain, sell, dispose of, lease, as lessor or lessee, and mortgage land, buildings, real and personal property including stock of other corporations;

(b) To receive and administer gifts, grants and donations and to administer trusts;

(c) To grant, loan and lease any of its funds and property to private persons and corporations promising to develop or promote commercial and/or recreational projects and special educational and/or entertainment events, to develop port facilities or utilize water transportation on the Savannah River within Richmond County or originating or terminating therein which in the judgement of the Authority will be of benefit to the people of The City of Augusta or Richmond County. The provisions of this clause shall not be construed to limit any other power of the Authority;

(d) To borrow money and to issue notes, bonds and revenue certificates therefor and to sell, convey, mortgage, pledge and assign any and all of its funds, property and income as security therefor;

(e) To contract with The City of Augusta, Richmond County and other political subdivisions and with private persons and corporations and to sue in its corporate name;

(f) To have and exercise the usual powers of public and private corporations performing similar functions which are not in conflict with the Constitution and laws of this State, including the power to appoint and select officers, agents and employees, including engineering, architectural and construction experts and attorneys and to provide their compensation and duties, which officers and agents may or may not be members of the Authority, and the power to adopt and amend a corporate seal and by-laws and regulations for the conduct and management of the Authority;

(g) To encourage and promote the development of commercial and/or recreational projects and special educational and/or entertainment events, the expansion of port and harbor development facilities and water transportation on the Savannah River, trade and commerce in Richmond County, and to make long range plans therefor;

(h) To accumulate its funds from year to year and to invest accumulated funds in any manner that public funds of the State of Georgia or any of its political subdivisions may be invested;

(i) To designate officers to sign and act for the Authority generally or in any specific matter;

(j) To do any and all acts and things necessary or convenient to accomplish the purpose and powers of the Authority expressly conferred by this Act;

(k) To acquire in its own name by purchase, on such terms and conditions, and in such manner as it may deem proper or by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or liens or easements therein or franchises necessary or convenient for its corporate purposes, excepting such property, liens, easements and franchises used or owned by public service corporations, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority; the Authority being under no obligation to ac-
cept or pay for any property so acquired except from the funds provided by author-
ity of this Act. Any proceedings for con-
demnation shall be instituted in the same
manner and under the same provisions of
law governing condemnation of property
for public use as that exercised by count-
ties and municipalities of this State. If the
Authority shall deem it expedient to con-
struct any project on lands, the title to
which shall then be in the County of
Richmond or The City Council of August,
authority of Richmond County and of The City Council of Au-
gusta are authorized in their discretion,
to convey title to such lands to the Author-
ity;

(l) To make contracts, and to execute all
instruments necessary or convenient, in-
cluding contracts for construction of
projects and leases and rentals of projects
or sale of projects, or contracts with re-
spect to the use of projects which it causes
to be erected or acquired. And the County
of Richmond and The City Council of Au-
gusta are hereby authorized to enter
into leases or agreements with the Author-
ity upon such terms and for such purposes
as they may deem advisable;

(m) To construct, erect, acquire, own, repair,
remodel, maintain, extend, improve, equip,
operate and manage self-liquidating
projects to be located on property owned
or leased by the Authority, the cost of the
project to be paid from the proceeds of
revenue-anticipation certificates of the Au-
thority and from any grant from the United
States of America, State of Georgia, County
of Richmond, The City Council of Au-
gusta, or from any contribution by per-
sons, firms, or corporations, all of which
the Authority is hereby authorized to re-
ceive and accept;

(n) To provide by resolution, when concurred
in by The City Council of Augusta for the
issuance and sale of negotiable revenue
anticipation certificates, for the purpose
of paying all or any part of the cost of
acquisition, construction, alteration, re-
pair, modernization and other charges in-
cident thereto in connection with any of
its facilities or projects, and to pay off or
refinance any outstanding debt or obliga-
tion of any nature owed by said Authority,
and shall likewise have power to issue
refunding certificates. Said Authority may
issue such types of certificates as may be
determined by the members of said Au-
thority, including certificates on which
principal and interest are payable:

(1) exclusively from incomes or reve-
nues of the operation of the Author-
ity financed with the proceeds of
such certificates or together with such
proceeds and grants from any instru-
mentality or other person or corpo-
ration in aid of such projects;

(2) exclusively from income and reve-
nue of certain designated projects; or

(3) from revenues of the Authority gen-
ernally. Any such certificates may be
additionally secured by mortgage of
the project or any part thereof con-
stituting real or personal property of
the Authority, except as prohibited
by law.

a. Neither the members of the Au-
thority nor any person execut-
ing certificates on behalf of the
Authority shall be personally
liable thereon by reason of the
issuance thereof. The certifi-
cates and other obligations of
the Authority shall not be, (and
shall so state on the face thereof)

a debt of The City Council of
Augusta, the County of Rich-
mond, or the State of Georgia.
Certificates of the Authority are
declared to be issued for an
essential public and governmen-
tal purpose and, together with
interest thereon and income
therefrom, shall be exempt from
taxes.

b. Certificates of the Authority
shall be confirmed and vali-
dated in accordance with the procedure of the Revenue Certificate Law of 1937, as amended, and when validated the judgment of validation shall be final and conclusive with respect to such certificates and against the Authority issuing the same.

In the event that any payments to be made by any city, town, municipality or county, under contract of lease, or other contract, entered into between said Authority and such political subdivision, are pledged to the security or payment of revenue certificates sought to be validated, said Authority, as an integral part of such validation proceedings, shall have the right of action, suit, countersuit or equitable bill against such contracting subdivision or subdivisions for a declaratory adjudication of the validity and binding effect of such contract, the actual controversy therein being whether or not such contract is in all respects valid and binding upon such subdivision or subdivisions. Such subdivision or subdivisions shall be made a party or parties to the action, and it shall be incumbent on such subdivision or subdivisions to defend against an adjudication of the validity of such contract or be forever bound. Notice of such proceedings shall be included in the notice of validation hearing required to be issued and published by the clerk of the superior court in which such validation proceeding is pending. Any citizen resident in any subdivision which is a party to such contract may intervene in the validation proceedings at or before the time set for the validation hearing by order of the superior court and assert any ground of objection to the validity and binding effect of such contract on his own behalf and on behalf of the subdivision and all citizens, residents and property owners thereof. At adjudication as to the validity of such contract, unexpected to within the time provided for exceptions in the Revenue Certificate Act of 1937, as amended, shall be conclusive and binding upon such subdivision or subdivisions and the resident citizens and property owners thereof.

c. Certificates of the Authority shall be authorized by its resolution when concurred in by the City Council of Augusta and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide, and in case any of the members or officers of the Authority whose signatures appear on any certificates or coupons shall cease to be such members or officers before the delivery of such certificates, such signatures shall nevertheless be valid and sufficient for all purposes.
d. Obligations of the Authority evidenced by certificates and trust indentures and mortgages executed in connection therewith may contain such provisions not inconsistent with law as shall be determined by the Authority and the Authority may in such instruments provide for the pledging of all or any part of its gross or net fees, tolls, charges, revenues and incomes and mortgaging of all or any part of its real or personal property or provide against pledging any or all of its income, revenues, tolls, charges, or fees and to further provide for the disposition of proceeds realized from the sale of any certificates and for the replacement of lost, destroyed or mutilated certificates and necessary provisions as to payment and redemption of such certificates. Undertakings of the Authority may likewise prescribe the procedure by which certificate holders may enforce rights against the Authority and provide for such rights upon breach of any covenant, condition or obligation of the Authority. Trust indentures, mortgages or deeds to secure debt executed by the Authority may provide that, in the event of default by the Authority in the payment of principal and interest on certificates or obligations or breach of any covenant, a trustee or trustees appointed under the terms of the indenture, mortgage or deed to secure debt, which shall be a bank or trust company authorized to exercise trust powers, may take possession and use, operate and manage any project mortgaged as security for the repayment of any indebtedness of the Authority and provide the terms and conditions upon which the trustee or trustees or holders of certificates may enforce any right relating to such certificates. Such trust indentures, mortgages and deeds to secure debt may contain such provisions as may be deemed necessary or desirable by the Authority not inconsistent with law.

e. It is hereby found, determined and declared that the Authority herein created constitutes a department and instrumentality of the State of Georgia, that the carrying out of the purposes of this Act and the powers and duties imposed in the Authority will constitute the performance of an essential governmental function of the State, will promote the natural resources of the State, and will benefit the inhabitants of the State, and accordingly it is provided and the State covenants with the holders from time to time of the bonds issued hereunder that: (1) the Authority shall be required to pay no taxes or assessments imposed by the State or any of its political subdivisions or taxing districts upon any property acquired by the Authority or under its jurisdiction, control, possession or supervision, or upon its activities in the operation or maintenance of any such properties, or on any income derived by the Authority from such properties or otherwise, and (2) that the bonds of the Authority, their transfer and the income therefrom shall always be exempted from taxation within the State.

f. Notwithstanding any restrictions on investments contained
in any laws of this State, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, monies or other funds belonging to them or within their control in any bonds or other obligations issued by the Authority pursuant to this Act, when such bonds or other obligations are secured by rentals or other monies to be paid by the United States of America or any department or agency thereof, and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. Provided, however, that nothing contained in this section shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

(g) Obligations of the Authority other than certificates shall be payable from general funds of the Authority and shall at no time be a charge against any special fund allocated to the payment of certificates except upon payment of current annual maturities and reserves thereof.


Sec. 1-261. Notice to Georgia Ports Authority.

The Authority shall not undertake any project for the construction or acquisition of any wharves, docks, piers, quays or similar structures for public use along or over that portion of the waters of the Savannah River which are under the jurisdiction of the Georgia Ports Authority without first notifying the Georgia Ports Authority; and the Georgia Ports Authority shall have the right of refusing to approve such project, and may require, as a prerequisite to its consideration and approval, the submission to it by the Authority of an analysis, in such form as it may prescribe of said project. If the Georgia Ports Authority shall disapprove any such project, after such analysis has been submitted and considered by it, the Authority is prohibited from proceeding therewith.

(Ga. Laws 1959, p. 2761, § 5)

Sec. 1-262. Repealer.

All laws or parts of laws in conflict herewith are hereby repealed.

DIVISION 11. AUGUSTA REDEVELOPMENT AUTHORITY*

Sec. 1-263—1-286. Reserved.

*Editor's note—Pursuant to § 1 of Ga. Laws 1982, p. 4597, a contract was entered into with the Downtown Development Authority of the City of Augusta dated July 29, 1982, therefore, the Augusta Redevelopment Authority ceased to exist and this Division has been repealed.
Chapter 2

ALCOHOLIC BEVERAGE CONTROL

Sec. 2-1. Sale of intoxicating beverages authorized from 11:55 p.m. on Saturdays to 2:55 a.m. On Sundays.

In all counties having a population of not less than 170,000 nor more than 275,000 according to the United States decennial census of 1980 or any future such census in which the sale of alcoholic beverages is lawful and in all municipalities within such counties in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the sale of alcoholic beverages for consumption on the premises at any time from 11:55 p.m. on Saturdays until 2:55 a.m. on Sundays.

(O.C.G.A., § 3-3-7(e); Ga. Laws 1982, p. 521)

Sec. 2-2. Sale of intoxicating beverages authorized from 12:30 p.m. to 12:00 midnight on Sundays in eating establishments.

In all counties having a population of not less than 170,000 nor more than 275,000 according to the United States decennial census of 1980 or any future such census in which the sale of alcoholic beverages is lawful and in all municipalities within such counties in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the sale of alcoholic beverages for consumption on the premises in eating establishments which are located in the unincorporated area of the county, in the case of the county, or which are located in the corporate limits of the municipality, in the case of a municipality, on Sundays between the hours of 12:30 p.m. and 12:00 midnight. As used in this paragraph, the term eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(O.C.G.A., § 3-3-7(e); Ga. Laws 1982, p. 521)

Sec. 2-3. Sale of alcoholic beverages on Sundays, election days, and Christmas Day.

(a) Except as specifically authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic beverages on:

(1) Sunday; or

(2) An election day. As used in this paragraph, the term election day means that period of time beginning with the opening of the polls and ending with the closing of the polls. The prohibition of this Code section relative to election days applies only within the territorial boundaries for which the election is being held and, for the purposes of such prohibition, such territorial boundaries shall not include any property owned or operated by a county, municipality, or other political subdivision of this state for airport purposes, if no person resides on such publicly owned or operated property. As used in this paragraph, the term election means any statewide primary election and the state-wide general election and any runoff held for any such election. Except as provided in this paragraph, in all counties of this state having a population of 35,000 or more according to the United States decennial census of 1980 or any future such census the local governing authorities of such counties and the local governing authorities of municipalities located in such counties may determine by local ordinance, resolution, or referendum whether such sales shall be permitted on local election days; provided, however, that this paragraph shall not apply to any governing authority which has not authorized the sale of alcoholic beverages.

(b) The governing authority of any county or municipality may, by ordinance or resolution, prohibit the sale of alcoholic beverages on Christmas Day.

Chapter 3

RESERVED
Chapter 4

RESERVED
Chapter 5

COURTS

ARTICLE 1. IN GENERAL

Sec. 5-1. County probation system.

(a) This Code section shall apply to county probation systems, including state court adult probation systems, of each county having a population of more than 100,000 in any metropolitan statistical area having a population of not less than 200,000 nor more than 230,000 according to the United States decennial census of 1980 or any future such census, any provision of Code section 42-8-43 to the contrary notwithstanding. The department shall participate in the cost of the county probation systems subject to this Code section for fiscal year 1987-88. The department shall compute the state cost per probationer on a state-wide basis for such fiscal year pursuant to the formula used by the office of planning and budget to determine the state cost for probation for budgetary purposes. For said fiscal year, the department shall pay to the governing authority of each county maintaining a county probation system subject to this Code section 10 percent of the state-wide cost per probationer for each probationer being supervised under the respective county probation system as of the first day of said fiscal year. The funds necessary to participate in the cost of county probation systems under this subsection shall come from funds appropriated to the department for the purposes of providing state participation in the cost of county probation systems. The payments to counties provided for in this subsection shall be made by, or pursuant to the order of, the department in single lump sum payment for fiscal year 1987-88, with the payment being made by May 1, 1988. As a condition necessary for a county to qualify for department participation in the cost of the county’s probation system, the employees of such county probation systems shall be subject to the supervision, control, and direction of the department.

(b) The county probation system of any such county shall become a part of the state-wide probation system provided for by this article effective July 1, 1988, and shall be fully funded from state funds as part of the state-wide probation system beginning with fiscal year 1988-89. The employees of such county probation system, at their option, shall become employees of the department on the date said county system becomes a part of the statewide probation system and, on or after said date, said employees shall be subject to the salary schedules and other personnel policies of the department, except that the salaries of such employees shall not be reduced as a result of becoming employees of the department.

(c) When an employee of a county probation system becomes an employee of the department pursuant to subsection (b) of this Code section at the same or a greater salary, the change in employment shall not constitute involuntary separation from service or termination of employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system.

(d) No leave time accrued by an employee of a county probation system shall be transferred when the employee becomes a state employee. Any leave time accrued by an employee of such county probation system shall be satisfied as a debt owed to the employee by the county.

Sec. 5-2—5-51. Reserved.
Sec. 5-52. Jury clerk and other personnel.

In all counties of this state having a population of not less than 145,000 and not more than 165,000, according to the United States Decennial Census of 1970, or any such future census, the senior judge of the superior court of such counties shall have the power to appoint a jury clerk and such other personnel as may be deemed necessary or advisable to dispatch the work of the court, and the appointments to these positions and the compensation therefor shall be determined by said judge without regard to any other system or rules, said personnel to serve at the pleasure of said judge, and the salaries and expenses thereof, and any attendant expense of administration of the courts are hereby determined to be contingent expense of court, and shall be paid as provided by law for the payment of contingent expenses. The duties of said personnel shall be as prescribed by said judge.


Sec. 5-53—5-57. Reserved.

Sec. 5-58. Questionnaires for prospective jurors—Answer required.

All prospective jurors in such counties shall be required to answer questionnaires as may be determined and submitted by said senior judge of such counties concerning their qualifications as jurors.


Sec. 5-59. Same—Failure to answer.

In the event any such person fails or refuses to answer such questionnaire, the jury clerk shall report such failure or refusal to the court, together with the facts concerning the same, and the court shall have such jurisdiction as is now provided by law for subpoena, attachment and contempt powers.


Sec. 5-60. Purpose of act.

This act shall be in addition and supplemental to other provisions provided by law, with a view toward efficient and orderly handling of jury selection and the administration of justice.


ARTICLE 3. STATE COURT

DIVISION 1. JURISDICTION

Sec. 5-61. Generally.

A state court be, and the same is hereby, created and established in the City of Augusta, with territorial jurisdiction over the whole County of Richmond, concurrent with the jurisdiction of the superior court, to try, and dispose of all civil cases of whatsoever nature above the jurisdiction of justices of the peace, except in cases of divorce, cases respecting titles to land and equity cases; and with criminal jurisdiction to try and dispose of all offenses where the offender is not subject to loss of life, or imprisonment in the penitentiary, committed in the County of Richmond, and to sit as a committing court, to hold preliminary examinations in cases of felonies committed in Richmond County.

(Ga. Laws 1880-81, p. 574, § 1; Ga. Laws 1886-87, p. 713)

Sec. 5-62. Suits against joint defendants.

All suits against joint obligers, joint promisors, copartners or joint trespassers, in which any one or more reside in the County of Richmond, may be brought in this court when the amount is within its jurisdiction, as above defined, under the same rules and regulations governing such cases in the superior courts, mutatis mutandis as to copies, second originals, returns and other matters connected with the suit.

(1880-81 Ga. Laws 574, § 43.)

Sec. 5-63. Misdemeanors.

The judge of the superior court may send down from the Superior Court of Richmond County all presentments and bills of indictments for offenses
below a felony to the said state court for trial; the
order or orders so transmitting such cases from
the said superior court to the said state court for
trial shall be entered upon the minutes of both of
said courts.
(1880-81 Ga. Laws 574, § 30.)

Sec. 5-64. Duty to bind offenders over to
state court.

It shall be the duty of all the justices of the
peace and notaries public of this state to bind over
to said state court all persons charged with of-
fenses committed within the limits of Richmond
County, over which said state court has jurisdic-
tion, to answer for said offenses.
(1880-81 Ga. Laws 574, § 31.)

Sec. 5-65. Claims to realty.

All claims to realty levied by virtue of any
execution issued from said state court shall be
returnable to the superior court of the county
where the land lies, and shall be put in, tried and
determined, as other claim cases returned to said
superior court.
(1880-81 Ga. Laws 574, § 20.)

DIVISION 2. PRACTICE AND PROCEDURE

Sec. 5-66. Laws and rules governing supe-
rior court.

In all matters pertaining to pleading and prac-
tice, the laws and rules governing the superior
courts, where not inconsistent with the express
provisions of this act, shall apply to and govern
said state court pleading and practice in every
particular, so far as the same may be applicable.
(1880-81 Ga. Laws 574, § 12.)

Sec. 5-67. Application of general law.

The general law of this state with regard to the
commencement of suits in the superior courts,
defenses and witnesses and their attendants,
interrogatories, sets-off, affidavits of illegality,
arbitration, claims to personality, examination of
parties to suits, or witnesses by interrogatories,
or under subpoenas, or other matters of a judicial
nature within the jurisdiction of said state court,
shall be applicable to said state court.
(1880-81 Ga. Laws 574, § 16.)

Sec. 5-68. Court of record.

Said state court shall be a court of record, and
shall have a seal, and the minutes, records, orders
and other books and files that are required by law
and rules to be kept for the superior court of this
state, shall be kept in and for said state court, and
in the same manner, and all laws applicable to the
duties of the clerk and sheriff in said superior
courts shall apply to them in said state court,
except where they conflict with the provisions of
this act. The same method of procedure as govern
in the superior courts shall be followed in said
state court in every respect, unless inconsistent
with the nature of said court.
(1880-81 Ga. Laws 574, § 19.)

Sec. 5-69. Process and service thereof.

In all civil cases to the declaration, the clerk
shall annex a process (unless the same be waived),
signed by the clerk, or his deputy, and bearing
test in the name of the judge of the said state
court, and directed to the sheriff of said state
court and his deputies, which shall bear date at
least twenty days before the term of the said state
court, to which it may be brought and served upon
the defendant at least fifteen days before the said
term, in the same manner as in the superior
court. Appearance and pleading shall be a waiver
of all irregularities of process, or the absence of
service thereof.
(1880-81 Ga. Laws 574, § 13.)

Sec. 5-70. Garnishment.

Garnishment proceedings in the state court
shall be conformable to the laws of the state on
that subject in the superior court; provided, the
garnishee shall reside in the County of Richmond,
but when the garnishee shall reside in any other
county in this state, the same law shall be also
applicable to the said state court, with this pro-
viso, that the papers shall be returnable to the
superior court of the county of the garnishee's residence, and all subsequent proceedings be had therein.
(Ga. Laws 1880-81, p. 574, § 14)

Sec. 5-71. Scire facias.

Scire facias to make parties in any cause in the said state court shall be had as in the superior court, and said scire facias shall run throughout the state, and be served by any sheriff thereof.
(Ga. Laws 1880-81, p. 574, § 15)

Sec. 5-72. Jurisdiction of and procedure in cases involving violations of county ordinances.

The state court of the County of Richmond shall have the jurisdiction to hear and determine cases involving violations of the ordinances of Richmond County. Jurisdiction of the court shall extend throughout the entire territorial limits of Richmond County, Georgia, and all of the following provisions shall apply to the prosecutions for violations of any ordinance of Richmond County.

All prosecutions for violations of any ordinance of Richmond County shall be commenced within one year next after commission of the offense, and at no time thereafter, except that such period of limitation shall not run so long as the offender or offense is unknown and shall be suspended during such time as such offender may abscond from said county or absent himself therefrom, or so conceal himself that he cannot be arrested or summoned to appear before said court.

The judge of state court shall have power to hear and determine all cases involving violations of ordinances of Richmond County. Upon conviction of violation of any ordinance of Richmond County, the judge may punish such offender by a fine not to exceed $300.00, by imprisonment in the county jail for a period not in excess of 60 days, to work in the work gang on the public streets, or on such public works as the county authorities may employ the work gang, not to exceed 60 days, or by any one or more of such punishments. The sheriff of Richmond County shall receive, confine, feed and care for prisoners sentenced by said state court for violations of any ordinance of Richmond County to imprisonment in the county jail in the same manner as persons charged with an indictable offense under the general laws of this state and is subject to the same penalties for his refusal to receive and take charge of such persons, except the prisoners received under sentence from said state court may be confined separately and apart from other classes of inmates of said jail as the sheriff may, in his discretion, provide and as general laws may require.

Said state court shall have the power and authority to impose fines on persons convicted of violation of any ordinance of Richmond County, with the alternate of imposing other punishment allowed by law in case said fines are not paid and to commit prisoners to the Richmond County jail or to the public works gang that may be prescribed and maintained by Richmond County.

The judge of said state court shall have the authority to reduce any sentence or fine imposed by him prior to the payment of said fine and execution of said sentence, but shall not have the right to grant a new trial. Review of any final order or judgment of said state court shall be by certiorari to the Superior Court of Richmond County in the same manner prescribed by law for certiorari from justice courts and a supersedeas may be obtained by compliance with the procedures set forth in section 5-4-20 of the Georgia Code Annotated and the giving of bond provided therein, which bond shall be made to Richmond County.

In each case of a conviction in said state court, the cost assessable shall be $2.50 per case, and shall go into the general fund of the county for general accounting purposes.

Any person charged with violation of an ordinance of Richmond County shall be informed by citation served on him, shall have compulsory process for obtaining witnesses in his behalf, shall have a speedy trial before the judge of said state court, shall be confronted with the witnesses against him, and have the privilege of cross-examination, as in the superior Courts within the state; and shall have the privilege of defending himself by counsel or by himself, or both, as to

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him which shall seem proper. No one shall be fined or punished without full opportunity of being heard in his own defense.

Said state court shall have the authority to compel, the attendance before any of its sessions of witnesses within the limits of Richmond County by service upon such witnesses of a subpoena from said Court directed to the witness, stating the time and place of trial, and the parties to the case, and which shall be served upon such witness either personally or by leaving a copy at his place of residence by a deputy sheriff.

The name of the clerk of said state Court required on subpoenas and other papers may be printed or stamped on such papers, which shall be in compliance with the law and shall have the same force and effect as if written thereon by the clerk.

(Ga. Laws 1975, p. 3867, sec. 1.)

Sec. 5-73. Attachments.

All acts and parts of acts already or hereafter passed upon the subject of attachment or garnishment, or_legislat ing as to any matter whatever in the superior courts of this state, shall apply to said state court as if named with the superior courts in said acts, so far as the nature of said state court will admit. The judge of said state court, or any justice of the peace or notary public, or other officer authorized by law to do so, may issue attachments and garnishments returnable to the said state court, under the same laws governing attachments or garnishments returnable to the superior courts of this state.

(Ga. Laws 1880-81, p. 574, sec. 18.)

Sec. 5-74. Accusation and proceedings in criminal causes.

Defendants in criminal causes where the prosecution originates in said state court, or where such defendants are bound over to said state court by any justice of the peace or notary public, shall be tried on written accusations, setting forth plainly the offense charged, founded on affidavit containing the name of the accuser, and signed by the solicitor of said court. The proceedings, after accusation, shall conform to the rules governing in the superior court, except there shall be no jury trial, unless demanded, as hereinbefore provided, by the accused. In all cases tried upon accusations, the offense shall be therein charged with the same particularity, both as to matter of form and substance, as is required by the laws and rules of criminal pleading to be observed in bills of indictment in the superior courts.

(Ga. Laws 1880-81, p. 574, § 32.)

Sec. 5-75. Writ of error.

A writ of error shall lie direct from the said state court to the supreme court of this state, upon a bill of exceptions filed under the same rules and regulations as govern and control the issue of writs of error and filing of bills of exceptions in the superior courts of this state.

(Ga. Laws 1880-81, p. 574, § 33.)

Sec. 5-76. Enforcement of judgments.

All laws regulating the enforcement of the judgments of the superior court, whether civil or criminal, shall apply to said state court, and execution shall issue and be levied, and sales be had, under the same rules and laws regulating the same in the superior court.

(Ga. Laws 1880-81, p. 574, § 34.)

Sec. 5-77. Waivers.

In all cases in said state court the same powers and rights of parties as to waivers in pleading or procedure, or other matters pertaining to the same, shall be allowed and upheld, as are allowed and upheld by the laws and rules governing parties in the superior courts.

(Ga. Laws 1880-81, p. 574, § 39.)

Sec. 5-78. New trial.

The judge of said state court shall have power to grant a new trial in any case, civil or criminal, in his court, upon the same terms and conditions, and under the same laws and regulations in every respect governing the granting of new trials in the superior courts. All rules of pleadings, practice and procedure governing motions, rules nisi, and other proceedings in new trials in the superior court, shall apply to and govern the same in said state court.

(Ga. Laws 1880-81, p. 574, § 44.)
Sec. 5-79. Criminal cases—Generally.

The judge of said state court shall have power to try all criminal cases within the jurisdiction of said state court, and dispose of the same without a jury, in all cases in which the defendant shall not demand a jury to try his case; when such demand for a jury is made by any defendant in a criminal case before the introduction of evidence therein, said case shall be placed upon the docket of said state court for trial at the regular term of said court as other cases in which juries are demanded.
(Ga. Laws 1880-81, p. 574, § 27.)

Sec. 5-80. Same—Indictment.

In all criminal cases within the jurisdiction of the said state court, the defendant shall not have the right to demand an indictment by the grand jury of the County of Richmond.
(Ga. Laws 1893, p. 386.)

Sec. 5-81. Civil cases tried without jury.

The judge of said state court shall have power and authority to hear and determine all civil cases over which said court has jurisdiction, and to give judgment, and award execution thereon without the intervention of a jury; but any party in any case, at any time before the call of said case for trial, shall be entitled to demand and have at the trial jury to try said case.
(Ga. Laws 1880-81, p. 574, § 26; Ga. Laws 1886-87, p. 713.)

Sec. 5-82. Terms of court—Generally; default judgment.

(a) The State Court of Richmond County shall have six terms each year.

(b) Beginning with January, 1896, the regular terms of said court shall be held on the first Monday in January, March, May, July, September and November of each year, and shall continue from day to day, and from time to time, as the judge in his discretion may determine, until the business of said court is disposed of.

(c) The docket of cases brought to any of said terms of said court shall be called on the third Saturday of each of the months during which said terms begin, or at such other time after the third Saturday as the judge may by rule establish.

(d) All cases in which there has been personal service, if the defendant is a person, or if a corporation, personal service on the officer thereof, and in which no demurrer, plea or other defense has been filed, on or before the call of the said docket, shall be considered in default, and in all such undefended cases the said court shall enter up judgment for the plaintiff against the defendant.

(e) The judge of said state court shall hold his court, in his discretion, at the same place, at any other time for the transaction of criminal business, which does not require a jury, as speedily as possible, consistent with the interest of the state and the accused, and may also, if necessary, hold adjourned terms of the regular quarterly terms, for which adjourned terms he may either draw new juries or require the same to serve as, in his discretion, may seem best.
(Ga. Laws 1880-81, p. 574, § 21; Ga. Laws 1895, p. 393.)

Sec. 5-83. Trial term of civil cases.

In all civil cases in said state court the term next after the term to which the process is made returnable shall be the regular trial term of said cases; provided, always that judgments upon suits for rent may be rendered at the first term.
(Ga. Laws 1880-81, p. 574, § 22.)

Sec. 5-84. Disposition of fines.

All moneys arising from jury fines, fines imposed for violation of penal laws, and other fines, and collected from forfeited recognizances in said state court, shall be subject to the payment of the fees of the solicitor, clerk, sheriff and other officers of said state court in criminal cases; provided, that in every case of presentment or bill of indictment, sent down from the superior court, in which costs, or fine and costs, are collected out of the defendant in the state court, that the costs of the district attorney of the Augusta Judicial Circuit, and the clerk and sheriff of the superior court, in
such cases, shall first be paid out of said costs in the case, but for their insolvent costs, the officers of the said state court above referred to shall have a lien upon the fines and forfeitures above mentioned, raised in the state court, superior to the lien of the officers of superior court for their insolvent costs.

(Ga. Laws 1880-81, p. 574, § 36.)

**Sec. 5-85. Insolvent costs.**

It shall be the duty of the clerk of the said state court to send up to the superior court at each term thereof, a statement of the amount of insolvent costs due to the officers of the superior court, and uncollected upon cases transmitted from the superior court to said state court for trial, which have been finally disposed of in said state court, which amount shall be first paid from any balance of fines and forfeitures in said state court that may at any time remain after full payment of the insolvent costs of the officers of the said state court, as hereinbefore provided, and should any balance remain of such fines and forfeitures after full payment, in the order prescribed, of all insolvent costs due both the officers of the state court and the officers of the superior court, such balance shall be paid into the treasury of the County of Richmond; provided, that nothing herein contained, as to the payment of such insolvent costs due the officers of the superior court, shall prohibit the payment of the same from any fines and forfeitures in the superior court, and whenever the costs in any case transmitted from the superior court to said state court are paid in the latter court, it shall be the duty of the clerk thereof to retain and pay over to the officers of the superior court costs in that case, as provided above.

(Ga. Laws 1880-81, p. 574, § 37.)

**Sec. 5-86. Attachment against clerk.**

In any case where it may be necessary to attach the clerk of said state court, it shall be lawful for the judge of said court to call in the services of the clerk of the city council of Augusta, and the chief of police of said City of Augusta shall be competent to enforce any attachment by said judge against the sheriff of said state court, and the clerk and sheriff of said state court may sue and be sued in said court, but when the clerk may be party defendant in any action, the process shall be signed by the judge, and said clerk shall be required to copy the petition and annex the process thereto, and the said clerk shall also be required to make out final process in any case in which he may be interested as in other cases, which shall be signed by the judge and executed as in other cases; and in all cases before said court in which the sheriff thereof shall be plaintiff or defendant, the process shall be directed to the chief of police and all and singular the policemen of the City of Augusta, and may be served by any one of them, and subsequent proceedings thereon shall be as in other cases, the said chief or other policemen taking the place of the sheriff.

(Ga. Laws 1880-81, p. 574, § 38.)

**Sec. 5-87. Judgment liens and their execution.**

All judgments obtained in said state court, shall be a lien upon all the property of the defendants throughout the state; and all executions shall bear test in the name of the judge of said state court, be issued and signed by the clerk of said state court, and be directed to the sheriff or his deputy of said state court, and all and singular the sheriffs or their deputies of this state, and may be levied on any of the property of the defendants to be found in this state.

(Ga. Laws 1880-81, p. 574, § 23.)

**Sec. 5-88. Production of books, papers, etc.**

The said state court is empowered to compel the production of books, papers and writings in the same manner and under the same rules and regulations, as are provided by law for the production, of the same in the superior court.

(Ga. Laws 1880-81, p. 574, § 25.)

**DIVISION 3. OFFICERS**

**Subdivision 1. In General**

**Sec. 5-89. Judge and solicitor—Terms.**

The terms of office of said judge and solicitor elected at said election to be held on the first Wednesday in October, 1908, shall begin September 24, 1909, and extend to January 1, 1913, or
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until their successors are elected and qualified. The terms of judge and solicitor elected on the first Wednesday in October, 1912, shall commence January 1, 1913, and be for four years.  
(Ga. Laws 1907, p. 228, § 2)

Sec. 5-90. Same—Filing vacancy in office.  

In the event of a vacancy in the office of judge or solicitor of said court, from death, resignation, or other cause, the governor shall appoint a judge or solicitor, as the case may be, to hold office until the next general election for county officers, when an election shall be held for the unexpired term. The judge or solicitor elected at said general election shall be commissioned by the governor, and shall hold office for the remainder of said term, or until his successor is elected and qualified.  
(Ga. Laws 1907, p. 228, § 3)

Sec. 5-91. Same—Qualifications.  

No person shall be judge of the State Court of Richmond County unless at the time of his election he shall have attained the age of 30 years, and shall have been a citizen of the county for three years, and shall have practiced law seven years; and no person shall be hereafter elected or appointed solicitor of the State Court of Richmond County unless at the time of his election he shall have attained 25 years of age, shall have been a citizen of the county for three years, and shall have practiced law three years next preceding his election.  
(Ga. Laws 1907, p. 228, § 4)

Sec. 5-92. Reserved.  

Sec. 5-93. Clerk and sheriff.  

The clerk and sheriff and their deputies of the Superior Court of Richmond County shall be ex officio clerk, sheriff and deputies of said state court, and for services rendered in said state court shall be entitled to the same fees as are allowed them by law in the superior court, and shall discharge the same duties and be subject to the same obligations and penalties, and for services rendered where no compensation is provided by law they shall receive such compensation as the judge of said court shall in his discretion grant; but all bills of insolvent costs that may become due said clerk, sheriff and deputies for services rendered in said state court shall be paid in the same manner as is provided in the fourth section of this act for the payment of the insolvent costs of the solicitor of said state court; that is to say that all bills of insolvent costs that may become due said clerk, sheriff and deputies for services rendered in said state court, when examined and approved by the judge of said state court, shall, upon presentation, be paid by the treasurer of the county out of any funds which may be in the treasury.  
(Ga. Laws 1880-81, p. 574, § 5; Ga. Laws 1882-83, p. 527)

Subdivision 2. Judges

Sec. 5-94. Oath.  

Before entering upon the discharge of the duties of his office, the judge of the said state court shall take and subscribe the oath of all civil officers, and in addition thereto, the following, viz:

"I solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and the rich; and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the State court of the County of Richmond, of this state, according to the laws and constitution of this state, and the Constitution of the United States, so help me God."

(Ga. Laws 1880-81, p. 574, § 3)

Sec. 5-95. Powers—Generally.  

The judge of said state court shall have power to cause testimony to be taken and used de bene esse, and for the purpose of perpetrating testimony within his jurisdiction, in all cases according to the general laws of the state; and the judge and all other officers of the said state court shall have power, respectively, to administer all oaths pertaining to their offices as the judge and other officers of the superior court may in like cases do; and said judge shall also have power to attest deeds and other papers and administer affidavits,
in all cases, anywhere in the state, in which by existing laws such papers may be attested and affidavits administered by justices of the peace of this state, and the judge of said state court shall have all the powers and authority, throughout his jurisdiction, of judges of the superior courts, except when by law exclusive power and authority are vested in judges of the superior courts, and all laws relating to and governing judges of the superior courts shall apply to the judge of said state court, so far as the same may be applicable, except as herein provided. (Ga. Laws 1880-81, p. 574, § 35)

Sec. 5-96. Same—Enforce orders, preserve order, punish contempt, etc.

The judge of said state court shall have the same power to enforce his orders, to preserve order, punish for contempt, and to enforce all his judgments, as is vested by law in the judges of the superior courts of this state. (Ga. Laws 1880-81, p. 574, § 35)

Sec. 5-97. Practice of law prohibited.

The judge of the State Court of Richmond County shall not engage in the private practice of law. (Ga. Laws 1943, p. 806; Ga. Laws 1976, p. 3155, § 1; Ga. Laws 1981, p. 3544, § 1)

Sec. 5-98. Absence.

In case of the absence of said state judge from any cause at any term of said court, it shall be the duty of the clerk or the sheriff of said court to adjourn the court to such day as the judge may in writing direct. (Ga. Laws 1880-81, p. 574, § 24)

Sec. 5-99. Attorney to preside when judge disqualified.

In any case in said state court in which said state judge may be from any cause disqualified the parties may agree, either themselves or by counsel, upon some attorney to preside in that case in his place, and said state judge shall have an order to that effect placed upon the minutes of said court. (Ga. Laws 1880-81, p. 574, § 29)

Sec. 5-100. Judges of superior court and state court may preside in either court.

The judge of the superior court and the judge of said state court may preside in the court of each other in cases where the judge of either court is disqualified to preside from any cause. (Ga. Laws 1880-81, p. 574, § 28)

Sec. 5-101. Creation of second division.

There is created a second division of the State Court of Richmond County. The second division of the state court shall be governed by the provisions of general law contained in Chapter 7 of Title 15 of the O.C.G.A., relating to state courts, and by the additional provisions of this part.

Sec. 5-102. Judge; powers and duties; appointment.

(a) In addition to all other judges of the state court, there shall be one judge of the second division of the State Court of Richmond County. The qualifications and election of the judge shall be as provided by general law.

Except as otherwise provided in this section, said judge shall have and may exercise all powers, duties, jurisdictions, privileges, and immunities of the present judge of the State Court of Richmond County under the provision of this Act and the general law applicable to said present judge.

(b) The initial judge shall be appointed by the Governor for an initial term beginning on July 1, 1997, and expiring on December 31, 1998, and upon the election and qualification of a successor. (Ga. Laws 1997, p. 4380-4381)

Sec. 5-103. Compensation/Salary.

(a) The judge shall receive the same compensation as the present judge of the State Court of Richmond County payable in equal monthly installments from the funds of Augusta-Richmond County, Georgia. The judge is designated as a full-time judge and may not engage in the private practice of law. (Ga. Laws 1997, p. 4380-4381)
(b) Any salary supplement heretofore enacted by Augusta-Richmond County, Georgia, shall also be applicable to the judge.

Note—As of January 1, 2006, the salaries of the Judges of the State Court of Richmond County were increased as set forth below:
State Court Associate Judge . . . 127,609.30
(Ga. Laws 1997, p. 4380-4381; Ord. of 6-7-06)

Sec. 5-104. Creation of a Third Division.

There is created a third division of the State Court of Richmond County. The third division of the state court shall be governed by the provisions of general law contained in Chapter 7 of Title 15 of the O.C.G.A., relating to state courts, and by the additional provisions of this part.

State law reference—O.C.G.A. Title 15-7 et seq.
(Section 3.1 Act 65(S.B. 107) approved 5-17-07)

Sec. 5-105. Third Division Judge; powers and duties; appointment.

(a) (1) In addition to all other judges of the state court, there shall be one judge of the third division. The qualifications and election of the judge shall be as provided by general law.

(2) Except as otherwise provided in this section, said judge shall have and may exercise all powers, duties, jurisdictions, privileges, and immunities of the present judges of the State Court of Richmond County under the provision of this Act and the general law applicable to said present judges.

(b) The initial judge shall be appointed by the Governor for an initial term beginning on July 1, 2007, and expiring on December 31, 2008, and upon the election and qualification of a successor.

(Section 3.2 Act 65(S.B. 107) approved 5-17-07)

Sec. 5-106. Third Division Judge; Compensation/Salary.

(a) The judge shall receive the same compensation as the present judges of the State Court of Richmond County payable in equal monthly installments from the funds of Augusta-Richmond County, Georgia. The judge is designated as a full-time judge and may not engage in the private practice of law.

(b) Any salary supplement heretofore enacted by Augusta-Richmond County, Georgia, shall be applicable to the judge.

(Ga. Law 1997, p. 4380-4381; Section 3-3 Act 65 (S.B. 107) approved 5-17-07)

Sec. 5-107. Chief judge.

The judge of the State Court of Richmond County who has served the longest period of time in office as judge of said court shall be the chief judge of the State Court of Richmond County.

Note—As of January 1, 2006, the salaries of the Judges of the State Court of Richmond County were increased as set forth below:
State Court Chief Judge . . . 131,209.26
(Ord. of 6-7-06)

Sec. 5-108. Compensation.

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) The chief judge shall receive additional compensation for performing the handling of the administration and operation of the State Court of Richmond County.

(Ga. Laws 1997, p. 4380-4381)

Sec. 5-109. Same—Powers and duties.

Such chief judge shall be responsible further for the administration and the expeditious disposition of the business of the state court, both civil and criminal, and shall have power to make such rules as the chief judge shall deem necessary or proper for such purpose but which are not in conflict with the general laws of this state. Such rules, when approved by the chief judge and filed in the office of the clerk of the State Court of Richmond County, shall be binding upon the other judge or judges of said court. The chief judge shall be vested with the power to make all appointments whenever the law provides for the state court judge to make appointments. Such chief judge may by published rule, or from time to time by order, allocate the jurisdiction and powers
of the state court of said county and the duties of he judges thereof; may assign to the other judge or judges of said court such business of said court as the chief judge shall deem appropriate; may require reports from the clerk of the court and from any judge of said court relative to business of the court; and generally shall supervise and direct the dispositions of all business, both civil and criminal, of said court.

(Ga. Laws 1997, p. 4381)

Sec. 5-110. Oath.

The judge shall take an oath to faithfully administer and discharge the duties of his or her office in accordance with the Constitution and laws of the State of Georgia, which oath may be administered by any officer authorized under the laws of this state to administer oaths.

(Ga. Laws 1997, p. 4381)

Subdivision 3. Solicitor

Sec. 5-111. Duties; fees; assistant solicitor.

It shall be the duty of the solicitor to represent the State of Georgia in all cases in said state court in which the state shall be a party, and in the supreme court in such cases upon writs of error from said state court. All bills for insolvent costs that may become due to said solicitor, when examined and approved by the judge of the said court, shall, upon presentation, be paid by the treasurer of the county out of any funds which may be in the treasury. The fees of the solicitor, for services rendered in the supreme court, shall be paid by the state, on the warrant of the governor, in all cases where the said solicitor shall present the certificate of the clerk of the supreme court as to services, and of the clerk of the said state court to the effect that the defendant was acquitted or was unable to pay the costs.

The solicitor of the State Court of Richmond is authorized to appoint, subject to the approval of the judge of the state court, an assistant solicitor. The assistant solicitor shall serve at the pleasure of the judge and solicitor of the state court. Any assistant solicitor shall have been a resident of Richmond County for a period of not less than one (1) year prior to his appointment, shall be at least twenty-one (21) years of age at the time of appointment, and shall be a member of the State Bar of Georgia and qualified to practice law. The assistant solicitor shall, before assuming office, take the same oath of office as that prescribed for the solicitor. The assistant solicitor shall have such authority as may be delegated to him by the solicitor and, when acting on behalf of or for the solicitor, shall have all the power and authority vested in the Solicitor of the State Court of Richmond County. The salary of the assistant solicitor shall be established by the governing authority of Richmond County and shall be paid from county funds.


Sec. 5-112. Limitations on criminal law practice.

The solicitor of the State Court of Richmond County shall not practice criminal law in any of the courts of this state, except in the discharge of the duties of the office of solicitor of said court, or prosecuting and/or assisting in the prosecution of cases in other courts.

(Ga. Laws 1931, p. 369)

Sec. 5-113. Generally.

(a) The solicitor-general of the state court shall be a full-time solicitor-general as provided in Code Section 15-18-63 of the O.C.G.A. or any statute which succeeds such Code section.

(b) The solicitor-general shall not engage in the private practice of law.

(c) The solicitor-general shall receive a salary of $64,000.00 per annum payable in equal monthly installments from the funds of Augusta-Richmond County. Any salary supplement heretofore enacted by Augusta-Richmond County shall continue to be applicable to the solicitor-general, and Augusta-Richmond County may enact such supplements from time to time. (Effective January 1, 1998, the salary shall be $73,500.00, and effective January 1, 2000, the salary shall be $83,000.00 and shall receive further increases as set forth in Augusta-Richmond County Code, § 1-15.)
(d) The solicitor-general of the State Court of Richmond County holding office on the effective date of this Act shall continue in office until the expiration of the term of office to which such solicitor-general was elected.

Sec. 5-114—5-116. Reserved.

DIVISION 4. JURY

Sec. 5-117. Application of general law to juries.

All laws in reference to the qualification, relations, drawing, summoning and empaneling jurors, and of challenging, now of force in this state, or hereafter enacted by the general assembly regulating the same in the superior courts, shall apply to and be observed in said state court, except where said general laws are inconsistent with the provisions of this act, or any amendments thereof hereafter made.

(Ga. Laws 1880-81, p. 574, § 9)

Sec. 5-118. List.

All persons liable to serve as grand and petit jurors in the superior court of said county, shall be liable to serve as petit jurors of said state court, and it shall be the duty of the clerk of the said state court to copy into a book to be provided at the public expense, the lists of all names of persons liable to serve as jurors, grand and petit, in the said superior court, to be taken from the lists of said superior court, under the supervision of the judge of said state court, and to make a new list as often as said superior court jury lists are revised, to conform to said revision, which said book containing the list of persons so liable to serve as jurors in said state court, as above directed, shall be alphabetically arranged, and shall be kept in the office of the clerk of said state court. The said clerk shall also make out tickets equal in number to the number of names on said lists, and write upon each the name of one of said persons, and deposit the same in a box to be provided at the public expense, and numbered one, until there shall be a ticket in said box bearing the name of each person on said list.

(Ga. Laws 1880-81, p. 574, § 6)

Sec. 5-119. Drawing jury.

During the session of said state court at each term, in open court, the judge shall draw from said box number one, 24 names of persons to serve as jurors at the next term thereafter of the said state court, and shall cause the clerk to record the names so drawn, and then deposit the tickets in another box, to be provided at the public expense, and numbered two. These boxes shall be so constructed as to be kept under one seal and lock, and shall be kept sealed and shall not be opened by any person except the judge of the said state court, or the judge of the superior court when presiding in his place, for the purpose of drawing jurors in open court, except in cases when, from failure to draw a jury in term time, or from other cause, it may be necessary to draw a jury for said state court in vacation. If from any cause it should become necessary to draw a jury for said state court in vacation, either the judge of said state court or a superior court judge may at any time, 20 days before the next term of said state court, in the presence of the clerk and sheriff of said state court, proceed to draw juries in the manner above prescribed. The clerk shall keep said jury boxes and the sheriff shall keep the key, and it shall be duty of the clerk of said state court, to prepare said jury lists in boxes as hereinbefore provided, and after said boxes are prepared the jury to serve at the first quarterly term of said court shall be drawn, as above provided for drawing juries in vacation.

(Ga. Laws 1880-81, p. 574, § 7)

Sec. 5-120. Jurors—Summoning.

The clerk shall make out a precept, containing the names of the persons drawn, as above directed, and a summons for each juror and deliver the same to the sheriff, 15 days before the next term of the said state court, whose duty it shall be to serve each of said persons by handing him a summons personally, or by leaving the same at his most notorious place of abode, at least 10 days before the term of the said state court at which he is required to attend.

(Ga. Laws 1880-81, p. 574, § 8)

Sec. 5-121. Same—Challenges.

In criminal cases, the defendant shall be entitled to seven peremptory challenges, and the
state to five, and in civil cases the plaintiff and defendant shall be each entitled to six, and all laws and rules, both civil and criminal, regulating the selection of juries in the superior courts, shall apply to said state court, except where they are inconsistent with the provisions of this act, and any amendments which may hereafter be made.

(Ga. Laws 1880-81, p. 574, § 11)

**Sec. 5-122. Same—Per diem.**

All jurors in said state court, whether belonging to the regular panel or talesman, shall receive $1.00 per day for their services for every day of actual attendance, and shall be paid in the same manner, and under the same regulations, as jurors in the superior court. Separate juries shall be drawn for each week of each term of said court and jurors shall serve only for one week in each term unless when a juror is serving on the trial of a case lasting over from one week till another. Jurors shall be drawn, served, summoned, impaneled, and shall serve only for the same length of time in each year, as is now or may hereafter be allowed in the superior court.

(Ga. Laws 1880-81, p. 574, § 45; Ga. Laws 1886-87, p. 713)

**Sec. 5-123. Two juries to be drawn from panel.**

From said panel of 24 jurors drawn and summoned as above directed, the judge of said state court, shall cause to be made up two juries, of 12
jurors each, which shall be known and distinguished as juries members one and two, and all cases and issues to be tried by jury, at that term in said state court, civil or criminal, shall be tried by one of these, or by a jury stricken from both, as hereinafter provided. In case from any cause said panel should be reduced below 24, the judge presiding in said state court shall have power to fill it by causing talesman to be summoned instanter.

(Ga. Laws 1880-81, p. 574, § 10)

DIVISION 5. RESERVED

Sec. 5-124—5-132. Reserved.

ARTICLE 4. CIVIL COURT

Sec. 5-133. Creation.

A Civil Court of Richmond County is hereby established and created, and from and after January 1, 1933, and the election and qualification of the officers of said Civil Court of Richmond County, Georgia, no justice court, or justice of the peace or notary public ex officio justice of the peace or constable shall have or exercise any jurisdiction civil or criminal, within the city limits of Augusta, Georgia, as they now or may be hereafter defined.

(Ga. Laws 1974, p. 2410, § 1)

Sec. 5-134. Jurisdiction—Criminal jurisdiction; continuation of power, authority of clerk, deputies; civil cases arising under common law or by statute; jurisdictional amount; criminal effect of counterclaim or setoff.

(a) The criminal jurisdiction of the civil court shall be the same as that now or hereafter conferred upon the magistrate courts of this state.

(b) The clerk and each deputy clerk of the Civil Court of Richmond County shall continue to exercise the power and authority, under the immediate supervision of the chief judge or the presiding judge of said court, to issue warrants for the arrest of persons charged with the commission of crimes committed in Richmond County, to the same extent as these clerks and deputy clerks have heretofore been authorized to act.

(c) The jurisdiction of the civil court of said county as to all civil cases, proceedings, summary and statutory, claims or counterclaims, arising ex contact or ex delicto, shall be concurrent with the jurisdiction of the state court of said county in every civil claim, matter or proceeding in which the principal amount claimed, indebtedness, damages or value of property claimed in controversy by any party litigant does not exceed $45,000.00, exclusive of interest, hire, statutory penalty, attorney's fee and court costs.

(d) Should any defending party file a counterclaim or setoff which seeks an affirmative recovery for a principal amount or value in excess of $45,000.00 and the jurisdictional limits of the civil court as heretofore defined, upon such fact being brought to the attention of the court, the judge of the civil court to whom the case or matter is assigned shall pass an order transferring the entire case or matter to the State Court of Richmond County, Georgia, or to the superior court, if made necessary by the character of the relief sought, for all future action, unless the case shall be transferred back to the civil court by the higher court. After crediting the plaintiff's cost deposit to the clerk of civil court, the defendant shall be required to pay to the clerk of state and superior court any additional cost to file the pleadings and record in the higher court to which the defendant has required the case to be transferred.


Sec. 5-135. Same—Distress warrants; dispossessory warrants; eviction.

The Civil Court of Richmond County, Georgia shall have jurisdiction to try and determine all distress warrants and dispossessory warrants and proceedings to evict intruders, and to dispossess and remove tenants holding over. The plaintiff in such proceedings shall have the right to direct the return of the same as to the issues to be tried thereon to either the Civil Court of Richmond County, Georgia, or to the Superior Court of
Richmond County, Georgia; provided, such election is stated in the warrant or affidavit or counter-affidavit at the time the same is filed, and if no such election is so stated said warrant or affidavit shall be returnable to the Civil Court of Richmond County, Georgia. And in the event that said warrant should be contested and triable in the Civil Court of Richmond County, Georgia, all issues of law and fact formed thereon by counter-affidavit or otherwise shall be tried by the judge of said court without the intervention of jury, unless a demand for jury trial is filed at the time of filing said warrant, affidavit, counter-affidavit or pleadings thereon, either by the plaintiff or defendant. Failure to file such a demand for trial by jury shall be deemed as a waiver of a jury trial.

Sec. 5-136. Chief judge—Election.

There shall be a judge of said civil court, who shall be known as the chief judge, whose term of office shall be four years and who shall be elected by the qualified voters of the County of Richmond quadrennially at the regular state election for the election of members of the general assembly and in the same year in which presidential elections are held; provided that the chief judge of said court first elected under the terms of this act [article] shall be elected on the third Wednesday in December, 1932, at the election to be held for that purpose; provided, further, that all qualified voters of the county resident in and/or outside of the City of Augusta shall be permitted to vote in the voting precinct in which they live in the same manner as they vote for other candidates for other state and/or county officers.

Sec. 5-137. Same—Oath; qualifications.

The chief judge of said civil court shall be commissioned by the governor and before entering upon the duties of his office shall take the same oath required by law of superior court judges; any person who shall be elected chief judge or appointed clerk or marshal of said civil court must at the time of his election or appointment be a qualified voter of Richmond County, and the chief judge of said court must have the same qualifications as the judges of the superior court and state court. The chief judge of said court shall be subject to the same restrictions as imposed by law upon the superior court judges relative to the prohibition of practicing law.

Sec. 5-138. Same—Vacancy.

Every vacancy in the office of chief judge of said civil court, occasioned by death, resignation, retirement or other cause shall be filled by appointment of the governor for the unexpired term thereof.

Sec. 5-139. Associate judge.

There shall be an associate judge of civil court who shall have the same qualifications as required of the chief judge of said court. The said associate judge shall exercise all the functions, have the same powers and perform the same duties and have the same jurisdiction as the chief judge thereof, except as may be otherwise provided in this act [article]. The compensation of said associate judge shall be $51,852.00 per annum, to be paid as the other officers of said court are paid; provided that the associate judge shall be prohibited from the practice of law in the Civil Court, Richmond County, Georgia, only. The said associate judge shall be appointed by the governor within 30 days after this act [article] is approved or otherwise becomes law and his office shall run concurrent with the terms of the office of the chief judge; thereafter he shall be elected in the same manner and at the same time as the chief judge. When a vacancy occurs in the office of associate judge of said civil court, occasioned by death, resignation or other cause, it shall be filled by appointment of the governor for the unexpired term thereof.
powers and authority as is conferred by the constitution and laws of this state upon a justice of the peace, judge of superior court, and with such additional rights, powers, and jurisdiction as is provided by the terms of this act [article]; said chief judge of said civil court and the associate judge shall have the power and authority, under the limitations set out in this act [article], to hear, determine, and dispose of all cases and actions, both civil and criminal, of which said court has jurisdiction, and to give judgment and execution therein; to hold court from day to day continuously, if necessary, to the dispatch of the business of said court. The chief judge of said court and the associate judge shall have the same power to preserve order, to compel obedience to their orders, to inflict summary punishment for contempt, to enforce the judgment of their court, as is given by law to the judges of the superior courts of this state; provided, however, that said judges shall have no power to impose punishment for contempt exceeding a fine of $300.00 and/or 30 days in the county jail. The judges of said civil court shall have, in addition to the powers enumerated in this section, all the powers, prerogatives and authority, in matters wherein the subject matter and the amount involved are not beyond the jurisdiction of said court that are conferred upon the judges of the superior court, and said powers, prerogatives and authority shall apply to the chief judge of said civil court and the associate judge, so far as the same may be applicable, unless inconsistent with the provisions of this act [article].

(Ga. Laws 1974, p. 2410, § 7)

Sec. 5-141. Salaries of chief judge and associate judge and court employees.

The salary of the chief judge of civil court shall be $51,267.00 per annum; the salary of the clerk of said court shall be fixed by the chief judge from time to time at an amount not to exceed $9,720.00 per annum and the clerk of said court shall have the power, by and with the consent of said chief judge of said court, to appoint a chief deputy clerk and the salary of the chief deputy clerk shall be fixed by the chief judge from time to time at an amount not to exceed $7,620.00 per annum, and the clerk of said court shall have the power by and with the consent of the chief judge of said court to appoint six deputy clerks and the salary of each of said deputy clerks shall be fixed by the chief judge from time to time at an amount not to exceed $6,300.00 per annum. The salary of the marshal of said court shall be fixed by the chief judge from time to time at any amount not to exceed $10,740.00 per annum and the marshal of said court shall have power by and with the consent of the chief judge of said court to appoint a chief deputy marshal and the salary of the chief deputy marshal shall be fixed by the chief judge from time to time at an amount not to exceed $8,400.00 per annum, and 11 deputy marshals and the salary of each deputy marshal shall be fixed by the chief judge from time to time at an amount not to exceed $7,260.00 per annum; provided, however, that said chief deputy marshal, chief deputy clerk or deputy clerks, or deputy marshals shall serve only during such time as both the chief judge and the clerk and/or marshal may deem their services necessary and to the best interest of the court. Any such deputy clerk or deputy marshal at any time, and any such vacancy or vacancies this created shall be filled in the same manner as such officers were originally appointed under this act [article], as amended.


Note—As of January 1, 2006, the salary of the chief judge was increased to $112,467.97 and the salary of the associate judge was increased to $110,686.68.

Sec. 5-142. Secretaries.

The chief judge of said civil court and the associate judge shall have the power to appoint and at pleasure to remove two secretaries to serve the judges of said court. Such secretaries shall take all stenographic notes, transcribe same, required by the judges of said court and do and perform such other duties as the judges of said court may require in chambers or in court. Said secretaries shall have the same powers and authorities and exercise all the functions and be subject to all responsibilities and requirements of a deputy clerk of said court. The salary of the
Sec. 5-142

The compensation of all officers of said civil court shall be paid monthly out of the treasury of Richmond County, Georgia, upon the warrants of the chief judge of said court by the officer or officers charged by law with paying out the money of said county and charged as part of the expenses of said court.

No credit for service shall be granted for any time during which a person was not actually an employee of the civil court and for Richmond County, Georgia, and receive compensation therefor in the position for which such increase is authorized.

(Ga. Laws 1974, p. 2410, 9A)

§ 5-143. Court reporter.

In addition to the personnel which the chief judge may appoint as hereinbefore provided, said judge shall have the power to appoint, and at pleasure to remove, a court reporter, to serve the civil court and judges thereof. Such reporter shall report and transcribe all criminal matters required by the judges of said court, and do and perform such other duties as the judges of said court may require in chambers or in court. The salary of the court reporter of said court shall be fixed by the chief judge from time to time at an amount not to exceed $6,000.00 per annum, and shall be paid monthly out of the treasury of Richmond County, Georgia, upon the warrants of the chief judge of said court, by the officer or officers charged by law with paying out the money of the county and charged as part of the court expenses of said court.

(Ga. Laws 1974, p. 2410, Sec. 9B)

Sec. 5-143.1. Salary, marshall of civil court.

The provisions of this Act or any other provision of law notwithstanding, on and after January 1, 2000, the salary of the marshal of the Civil Court of Richmond County, Georgia, shall be $60,000.00 per annum.

(Ga. Laws 1999, P3508, § 2, added newly adopted language, § 5-143.1)

Note—As of January 1, 2006, the salary of the marshall of the civil court was increased as set forth below: $82,201.68.

Sec. 5-144. Marshal, clerk and deputies—Appointment.

The marshal and the clerk of the Civil Court of Richmond County, Georgia, shall be appointed by the chief judge of said court for a term of office to run concurrently with his own. The marshal and the clerk of said court shall have authority, with the approval of the chief judge of said court, to name their deputies who shall hold said office at the pleasure of the said marshal or clerk as the case may be, subject to approval of the chief judge of said court. It is hereby further provided that the chief judge, and associate judge and all of the other officers of the Civil Court of Richmond County, Georgia, now serving their present term of office are hereby confirmed as the chief judge, and associate judge and other officers of said court, to name their deputies who shall hold said office at the pleasure of said marshal or clerk as the case may be subject to approval of the chief judge of said court. It is hereby further provided that the judge and all of the other officers of the Civil Court of Richmond County, Georgia, now serving their present term of office are hereby confirmed as the judge and other officers of said court.


Sec. 5-144.1. Election of civil court marshall by popular vote.

(a) The provisions of Section 10 of Act 70, H.B. 554 of April 30, 2007 or any other provision of law notwithstanding, the person serving as marshal of the Civil Court of Richmond County on January 1, 2007, shall continue to serve as such for the remainder of his or her term expiring December 31, 2009; except in case of vacancy created by death, resignation, or disqualification, in which event a special election to fill such vacancy for the remainder of such term may be called and held as provided by general law.

(b) The successor to the marshal serving as provided in subsection (a) of this section shall be elected at an election held on the Tuesday next following the first Monday in November, 2009, shall take office on January 1, 2010, and shall
serve a term of office of four years beginning January 1 following such election and until the election and qualification of a successor.

(c) All elections under this section shall be conducted on a nonpartisan basis, without a primary, and as provided by Chapter 2 of Title 21 of the O.C.G.A. All persons elected to the office of marshal of the Civil Court of Richmond County under the provisions of this section shall be elected by majority vote.

(d) Any other provision of law notwithstanding, all persons serving as marshal of said court under the provisions of this section shall have the authority to manage the affairs of said office and to name their deputies who shall hold said office at the pleasure of the marshal.

(Ga. Laws 1999, p. 4132, § 3508, § 3)


Sec. 5-145. Same—Powers—Generally; bond.

All of the requirements and duties, powers and authority imposed by law upon and conferred upon the clerk of Richmond County Superior Court and the sheriff of Richmond County shall be obligatory upon and shall be vested in the clerk and marshal of said civil court, and the several deputies, respectively, and shall be concurrent and coexistent with said clerk of superior court and sheriff of Richmond County. Provided, however, that the amount of the bond of the clerk of said civil court shall be ten thousand dollars, and the amount of the bond of the marshal of said civil court shall be ten thousand dollars, and the amount of the bond of deputy clerks of said civil court shall be one thousand dollars, and the amount of the bond of deputy marshals of said civil court shall be one thousand dollars; and all such bonds have as surety thereon a surety company doing business in this state and having an office and authorized to do business in Georgia, and premium of such bonds to be paid out of the county treasury of Richmond County, Georgia.


Sec. 5-145.1. Marshall of civil court, powers.

The powers and duties conferred upon the marshal of the Civil Court of Richmond County, Georgia, and the deputies thereof, shall specifically include, without limitation, the power and duty to enforce laws and ordinances regulating abandoned motor vehicles pursuant to Code Section 40-11-1, et seq., of the O.C.G.A. or other applicable law or ordinance and laws and ordinances regulating littering on private or public property pursuant to Code Section 16-7-40, et seq., of the O.C.G.A. or local ordinances adopted pursuant to Code Section 16-7-48 of the O.C.G.A. and to issue citations for violations thereof; and the same shall be to the exclusion of any other officers or employees of Richmond County except the sheriff and his or her deputies.

(Ga. Laws 1999, Page 4132, § 1)

Sec. 5-146. Specific powers of clerks.

The clerk and deputy clerks of said civil court shall have complete power and authority, coexistent and coordinate with the power of the judges of said court, under the provisions of this act, to issue any and all warrants, civil and criminal, suits, and garnishments, writs of attachment, distress warrants, dispossession warrants, warrants against intruders, warrants against tenant holding over, possessory warrants, bail trover and summary processes and writs which are issuable as a matter of right, to accept and approve bonds and to discharge any and all other functions, which under the laws of this state are performable by a justice of the peace. And all deputy clerks, and deputy marshals, if and when appointed under the terms of this act, shall exercise all the functions and be subject to all the responsibilities and requirements of the clerk and marshal of said court.


Sec. 5-147. Court of record; jurisdictional purposes.

Said civil court shall be a court of record, and shall have a seal, and minutes, records and other books and files that are required by law to be kept by the superior court, so far as the jurisdiction of said civil court may render necessary, and said records shall be kept in and for said civil court,
and said civil court is hereby declared to be a court of record for all purposes of jurisdiction, including, but not restricted to:

(a) motions for summary judgment;
(b) all matters arising under the Uniform Criminal Extradition Act, approved February 21, 1951, as amended;
(c) Uniform Act for Out-of-State Parolee Supervision, approved February 17, 1950, as amended;
(d) Nonresident Motorists Act, as amended; and
(e) Georgia Civil Practice Act, as amended;

provided that the clerk of said civil court shall preserve in suitable files all original papers in each case, which shall not be removed from said clerk's office without the permission of the judges of said court, and proper receipt being given to said clerk or deputy clerks of said court.


Sec. 5-148. Court of inquiry jurisdiction.

With the exception of the judges of Richmond Superior Court and the judge of the State Court of Richmond County, the said civil court shall have exclusive jurisdiction to sit as a court of inquiry to examine into accusations against persons arrested on warrants for offenses committed within the limits of said County of Richmond.

(Ga. Laws 1974, p. 2410, § 14)

Sec. 5-149. Warrants, processes, writs, etc., Returnable to civil court.

All warrants, summary processes, writs, processes, garnishments, attachments and suits issuing out of said civil court, in which the principal sum claimed to be due or the value of the property in dispute does not exceed twenty-five thousand dollars ($25,000.00), shall be returnable to said civil court in the same manner and under the same rules as such writs are required to be returned to the superior court.


Sec. 5-150. Practice and procedure—General law as to superior courts applicable.

The general laws of this state in regard to commencement of actions in the superior courts, and defenses thereunto of whatever nature, the pleadings, the method of procedure and practice therein and in regard to the examination of the parties to suits or witnesses, by interrogatories or under subpoena, witnesses and their attendance, continuances, charge of the court, granting of new trials, and other matters of a judicial nature within the jurisdiction of said civil court, shall be applicable to said civil court, except as may be otherwise provided in this act.

(Ga. Laws 1974, p. 2410, § 16)

Sec. 5-151. Same—Suits and garnishments to conform with superior court procedure; service of process.

Suits and garnishments in said civil court shall in all respects be conformable to the code of procedure in the superior courts; process of suit shall be annexed by the clerk of said court and shall be served by the marshal of said court or his lawful deputies; all executions, warrants, writs and summary processes of any kind issuing from said civil court shall be issued by any of the judges thereof or in any one of their names by the clerk or deputy clerks, and be directed to the marshal and his lawful deputies of said civil court and to all and singular the marshals and deputy marshals, and lawful constables of this state, and shall be executed by the marshal or his deputy marshal, or lawful constable or other peace officer, as now provided by law for such proceedings from the superior courts, or justice of the peace courts of this state.


Sec. 5-152. Same—Rules in suits transferred from magistrate courts.

Civil matters involving claims, counterclaims and other proceedings which do not exceed the jurisdiction of the magistrate court, even though directed to the civil court, shall be considered and dealt with and adjudged under the same rules,
practice and procedure applicable to cases filed and tried in the Magistrate Court of Richmond County and shall be transferred to the magistrate
court unless a written demand for trial by jury is filed with the complaint or answer and the amount of value in controversy is $500.00 or greater.

Sec. 5-153. Terms.

The terms of said civil court shall be held monthly, on the fourth Monday in each month; suits, garnishments and attachments shall be filed in the clerk’s office of said court at least forty (40) days before the first day of the term to which they are returnable; however, whenever said day shall fall on a Saturday or a Sunday, it shall be held on the first Monday following said Saturday or Sunday, and shall be served at least thirty (30) days before the first day of said term. The terms of said court shall end at 12:00 noon, on the fourth Monday in each month for the preceding term. The right of opening default shall be governed by the same rules of law now in force as to opening defaults in the superior courts of this state, whether judgment has been rendered in said case or not.
(Ga. Laws 1974, p. 2410, § 18)

Sec. 5-154. Assignment of cases for trial.

After the appearance day, any case may be assigned for trial by any of the judges of said civil court on any day after giving reasonable notice to all parties, unless continued for good cause shown, and in conformance with such rules and regulations of procedure now in force as to opening defaults in the superior courts of this state, whether judgment has been rendered in said case or not.
(Ga. Laws 1974, p. 2410, § 20)

Sec. 5-155. Jury—Demand for jury trial.

Every civil case or proceeding which is filed and addressed to the civil court and which is not transferred to the magistrate court or a higher court shall be governed and disposed of in accordance with the Georgia Civil Practice Act, chapter 11 of title 9 of the O.C.G.A., and other rules and laws applicable to the state and superior courts. Either of the judges of the civil court may hear and decide any motion or objection presented at any stage of a case, and either of the judges may preside at the trial and enter an interlocutory order or final judgment, whichever the judge deems proper after each hearing or trial. No trial by jury shall be held in the civil court unless one of the parties demands the same in the original pleading filed by the party in the case or exhibit attached or unless one of the parties demands jury trial by amendment to his pleading filed and presented to the court at least 48 hours before the time previously set by the court for trial of the case on its merits without a jury.

Sec. 5-156. Same—Selection.

Every trial by jury in the Civil Court of Richmond County shall be before a jury of six members unless the amount or value in controversy exceeds $5,000.00 and one of the parties files a timely demand in writing for trial by jury of 12. In all instances the manner of selecting a trial jury shall be governed by subsection (a) of Code section 15-12-122 of the O.C.G.A.

Sec. 5-157. Same—Qualifications, relationship, impaneling, etc, of jurors.

All laws with reference to the qualifications, relationship, impaneling, challenging and compensation of jurors, now or hereafter in force, applicable to the Superior Court of Richmond County, Georgia, shall apply to and be observed in said civil court except as where in conflict with the terms of this act.
(Ga. Laws 1974, p. 2410, § 23)

Sec. 5-158. Same—Number of jurors on panel; alternate jurors.

All jury trials in civil court shall be by a jury of six. From said panel of traverse jurors drawn and summoned in accordance with the provisions of this act, any of the judges of said civil court shall cause to be made up at least one panel of jurors
containing twelve jurors, and as many other jurors as may in his discretion be necessary, and all cases and issues to be tried by jury at such term of said civil court shall be tried by a jury stricken from a panel of jurors thus drawn, plaintiff and defendant each being entitled to three preemptory challenges. In the event that said jurors should be reduced below twelve for any cause, or when challenged or from any other cause there shall not be a sufficient number of persons in attendance to complete the panel of jurors, the judge shall draw the tales jurors from the jury box as now provided by law, and order the marshal to summon the jurors so drawn; and when the marshal or his deputy shall be disqualified to summon talesmen, they may be summoned by the sheriff of Richmond County or his deputies, or such other person as the judge may appoint.


Sec. 5-159. Sale of real or personal property levied upon under process.

All sales of personal property levied upon under process of civil court, or any other process, summary processes, or any other execution, executed by said civil court officers, shall take place at the courthouse door during the legal hours of sale, at public outcry, on the Monday next following ten days' advertisement by notice posted before the courthouse door and two other public places, describing the property to be sold, the place and hour of sale, the name and residence of the owner of the property, and the style of the case in which the execution issued. Such sales are to be conducted by the marshal of said court or his deputy, provided that sales of perishable property and sales on the premises may be made as provided by law; and provided, further, that in all cases where real estate is levied upon under a process from civil court, or any other court, the subsequent proceedings shall conform to the laws governing the sale of real estate, save and except that all advertisement and sale of real estate shall be conducted by the marshal of said court or his deputy.


Sec. 5-160. Reporting case; costs of reporting.

The chief judge of the Civil Court of Richmond County, Georgia, and the associate judge of said court shall have the same authority as the judge of the superior court to order a case reported, and they may direct the case reported when either party or counsel requests it, or when in the discretion of the judge the ends of justice require that the case may be reported. Whenever a case is reported in said court, either by agreement of parties or counsel, or by discretion of the court under the rule, the costs of such reporting shall be taxed equally against the parties to the case and shall be assessed as costs in the case under the same rules as prevail in the superior court, save that the charge for such reporting shall not exceed the amount set by the Judicial Council of the State of Georgia. If either party or counsel objects to the reporting of the case, the party so objecting shall not be charged with any expense of reporting the case unless the judge on preliminary investigation shall determine that the case is one that should be reported and shall direct it reported under the rule.


Sec. 5-161. When judgments conclusive; new trial; appeals.

(a) In all cases in civil court wherein the principal sum claimed or the value of property in controversy does not exceed $500.00, whether tried by jury, or tried by the judge without a jury, the judgment of said court shall be conclusive, and no new trial shall be granted; provided, nevertheless, that said case may be carried to the superior court by certiorari as provided by the general laws in reference to the writ of certiorari.

(b) In all cases in said court tried by any of the judges thereof without a jury or tried by jury, in which the principal sum claimed or the value of the property in controversy exceeds $500.00, upon announcement of the judgment by the court, or upon rendition of the verdict by the jury, any party or his counsel may make a written motion for a new trial within 30 days after judgment is entered in said case. Unless said motion for new
trial is made as herein provided, the parties shall be held to have waived their right to move for a new trial, except upon the grounds on which extraordinary motions for new trial may be made. Said motion may be heard at such time within 60 days after the making of said motion as the court in its discretion may set for a hearing; provided, nevertheless, that upon the disposition of a motion for a new trial by said civil court, any party, plaintiff or defendant, or claimant therein, may certiorari said case to the Superior Court of Richmond County under the general law of the writ of certiorari. Provided, however, that in the event the case is tried before a jury, then in this event the right of certiorari will not lie and the appeal shall be to the court of appeals or supreme court pursuant to jurisdiction requirement.

(c) From any final judgment of the civil court an appeal shall lie to the Court of Appeals of the State of Georgia under the same rules which apply to appeals from the state and superior courts.


Sec. 5-162. Judgments as liens.

All judgments obtained in said civil court shall be liens upon property belonging to the defendant or defendants, to the same extent and upon the same conditions as judgments of the superior courts of this state.

(Ga. Laws 1974, p. 2410, § 28)

Sec. 5-163. Costs—Deposits; exception.

From and after the passage of this act, it shall be necessary for the plaintiff, before or at the time of instituting any civil proceeding in said court, to deposit with the clerk of said court the sum of $14.00 upon the costs that will accrue therein; provided, nevertheless, if any plaintiff who may desire to institute any action in said court is unable from poverty to make the said costs deposit, he may make an affidavit to that effect and file the same with the proceeding sought to be sued out or instituted, whereupon it shall be the duty of the officers of said court to proceed with said matter as though said deposit had been paid. Provided, nevertheless, that the clerk of said court shall not be required to file any proceedings in which the plaintiff is a nonresident and the amount involved, or the property in controversy, does not exceed $500.00, until $14.00 shall have been deposited with the clerk, of [or if] the amount involved, or the property in controversy, exceeds $500.00, until $24.00 shall have been deposited with the clerk, on account of costs. The court at any stage of such cause, on motion of the clerk, shall require such additional deposit as the case may require. If the case be withdrawn or dismissed, or if, upon final judgment, the deposit exceeds the amount of the cost taxable by law, the clerk shall refund to the depositor the excess.


Sec. 5-164. Same—Collection.

It shall be the duty of the judges of said civil court to see to it that the officers of their court are diligent in the collection of costs and shall adopt such other measures and rules as will insure the payment of costs by the parties or parties therefor.

(Ga. Laws 1974, p. 2410, § 30)

Sec. 5-165. Jurisdiction of justice courts in city of Augusta.

No officer of any justice court whose district lies in whole or in part within the limits of the City of Augusta, Georgia, shall have authority to issue or serve any civil, quasi-criminal paper, process, or writ of any character, against any person, firm, or corporation residing within the corporate limits of Richmond County, Georgia, without regard to the location of the court from which said paper or process issued, nor shall any justice of the peace issue any criminal warrant for any misdemeanor or crime committed within the limits of the City of Augusta, Georgia.

(Ga. Laws 1974, p. 2410, § 31)

Sec. 5-166. Jurisdiction of civil court in justice court matters.

In the event any justice of the peace whose district adjoins the City of Augusta is disqualified from presiding in a particular case or refuses to serve in such case, or if such justice of the peace is

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sued and there is no justice in his district who is qualified to act, said Civil Court of Richmond County, Georgia, shall have jurisdiction of such case concurrent with justice courts in other adjoining districts. 
(Ga. Laws 1974, p. 2410, § 32)

Sec. 5-167. Transfer of pending cases from justice court to civil court.

(a) All cases, civil or criminal, pending and undisposed of, from and after the passage of this act, in justice courts lying within the city limits of Augusta, Georgia, shall be and they are hereby transferred to said civil court for trial and disposition therein. All final and other processes in the hands of officers of said justice courts shall be by them returned to said civil court and the judges and other officers of said civil court shall have power and authority to issue and enforce in the name of said civil court any and all processes in any case from said justice courts necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of said justice courts. All fines, and final processes not satisfied in the hands of the officers of said justice court, from and after passage of this act, shall be levied by the officers of said civil court. All records, books, and papers in cases disposed of and on file in said justice courts shall be filed and deposited with the clerk of said civil court and all property of parties to action in said justice courts in the legal custody of the said court shall be delivered, to the marshal of said civil court. It is hereby made the duty of said justices of the peace and constables to which this act is applicable to comply with the provisions of this section; and any justice of the peace and/or constable who shall fail to transmit such suits, papers and documents, or to return such final or other processes, or to deliver the books and records or property in the custody of the courts, within three days after written demand for such transmission or delivery has been made by the clerk of said civil court or any party at interest, shall be held in contempt of said civil court, and be punished as provided in cases of contempt in the superior courts of the State of Georgia. The officers of said justice courts in this section referred to shall be entitled to all uncollected costs which have accrued in the cases in their respective courts so transferred up to the passage of this act, upon the collection of the same by the officers of said civil court.

(b) The provisions of the preceding paragraph shall apply to the justices of the peace and justice courts whose districts are within the city limits of Augusta, Georgia, in all cases, civil or criminal, jurisdiction of which will devolve upon said civil court pending and undisposed of from and after the passage of this act, and none other. 

Sec. 5-168. Building; supplies.

The board of commissioners of Richmond County, Georgia, shall provide a suitable and convenient place for holding of said Civil Court of Richmond County, Georgia; and shall provide all necessary books, stationery and filing cases for keeping the dockets, files and records of said court, and other things necessary to the conduct of the business of said court.
(Ga. Laws 1974, p. 2410, § 34)

Sec. 5-169. Reports, codes and acts to be furnished by state librarian.

A complete set of the published reports of the Supreme Court and the Court of Appeals of Georgia, and the Acts of the General Assembly of Georgia commencing with Acts of 1910 and the Code of 1933, Annotated, shall be furnished by the state librarian to the clerk of said court for the use of said court.
(Ga. Laws 1974, p. 2410, § 35)

Sec. 5-170. Reserved.

Sec. 5-171. Disposal of old records.

The clerk of said civil court shall be and is hereby authorized from time to time, upon direction of the chief judge of said court to destroy or dispose of old records of said court which have served their usefulness and which in the opinion of said chief judge and clerk, have no further value to the court, or to the public, but are merely occupying valuable filing space. The authority hereby granted shall include all the books, papers
and documents of said court now in the possession of said clerk, or which may hereafter come into his possession, of any nature and kind whatsoever, which in the case of criminal warrants, are at least five years old, all dispossessory warrants, distress warrants, peace warrants in which no defensive pleadings have been filed, and all justice of the peace court records and papers which by law have been placed in the possession of said clerk, and which, as aforesaid, in the opinion of the chief judge of said court have served their usefulness and are of no longer any value to anyone. Nothing in this act shall authorize the destruction or disposal of the minutes, writ books, the dockets or the indices or books of general entry, journals, or cash journals of the Civil Court, Richmond County, Georgia, and such records within the discretion of the chief judge of said court.

(Ga. Laws 1974, p. 2410, § 37)

Sec. 5-172. Severability of provisions of act.

If any section or provision of this act shall be held unconstitutional, or invalid, by any court of competent jurisdiction, the corresponding original acts hereby sought to be changed shall ipso facto and pro tanto stand reenacted and restored, and it shall not affect the validity and constitutionality of the remainder of this act.

(Ga. Laws 1974, p. 2410, § 39)

Sec. 5-173. Judge emeritus—Qualifications.

Any judge of the Civil and Magistrate Court of Richmond County, formerly known as the Municipal Court, City of Augusta, Richmond County, whether appointed or elected or both, who has at least ten years of service as judge of such court and who is still in service as judge of such court shall be eligible to become Judge Emeritus at his discretion at any time. Any such judge may elect to and become a Judge Emeritus of such court by presenting to the Board of Commissioners of Richmond County satisfactory evidence of eligibility. More than one judge may hold the position of Judge Emeritus simultaneously, provided that each such judge meets all requirements of holding said position.


Sec. 5-174. Same—Filling unexpired term of judge emeritus.

When a judge becomes Judge Emeritus during his term of office, he shall notify in writing the Governor of his election, who shall fill such office by appointment for the unexpired term. If a judge elects to become Judge Emeritus upon the expiration of his then present term of office, the vacancy shall be filled by election as provided by law.


Sec. 5-175. Same—Authority to hold court when called.

A Judge Emeritus of the Civil and Magistrate Court of Richmond County shall be empowered, qualified, and authorized to hold court for the State Court of Richmond County, whenever the Chief Judge of such court considers the condition of the docket congested to the extent that the services of an extra judge are needed; when said Chief Judge feels that the needs of justice will be best met by a Judge Emeritus presiding; or when said Chief Judge is disqualified by law. The Judge Emeritus may be called into service in the State Court of Richmond County by order passed by the Chief Judge of said court.


Sec. 5-176. Same—Services by request.

By order of the Chief Judge of the Civil and Magistrate Court of Richmond County, a Judge Emeritus may be called into trial service in such court by way of request. If the Chief Judge is so incapacitated that he cannot issue such request order, then the Presiding Judge of such court shall be empowered to issue such order. If the Presiding Judge is so incapacitated that he cannot issue such request order, the Chief Judge of the Superior Court of Richmond County is empowered to issue an order requesting the services of a Judge Emeritus.

Sec. 5-177. Same—Disqualifications.

A Judge Emeritus shall not hold any compensating position with the State of Georgia, the United States of America, Richmond County, or the City of Augusta or any agencies thereof, except upon taking a leave of absence as Judge Emeritus and waiving and relinquishing compensation during such leave of absence. A Judge Emeritus shall be disqualified from engaging in the practice of law in the State Court of Richmond County and the Civil and Magistrate Court of Richmond County unless he takes a permanent leave of absence as Judge Emeritus and waives and relinquishes compensation during such permanent leave of absence. For the purpose of this section, the term compensating position shall not include receipt of any deferred compensation, pension, annuity, or retirement benefit which may accrue to the Judge Emeritus.

Sec. 5-178. Same—Compensation.

A Judge Emeritus of the Civil and Magistrate Court of Richmond County shall receive as compensation for his position 40 percent of the total amount received for services as a regular judge computed on the 12-month period immediately preceding his declaration as Judge Emeritus based upon total remuneration received by such judge, including salary for services in the civil court as well as any salary supplement for services in the magistrate court and any other supplement authorized and paid by the Board of Commissioners of Richmond County. Additional compensation shall accrue to such Judge Emeritus at the rate of 1.333 percent of said salary per year for each year of service in addition to the first ten years, the total remuneration not to exceed 60 percent of his salary as a regular judge. Remuneration for a Judge Emeritus shall be paid out of the treasury of Richmond County. Any period of time served as a judge of the Civil and Magistrate Court of Richmond County prior to July 1, 1992, shall be deemed creditable service for purposes of computing term of service and salary pursuant to this act [article].

ARTICLE 5. PROBATE COURT

Sec. 5-179—5-181. Reserved.

Sec. 5-182. Special bailiff—Appointment.

Whenever approved by resolution of the county commissioners of any county of this state the probate judge of such county shall be authorized to appoint a special bailiff of the probate court of such county.
(Ga. Laws 1961, p. 2921, § 1)

Sec. 5-183. Same—Powers and duties.

The powers and duties of such special bailiff of the probate court shall be as follows:
(a) To investigate all applications for the commitment of mental patients and present the results of such investigations to the probate judge and to the commission convened to determine the question of commitment.
(b) To conduct such other investigations of mental cases or other matters within the jurisdiction of the probate judge as may be required by the probate judge and to make written reports thereon, whenever so required.
(c) To transport all mental patients under order of commitment by the probate judge to the Milledgeville State Hospital or to local hospitals or other places of temporary or permanent detention in conformity with the orders of the probate court.
(d) To attend upon all sessions of the probate court, whenever so required, and to formally open the regular terms of the probate court on the first Monday of each month.
(e) To serve all writs, notices, subpoenas, orders and any other process and execute all orders of the probate court according to law and in compliance with the orders of the probate judge and to make returns of his actions as now required of the sheriff and his deputies.
(f) To have and be vested with all of the powers and authority now or hereafter provided by law for the sheriff or his deputies insofar as they relate to the functions of the probate court.

(g) To have such other power and authority as may be necessary or convenient for the accomplishment of the purposes of this act.

Sec. 5-184. Same—Compensation; bond.

The compensation of such special bailiff shall be in amount specified by the probate judge making such appointment subject to the approval of the county commissioners of the county. Such special bailiff shall be required to give bond in the sum of $1,000.00 payable to the probate judge for the faithful performance of his duties.

(Ga. Laws 1961, P. 2921, § 3)

Sec. 5-185. Same—Fees.

The probate judge appointing such special bailiff shall be entitled to the same fees for his services as may now or hereafter be provided by law for similar services when performed by the sheriff, such fees to be a part of the costs of the court.

(Ga. Laws 1961, p. 2921, § 4)

Sec. 5-186. Same—Transportation.

When such special bailiff is appointed in any county it shall be the duty of the county commissioners of such county to provide adequate and suitable means of transportation to properly effectuate the purposes of this act, and to pay for the reasonable and necessary expenses of operating such means of transportation.

(Ga. Laws 1961, p. 2921, § 5)

Sec. 5-187. Same—Duty to sheriff to provide assistance.

It shall be the duty of the sheriff whenever this act shall have been placed in operation in his county to continue to receive and maintain in the jail any person committed to jail by order of the probate judge, to furnish one or more deputies upon the request of the probate judge to assist the special bailiff of the probate court in arresting any person alleged to be insane and violent and dangerous, and shall also furnish on request one or more attendants to assist such special bailiff in the transportation of any person under commitment. The services of such deputies may be considered as part of their regular duties or they may be given additional compensation as may be provided by resolution of the county commissioners. The probate judge shall also be authorized to permit members of a patient's family to serve in this capacity and may fix the compensation for such services which shall be paid from county funds.

(Ga. Laws 1961, p. 2921, § 6)

Sec. 5-188. Judge emeritus—Qualifications.

Any judge of the Probate Court of Richmond County (formerly the court of ordinary) who shall have at least 15 years of service as judge of said court and 10 years in the employment of the county and shall have attained the age of 55 years and who is still in service as such judge at the time of his eligibility, shall be eligible to become judge emeritus at his discretion at any time after becoming eligible by presenting evidence of his or her eligibility to the governing authority of his or her county, at which time he or she shall become judge emeritus.

(Ga. Laws 1971, p. 2941, § 1; Ga. Laws 1975, p. 3068, § 1)

Sec. 5-189. Same—Filling vacancy in office vacated.

When said judge becomes judge emeritus of said court, the vacancy in office thus created shall be filled as required by law.

(Ga. Laws 1971, p. 2940, § 1; Ga. Laws 1975, p. 3068, § 2)

Sec. 5-190. Same—Powers and duties.

The said judge emeritus shall be empowered, qualified and authorized to hold court whenever the regularly elected judges of said court consider the condition of the docket congested to the extent that the services of an extra judge are needed, or when the regular elected judge feels that the needs of justice will be best met by said judge emeritus presiding, or where or when said regular
elected or appointed judge of the probate court is disqualified by law. The judge emeritus may be called into service by order passed by the regular elected judge of said probate court. (Ga. Laws 1971, p. 2940, § 3; Ga. Laws 1975, p. 3068, § 3)

Sec. 5-191. Compensation of probate judge.

The salary of probate judge of Richmond County increased to $105,000.00 by local supplement, effective January 1, 2006. (Ord. of 7-25-05)

Sec. 5-192. Compensation of judge emeritus.

Said judge emeritus shall be entitled to receive and shall receive a pension of 50% of the total amount received while a regular judge as computed on the 12-month period immediately prior to becoming judge emeritus, to be paid monthly out of the treasury of the county, by the person or persons charged by law with paying out the money of said county. Provided, however, if the said judge shall choose to become judge emeritus at some point in time beyond his or her 55th birthday, he or she shall receive as pension two percent more (of the total amount received while a regular judge as computed on the 12-month period immediately prior to becoming judge emeritus) per year for each year beyond his or her 55th birthday up to age 60. Provided, further, in the event the said judge shall become incapacitated (mentally or physically) prior to reaching age 55, he or she shall be deemed to have reached his or her 55th birthday for the purposes of receiving the benefits provided by this act. (Ga. Laws 1971, p. 2940, § 5; Ga. Laws 1975, p. 3068, § 5)
Chapter 6

EDUCATION

ARTICLE 1. RESERVED
Chapter 7

FINANCE AND TAXATION

ARTICLE 1. IN GENERAL

Sec. 7-1. Purposes of county taxes.

County taxes may be levied and collected for the following public purposes:

(a) To pay the expenses of administration of the county government;
(b) To pay the principal and interest of any debt of the county and to provide a sinking fund for the payment of the principal and interest;
(c) For educational purposes upon property located outside of independent school systems, as provided in article VIII of the constitution of this state;
(d) To build and repair public buildings and bridges;
(e) To pay the expenses of courts and the maintenance and support of inmates, to pay sheriffs and coroners, and to pay for litigation;
(f) To build and maintain a system of county roads;
(g) For public health purposes in the county and for the collection and preservation of records of vital statistics;
(h) To pay county police;
(i) To support indigent individuals;
(j) To pay county agricultural and home demonstration agents;
(k) To provide for payment of old age assistance to aged individuals in need and for the payment of assistance to needy blind, assistance to dependent children, and other welfare benefits;
(1) No individuals shall be entitled to assistance as provided in this paragraph who does not qualify for assistance in every respect as provided by law prescribing the qualifications for beneficiaries;
(2) No indebtedness or liability against the county shall ever be created for the purpose stated in this paragraph when the indebtedness or liability is in excess of amounts reasonably expected to be raised by county taxes levied as provided by law;
(l) To provide for fire protection of forest lands and for the conservation of natural resources;
(m) To provide hospitalization and medical or other care for the indigent sick people of the county;
(n) To acquire, improve, and maintain airports, public parks, and public libraries;
(o) To provide for workers' compensation and retirement or pension funds for officers and employees;
(p) To provide reasonable reserves for public improvements as may be fixed by law;
(q) To pay pensions and other benefits and costs under a teacher retirement system or systems;
(r) For school lunch purposes, upon property located outside of independent school systems as provided in article VIII of the constitution of this state, to provide for payment of costs and expenses incurred in the purchase, replacement, and maintenance of school lunchroom equipment, purchase of school lunchroom supplies, transportation, storage, and preparation of foods, all other costs and expenses incurred in the operation of school lunch programs, but excluding purchase of foods;
(s) To provide for ambulance services within the county;
(t) To provide for financial assistance to county or joint county and municipal development authorities for the purpose of developing trade, commerce, industry, and employment opportunities; no tax for this purpose shall exceed one mill per dollar.
upon the assessed value of the taxable
property in the county levying the tax; and

(u) To provide for public health and sanita-
tion including, but not limited to, water
pollution control projects, sewage treat-
ment facilities, storm and sanitary sewer
facilities, and water supply facilities.
(O.C.G.A., § 48-5-220)

Secs. 7-2—7-3. Reserved.

ARTICLE 2. BUDGET

Secs. 7-4—7-19. Reserved.

Sec. 7-20. Audit.

The grand jury of the January term of the Superior Court of Richmond County shall each year submit to the governing authority of Richmond County a list of three certified public accounting firms. The governing authority of Richmond County shall select from among those firms submitted to them an accounting firm which shall perform an audit of all county offices handling public funds of Richmond County. Said audit shall cover the current fiscal year. No such firm shall be selected for said audit which has performed such services for three consecutive years.

ARTICLE 3. LEVY AND COLLECTION OF AD VALOREM TAXES

Sec. 7-21. Authority to make single tax levy.

Notwithstanding any other provision of this Constitution, no local taxing jurisdiction in Richmond County may levy or collect an ad valorem tax in any tax year beginning on or after January 1, 1981, at a mill rate higher than the ad valorem tax mill rate authorized in this paragraph, unless the mill rate is approved by a majority of the qualified electors of the local taxing jurisdiction voting in a referendum called for such purpose. The maximum mill rate each such local taxing jurisdiction may levy in any tax year without a referendum as provided in this paragraph shall be determined as follows: (1) multiply the mill rate levied by the local taxing jurisdiction for the tax year beginning January 1, 1979, exclusive of any grants from the State of Georgia which may have been used to reduce the net millage rate for 1979, by 107%; (2) then, multiply the mill rate determined in (1), above, by a fraction the numerator of which is the net taxable digest for the local taxing jurisdiction for the tax year preceding the year the tax is to be levied; rounded off to the nearest $10,000,000.00 and the denominator of which is the net taxable digest for the local taxing jurisdiction for the tax year in which the levy is to be made, rounded off to the nearest $10,000,000.00; (3) then, reduce the mill rate determined in (2), above, by the mill rate which, if levied against the taxable property within the local taxing jurisdiction, would produce an amount of revenue equal to the amount of any proceeds received by the local taxing jurisdiction in the immediately preceding tax year from a local sales and use tax.

This Act shall apply to the tax year beginning January 1, 1981, and each succeeding year.

The mill rate determined after the reduction provided for in (3), above, shall be the maximum mill rate which may be levied in the applicable tax year by the local taxing jurisdiction except as provided for below. In the event the governing authority of a local taxing jurisdiction desires to seek approval at a referendum for the levy in any tax year of a mill rate greater than the mill rate authorized in this paragraph, the governing authority shall hold not less than three public hearings on the proposed mill rate at different locations within the limits of the local taxing jurisdiction prior to the date of the referendum. Notice of each such public hearing shall be published in the legal organ of the local taxing jurisdiction for at least three consecutive weeks immediately preceding the week the meeting is to be held and shall also be made as may otherwise be required by law.

The tax limitation set forth above shall exclude and not include any expenditures made or caused to be made by the local taxing jurisdiction as determined from time to time on a case by case basis for the following express purposes:

(a) Bonded indebtedness incurred as a result of a referendum by the voters approving such bonded indebtedness;
(b) Any expenditure for the replacement of or provision for any direct loss suffered by the local taxing jurisdiction as the result of any peril, catastrophe, or emergency which includes, but is not limited to, fire, lightning, wind, hail, water, storm, war, insurrection, riot, earthquake, nuclear occurrence, seizure, explosion, freezing, aircraft, vehicles, or other similar catastrophe or acts of God; with the amount to be levied to cover such emergency not to exceed the actual cash outlay, considering all insurance payments from other sources to which said taxing jurisdiction may be entitled, which the taxing jurisdiction actually incurs as the result of said loss, including professional fees and other similar expenses required to place the taxing jurisdiction in the same position in which it would have been had such perils, catastrophe, or emergency not occurred; provided, however, the governing body of the taxing jurisdiction declares by a two-thirds majority that the emergency does exist and the expenditures are in fact to be made as the result of the emergency.

The General Assembly may, by local law, authorize the levy of additional assessments to provide for capital improvements, judicial commands and precepts, or mandated programs not funded by state or federal funds, and establish procedures for the administration of the provisions of this paragraph.

Secs. 7-22—7-23. Reserved.

Sec. 7-24. Discounts for early payment.

(a) Authorized subject to the conditions provided by local law, the general assembly may authorize each local taxing jurisdiction in Richmond County to grant a reasonable discount for early payment of ad valorem taxes owed to the local taxing jurisdiction. No such discount shall be granted except upon payment in full by the taxpayer of all ad valorem taxes due and payable to the local taxing jurisdiction.

(b) School taxes. The county board of education of Richmond County shall have the authority to provide by resolution for every taxpayer who pays school ad valorem taxes in Richmond County within 20 days from the original billing date of the school ad valorem taxes an incentive discount not to exceed four percent for early payment of said taxes. No such discount shall be granted except upon payment in full by the taxpayer of all ad valorem taxes due and payable for school taxes. The county board of education may from time to time by appropriate resolution change the amount of discount allowed provided such modification does not exceed the maximum discount allowed herein.


Secs. 7-25—7-27. Reserved.

Sec. 7-28. Delinquent tax collections; change of interest rate and penalty by taxing authority. (Repealed)

Sec. 7-29. Exemptions—Property not owned as of January 1 of the applicable tax year.

Nothing contained within this act shall be deemed or construed to impose any liability for the payment of any such ad valorem taxes upon any person, firm or corporation for property which was not owned on the first day of January of the applicable tax year.

(Ga. Laws 1974, p. 3515, § 3)

Sec. 7-30. Same—Homestead.

(a) Residents—Generally. The homestead of each resident of Richmond County actually occupied by the owner as a residence and homestead, and only so long as actually occupied by the owner primarily as such, but not to exceed five thousand dollars of its value, is hereby exempted from all ad valorem taxation for county and school purposes, except to pay interest on and retire bonded indebtedness. The value of all property in excess of the foregoing exemption shall remain subject to taxation. Said exemption shall be returned and claimed in such manner as prescribed by the
General Assembly. The increased exemption provided for herein shall apply to all taxable years beginning after December 31, 1980.

(b) Residents sixty-five years of age or over. Each resident of Richmond County who is sixty-five years of age or over is hereby granted an exemption from all Richmond County ad valorem taxes for county and school purposes, except to pay interest on and retire bonded indebtedness, in the amount often thousand dollars on a homestead owned and occupied by him as a residence if his net income, together with the net income of his spouse who also occupies and resides at such homestead, as net income is defined by Georgia law, from all sources, except as hereinafter provided, does not exceed ten thousand dollars for the immediately preceding taxable year for income tax purposes. For the purposes of this paragraph, net income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and his spouse under the federal Social Security Act, and income from such sources in excess of such maximum amount shall be included as net income for the purposes of this paragraph. The value of the residence in excess of the above exempted amount shall remain subject to taxation. Any such owner shall not receive the benefits of such homestead exemption unless he, [in person] or through his agent, files an affidavit with the tax commissioner of Richmond County, giving his age and the amount of income which he and his spouse received during the last taxable year for income tax purposes, and such additional information relative to receiving the benefits of such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose. Such applications shall be processed in the same manner as other applications for homestead exemption, and the provisions of law applicable to the processing of homestead exemptions, as the same now exist or may hereafter be amended, shall apply thereto. Once any such owner has filed the proper affidavit and has been allowed the exemption provided herein, it shall not be necessary that he make the application and file the said affidavit thereafter for any year and the said exemption shall continue to be allowed to such owner. It shall be the duty of any such owner, however, to notify the tax commissioner in the event he becomes ineligible for any reason for the exemption provided in this paragraph. The General Assembly may provide by law for the proper administration of this exemption including penalties necessary therefor. The increased exemption provided for herein shall apply to all taxable years beginning after December 31, 1980.

(c) Residents totally and permanently disabled. Each resident of Richmond County who is totally and permanently disabled is hereby granted an exemption from all Richmond County ad valorem taxes for county and school purposes, except to pay interest on and retire bonded indebtedness, in the amount of ten thousand dollars on a homestead owned and occupied by him as a residence. For the purposes of this paragraph, the term totally and permanently disabled person shall mean any person who is unable to engage in any substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A person shall not be considered permanently and totally disabled unless he furnishes proof of the existence thereof in such form and manner, and at such times, as the tax commissioner may require. Any such owner shall not receive the benefits of such homestead exemption unless he, [in person] or through his agent, files an affidavit with the tax commissioner of Richmond County, giving information to the effect that he is totally and permanently disabled as herein defined and such additional information relative to receiving the benefits of such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose. Such applications shall be processed in the same manner as other applications for homestead exemption, and the provisions of law applicable to the processing of home-
stead exemptions, as the same now exist or may hereafter be amended, shall apply thereto. Once any such owner has filed the proper affidavit and has been allowed the exemption provided herein, it shall not be necessary that he make application and file the said affidavit thereafter for any year and the said exemption shall continue to be allowed to such owner. It shall be the duty of any such owner, however, to notify the tax commissioner in the event he becomes ineligible for any reason for the exemption provided in this paragraph. The General Assembly may provide by law, or the proper administration of this exemption including penalties necessary therefor. The increased exemption provided for herein shall apply to all taxable years beginning after December 31, 1980.

(Ga. Laws 1980, p. 2190, § 1)

Sec. 7-31. Capital improvements of new manufacturing establishments, Richmond County.

All capital improvements of each new manufacturing establishment located in Richmond County, Georgia, shall be exempt from all county ad valorem taxes, except for school purposes, for five years from the time of its establishment provided such establishment has capital improvements of one million dollars. Each addition to the capital improvements of an existing manufacturing establishment located in Richmond County, Georgia, shall be exempt from all county ad valorem taxes, except for school purposes, for five years from the time such addition is made if the cost of such addition is one million dollars, or more. For the purpose of this exemption the term manufacturing establishment shall mean and include every person, firm, partnership or corporation engaged in making, fabricating or changing things into new forms for use or in refining, rectifying or combining different materials for use. The term capital improvements shall mean and include buildings, machinery and equipment directly connected with the manufacturing process.


Sec. 7-32. Capital improvements of new manufacturing establishments, City of Augusta.

All capital improvements of each new commercial or business establishment located in the City of Augusta shall be exempt from all ad valorem taxes, except taxes to retire bonded debt, levied by the City of Augusta for a period of five years after completion of the improvements if the improvements have a fair market value of $100,000.00 or more. Each addition to the capital improvements of an existing commercial or business establishment located in the City of Augusta shall be exempt from all ad valorem taxes, except taxes to retire bonded debt, levied by the City of Augusta for a period of five years after completion of the additional improvements if the additional improvements have a fair market value of $100,000.00 or more. The value of each establishment in excess of the amount exempted by this paragraph shall remain subject to taxation. As used in this paragraph, the term 'capital improvements' includes buildings, machinery, equipment, and fixtures but does not include land or inventory. This paragraph shall in no way affect any state, county, or school taxes.


Sec. 7-33. Reserved.

ARTICLE 4. TAX COMMISSIONER

Sec. 7-34. Replaces offices of tax receiver and tax collector.

The offices of tax receiver and tax collector of Richmond County, Georgia, are hereby abolished and the duties of the two offices aforesaid are hereby consolidated into one office.

(Ga. Laws 1956, p. 2362, § 1)

Sec. 7-35. Office created; rights, duties and liabilities.

The office of Richmond County Tax Commissioner is hereby created in lieu of said abolished offices of tax receiver and tax collector, and the rights, duties and liabilities of said office of Richmond County Tax Commissioner shall be the same as the rights, duties and liabilities of the tax receiver and tax collector of said county, so far as the same are applicable.

(Ga. Laws 1956, p. 2362, § 2)
Sec. 7-36. Term.

Richmond County Tax Commissioner shall hold office for a term of four years, beginning January 1, 1957, and said tax commissioner shall be elected at the regular general election to be held for the state in 1956, and every four years thereafter. The tax receiver and tax collector of Richmond County, Georgia, shall perform the duties of their respective offices through December 31, 1956.

(Ga. Laws 1956, p. 2362, § 5)

Sec. 7-37. Election—When and in what manner.

Said Richmond County Tax Commissioner shall be elected at the general election held in the State of Georgia in the year 1956, and at the same general election each four years thereafter in the same manner, time and place as clerks of the superior court are elected.

(Ga. Laws 1956, p. 2362, § 6)

Sec. 7-38. Same—Commission and qualification.

Said Richmond County Tax Commissioner shall be commissioned and qualified as clerks of the superior court are.

(Ga. Laws 1956, p. 2362, § 7)

Sec. 7-39. Charge for collection of school taxes.

(a) The tax commissioner of Richmond County shall collect all county school ad valorem taxes and, after deducting commissions as provided hereafter, he shall pay over to the county board of education, once each month, all county school ad valorem taxes collected by him. Such commissions shall be the lesser of two and one-half percent of all county school ad valorem taxes collected by the tax commissioner or the expenses incurred by Richmond County for the collection of county school ad valorem taxes.

(b) As used in this section, expenses means all expenses incurred by Richmond County for the operation of the delinquent tax office, the tag office, the board of tax assessors, the property tax office, and the office of the county tax commissioner related to the collection of county school ad valorem taxes.

(c) Such commissions shall be collected by the tax commissioner of Richmond County and paid by said tax commissioner and paid over the proper fiscal authority for Richmond County as reimbursement for expenses incurred by the county for collecting county school ad valorem taxes.


Sec. 7-40. Authority to accept personal checks for automobile registration.

Notwithstanding the provisions of Code § 40-2-27 [Georgia Code Annotated] to the contrary, the tax commissioner of Richmond County shall be authorized to accept personal checks for the payment of the registration of motor vehicles and the purchase of license plates therefor. In the event such personal check shall not be collectible, the tax commissioner shall be absolved of all responsibility for the collection and payment of any such check.

(Ga. Laws 1972, p. 1456)

Sec. 7-41. Chief deputy tax commissioner.

The position of chief deputy tax commissioner shall be filled by the tax receiver of Richmond County who is serving in said capacity at the time of the approval of this act, and such person shall not be removed or discharged from said position without just and sufficient cause. The said chief deputy tax commissioner shall be an employee of Richmond County, within the meaning of paragraph C of section 2 of the act approved February 1, 1945, (Georgia Laws of 1945, pages 748 through 761) and shall be eligible to comply with all of the provisions of said act and to receive the benefits of retirement therein provided; and the chief deputy commissioner shall be an employee of Richmond County within the meaning of the act approved February 1, 1945 (Georgia Laws 1945, pages 748 through 761 inclusive), known as the Richmond Employees Pension Fund and shall be eligible to
comply with all of the provisions of said act, including section 22 thereof, and to participate in the benefits provided under the terms thereof.
(Ga. Laws 1956, p. 2362, § 10)

Sec. 7-42. Oath.

Before entering upon the duties of his office the said Richmond County Tax Commissioner shall take the oath now prescribed by law for tax receiver and tax collector, and he and his deputies, assistants and employees shall give a bond in such sums as may be fixed by the commissioners of Richmond County, Georgia, which bonds shall be signed as surety by a bonding company legally authorized to do business in the State of Georgia and shall be approved by the commissioners of Richmond County, for said county; and the bond premiums shall be paid by the commissioners of Richmond County out of the funds of Richmond County, Georgia as a part of the expense of county government.
(Ga. Laws 1956, p. 2362, § 11)

Sec. 7-43. Office—Location.

Said Richmond County Tax Commissioner shall have his office in the courthouse of Richmond and shall keep his office open every day of the year except Sundays and legal holidays for the purpose of receiving and collecting all taxes.
(Ga. Laws 1956, p. 2362, § 12)

Sec. 7-44. Same—Expenses.

The necessary office expense of the tax commissioner herein named shall, when approved by the county board of commissioners or other fiscal agent of said county, be paid out of the treasury of such county monthly, and the said tax commissioner is required to furnish to the county commissioners, or other fiscal agent, an itemized statement of such necessary expenses at the first regular meeting of such board, or the fiscal agent in each month; provided the county aforesaid shall only be liable for the payment of such items of expense as are approved by such board of commissioners or other fiscal agents; provided, nevertheless, before any such item of expense shall be paid by the county treasurer, an itemized statement thereof shall be furnished, and the same shall have been paid, the same shall be deducted from any amount or amounts that may be due to the person who has collected the same. No credit shall be taken for items unless duly itemized and authorized by said county commissioners or other fiscal agent.
(Ga. Laws 1956, p. 2362, § 16)

Sec. 7-45. Filling vacancy.

If at any time a vacancy should occur in the office of said Richmond County Tax Commissioner, the same shall be filled at a special election to be called and conducted by the chairman of the county commission of Richmond County, Georgia, within a period of sixty days after the said vacancy shall have occurred, provided that the general election laws of the State of Georgia shall control the procedure in said election.
(Ga. Laws 1956, p. 2362, § 13)

Sec. 7-46. Acting tax commissioner.

If at any time there should occur a vacancy in the office of Richmond County Tax Commissioner, it shall be the duty of the commissioners of Richmond County, and they are hereby empowered, to designate immediately some competent person to take charge of said office and perform the duties thereof until an election is held and a tax commissioner is qualified and assumes the duties of said office; and such person so appointed shall receive as compensation for this services a pro rata share of the yearly salary of Richmond County Tax Commissioner, and he shall give the bond and take the oath required of said tax commissioner herein.
(Ga. Laws 1956, p. 2362, § 14)

Sec. 7-47. Financial statement; settlement.

Said Richmond County Tax Commissioner be, and he is hereby, required to furnish the commissioners of Richmond County with an itemized statement under oath, each month, of all fees, commissions, costs or other money received and collected by him for said county and to furnish such reports to the state authorities as are now required or may hereafter be required of tax receivers and tax collectors of this state. And said Richmond County Tax Commissioners is required
to make settlement on the tenth day of each month with the commissioners of Richmond County of all moneys collected by him during the previous month, and shall make settlement with state authorities as provided by law.
(Ga. Laws 1956, p. 2362, § 15)

Sec. 7-48. Reserved.

Sec. 7-49. Emergency clerks and deputies.

In case of emergency arising in said office of tax commissioner, upon the same being called to the attention of the Board of Roads and Revenues of Richmond County by the said tax commissioner in writing, the said board, upon a vote of a majority of such board, may authorize such tax commissioner so applying to appoint such additional number of deputies and/or clerks as such board deems necessary; and such board shall fix their compensation; provided, nevertheless, when, in the opinion of a majority of such board, such emergency shall have ceased, such board may discharge or require the discharge or dismissal of any or all such emergency appointees. All such emergency clerks or deputies, or other employees, of said office of tax commissioner shall be paid by lawfully serving as such from the county treasury in the same manner as other salaries are paid.
(Ga. Laws 1956, p. 2362, § 17.)

Sec. 7-50. Monthly salaries and expenses of commissioner and personnel.

It shall be proper and lawful for the Treasurer of Richmond County, or other custodian or depository of county funds, to pay out of the county funds a monthly portion of such salaries and expenses to the said tax commissioner, together with the salaries fixed, for the assistants, deputies, clerks and expenses of the office, and it shall be the duty of the tax commissioner to dispense the salaries of the clerks, deputies, assistants, employees and expenses of the office.
(Ga. Laws 1956, p. 2362, § 18.)

Note—As of January 1, 2006, the salary of the tax commissioner is $106,922.00 plus a salary supplement for the duties of a sheriff ex officio is 3,719.00.

Sec. 7-51. Pay raises; additional employees.

The Board of Commissioners of Roads and Revenues of Richmond County shall have the right in case of emergency to authorize pay raises for the tax commissioner, his deputies, assistants and employees provided for by this act and shall have the authority to employ additional employees or assistants in the office of the tax commissioner in Richmond County and shall have the authority to fix compensation for such additional assistants, clerks or employees, provided, nevertheless, said board of Commissioners may at any time require the discharge of any such emergency employee or the reduction in pay of any emergency pay increase granted to any of the employees or the tax commissioner provided for by this act.
(Ga. Laws 1956, p. 2362, § 19.)

Sec. 7-52. No obligation to fill all positions of deputy, clerk or assistant.

There shall be no obligation upon the tax commissioner to keep filled all such positions in his respective offices when, in his judgment, any such deputy, clerk or assistant, or any other employee, may be advantageously dispensed with, and such tax commissioner may from time to time fill, or fail to fill, any such positions, with the exception of the position of chief deputy commissioner, which shall be filled in accordance with section 36 of this act.
(Ga. Laws 1956, p. 2362, § 20.)

Sec. 7-53. Taxes and tax fi. fas. existing prior to creation of office of tax commissioner.

All taxes that are due and payable at the time the provisions of this act become effective, and all tax fi. fas. heretofore issued by the Tax Collector of Richmond County, Georgia, shall have full force and effect and be collected by the Richmond County Tax Commissioner.
(Ga. Laws 1956, p. 2362, § 3.)

Sec. 7-54. Disposition of fees and commissions allowed tax receiver and tax collector.

All fees, commissions and other compensation presently allowed to the Tax Receiver and Tax
Collector of Richmond County and which are not prohibited by section 35 of this act shall be collected by said tax commissioner and paid into the treasury of Richmond County, Georgia. All fees, commissions and all other compensation which may hereafter be allowed the officers of tax receiver and tax collector shall be collected by said tax commissioner and paid into the treasury of Richmond County, Georgia, notwithstanding the provision of this act combining said offices.


ARTICLE 5. BOARD OF TAX ASSESSORS

Sec. 7-55. Constitutional authority.

The general assembly shall have the power to consolidate and combine the county and city board of tax assessors for both real and personal property of the City Council of Augusta and County of Richmond, and all the governmental functions and powers now vested in and exercised by said board of tax assessors in the City Council of Augusta and County of Richmond; to create, designate and give a name to a city-county board of tax assessors for the municipality of the City Council of Augusta and the entire area of Richmond County; to vest and confer upon such city-county board of tax assessors the authority as may be conferred upon tax assessors of municipalities, counties, or both, under existing laws; to abolish any and all offices now existing under any and all acts under the city charter of City Council of Augusta pertaining to the board of tax assessors for both real and personal property for the City Council of Augusta, and any and all offices now existing under any and all acts under the city charter of City Council of Augusta pertaining to the board of tax assessors for both real and personal property for the City Council of Augusta and County of Richmond, and the power of said board, however, to create in lieu thereof new offices and a city-county board of tax assessors to be vested with all of the duties and powers of the offices and boards of tax assessors thus abolished; to provide for the employment of assistants to such board; to provide for the payment of compensation to the city-county board of tax assessors; to provide that the general assembly in exercising the powers herein conferred may include in the act or law, or any amendment thereto, any one or more of the powers or provisions herein enumerated and may exclude therefrom any one or more of the powers herein enumerated and in exercising the powers herein conferred, it shall not be necessary that the enactment or enactments of the General Assembly pursuant hereto carry with it a referendum to the qualified voters of the County of Richmond and the City Council of Augusta; and for other purposes.

(Ga. Laws 1956, p. 453; Ga. Laws 1983, p. 4094, §§ 1, 2)

Sec. 7-56. Definitions.

These terms, when used in this act, shall have the following definitions unless a different meaning clearly appears from the context:

(a) Board. The Richmond County Board of Tax Assessors.

(b) City. The City of Augusta, Georgia.

(c) County. Richmond County, Georgia.

(Ga. Laws 1973, p. 2812, § 1)

Sec. 7-57. Creation; composition; duties, powers and authority—Generally; appointment, terms and removal of members; filling vacancies.

(a) There is hereby created a County Board of Tax Assessors for Richmond County for the entire territorial area of the city and county, and said board shall have all the duties, powers, and authority given to the county tax assessors by general law in executing the purposes of this Act. Without limiting the generality of the foregoing, it shall be the duty of said board to fix the values of all property located within the city and the county for all city, state, county, school, or other tax purposes and to prepare the tax digest for the city and county. The power of said board, however,
shall not extend to the assessing of any property which must be returned for taxation to the state revenue commissioner or Comptroller General.

(b) Said board shall consist of eight members. Six members shall be appointed by the governing authority of the consolidated government of Augusta-Richmond County. Three members shall be appointed who reside in Commission-Council District 9, as described in an Act approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, and three members shall be appointed who reside in Commission-Council District 10, as described in an Act approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended. Two members shall be appointed by the legislative delegation consisting of each member of the General Assembly whose legislative district is wholly or partially within the boundaries of Richmond County.

(c) The board members in office immediately prior to the effective date of this section shall serve out the remainder of the terms for which they were appointed. Thereafter, future appointments shall be made so as to bring the membership of the board into compliance with the provisions of subsection (b) of this section at the earliest practicable date.

(d) All members of the board shall serve for terms of four years and until their successors take office, except that the governing authority may from time to time, at the time of making a new appointment, and the legislative delegation may from time to time, at the time of making a new appointment, adjust the term of the new appointee as necessary or appropriate to maintain a system of staggered four-year terms so as to ensure continuity on the board at all times.

(e) In case of a vacancy on the board at any time, caused by death, resignation, removal, or otherwise, the vacancy shall be filled for the remainder of the unexpired term, and the appointment shall be made in the same manner as herein provided for the appointment of the members of the board. The members of the board may be removed by the appointing authority only for cause shown for the failure to perform the duties. (Ga. Laws 1973, p. 2812; Ga. Laws 1974, p. 3069, § 1; Ga. Laws 1993, p. 4482, § 1; Ga. Laws 1999, p. 3599, 3600, § 3)

Sec. 7-58. Duty to assess property; officers of board.

The board shall assess all real estate and personal property. The members of the board shall elect one member as chairman and one member as vice-chairman, each to serve for a term of one year, with the right to succeed himself as such. The compensation of each board member shall be $200.00 per month, to be paid by the governing authority. (Ga. Laws 1973, p. 2812, § 4)

Sec. 7-59. Chief tax appraiser.

The chief tax appraiser shall be hired by the board, subject to the approval of the county governing authority. The chief tax appraiser shall, under the authority of and pursuant to the direction of the board, prepare and keep tax maps and other tax records; shall establish an equitable and scientific system of appraising property for taxation; give notice of assessment made by the board as provided by law; and perform any and all other duties related to the assessment of taxable property as may be required by the board. He shall receive all returns required of taxpayers by law within the county and the city, and all taxpayers shall be required to make a single return to the chief tax appraiser, on such form as may be prescribed by the board on or before January 31 for the year 1975, and each year thereafter. The chief tax appraiser shall deliver all tax returns to the board, together with his recommended appraisal of the value of all property subject to taxation by both the city or the county. (Ga. Laws 1973, p. 3812, § 5; Ga. Laws 1974, p. 3069, § 2)

Sec. 7-60. Compliance with state law.

Said board shall comply with all property tax laws of the State of Georgia, as they now or hereinafter exist, in exercise of its duties and powers, and the members of said board shall comply with all the qualifications given under the laws of the State of Georgia for tax assessors as they now or hereinafter exist, as provided for in title 48, chapter 5, article 5, Code of Georgia, as amended. (Ga. Laws 1974, p. 3069, § 3)
Sec. 7-61. Powers with regard to returns.

Should the board find that any taxpayer has failed to return his property or has omitted from the return any property that should have been returned, or has undervalued any property, said board shall have all the powers with respect to such returns as is provided for in title 48, chapter 5, article 5, Code of Georgia, as amended, and shall proceed as therein provided to require correct returns.
(Ga. Laws 1974, p. 3069, § 4)

Sec. 7-62. Ad valorem tax assessments.

Said board shall each year make available to the city the fair market values of all property subject to city ad valorem taxation, in compliance with the Georgia Code Annotated section 48-5-352. The city and county are hereby authorized to use the tax digest for the preceding tax year for the collection of ad valorem taxes in installments, with the necessary adjustments being made in the last installment, which shall be after the current tax digest has been completed and approved. Should tax payments prior to the last installment exceed the total tax liability for the ad valorem tax year, the excess payment shall be refunded.

Nothing contained within this act shall be deemed or construed to impose any liability for the payment of any such ad valorem taxes upon any person, firm or corporation of property which was not owned on the first day of January of the applicable tax year.
(Ga. Laws 1974, p. 3069, § 5)
Chapter 8

RESERVED
Chapter 9
HEALTH AND SANITATION

ARTICLE 1. IN GENERAL

Sec. 9-1. Application of general law.

All general laws upon the subject of public health now in force in this state or hereafter to be enacted by the General Assembly shall be effective in Richmond County so long as it does not interfere with or diminish or supersede the rights, powers and privileges conferred upon the Richmond County Department of Health by this act unless it shall be so expressly provided in said act and by designating said Richmond County and the Department of Public Health of Richmond County under their respective names.

(Ga. Laws 1955, p. 3192, § 11.)

Sec. 9-2. Health ordinances.

All ordinances hereafter adopted by the Richmond County Department of Public Health shall become effective upon the caption of said ordinance being advertised one time in the legal gazette of Richmond County, Georgia.

(Ga. Laws 1955, p. 3192, § 12.)


Said Richmond County Department of Health shall have the authority to post warning placards on establishments in violation of the rules and regulations of said Richmond County Board of Health, and said board shall have the authority to order padlocked any establishment in Richmond County, Georgia, which is considered to be in violation of the rules and regulations of the Richmond County Department of Health when said establishments are considered by the board to endanger the public health in said county.

(Ga. Laws 1955, p. 3192, § 14.)

Sec. 9-4. Same—State court jurisdiction.

The judge of the State Court of Richmond County shall have jurisdiction to try all persons charged with the violation of any order, rule, regulation or ordinance of said county board of health. Appeals from the findings of the judge of the State Court of Richmond County, Georgia, shall be made to appellate courts in the same manner as other appeals from the city court are made.

(Ga. Laws 1955, p. 3192, § 18.)

Sec. 9-5. Same—Penalty.

Any person, firm or corporation who shall violate any rule, regulation or ordinance promulgated by the Richmond County Board of Health, shall, upon conviction, be punished as for a misdemeanor.

(Ga. Laws 1955, p. 3192, § 19.)

Sec. 9-6. Ratification of acts.

And except that the County of Richmond and the City Council of Augusta may regulate the public health of said county and city by and through a combined or joint board of health to be known as the Richmond County Department of Health, as heretofore created and existing under and by virtue of an act of the General Assembly of Georgia, entitled:

"An Act to repeal an Act entitled, 'An Act to authorize the City Council of Augusta to create a board of health for said City,' approved February 26, 1877, amended August 23, 1879, amended December 8, 1880, amended August 15, 1922, and amended August 2, 1924; to combine the Board of Health of the City of Augusta with the Board of Health for Richmond County, Georgia, and said combined body to be known as the 'Richmond County Department of Health,' the jurisdiction of said body to extend over both the city and county, and for other purposes," as amended by an act entitled:

"An Act to amend an Act entitled, 'An Act to authorize the City Council of Augusta to create a board of health for said city,' approved February 26, 1877; amended August 23, 1879; amended December 8, 1880; amended August 15, 1922, and amended August 2, 1924, to combine the board of health of the City of Augusta with the board of health for Richmond County, and said combined body to be
known as the 'Richmond County Department of Health,' the jurisdiction of said body to extend over both the city and the county, and for other purposes,' so as to more clearly distinguish between the Richmond County Board of Health and the Richmond County Department of Health, and to amend the pension rules set forth in said Act; and for other purposes, as amended by an act entitled:

"An Act to amend an Act entitled, 'An Act to repeal an Act entitled, "An Act to authorize the City Council of Augusta to create a board of health for said city," approved February 26, 1877, amended August 23, 1879, amended December 8, 1880, amended August 23, 1922, and amended August 2, 1924; to combine the Board of Health of the City of Augusta with the Board of Health for Richmond County, and said combined body to be known as the 'Richmond County Department of Health,' the jurisdiction of said body to extend over both the city and county; and for other purposes, approved August 22, 1931, so as to repeal Section 4 of said Act which prohibits members of the county board of health from receiving a salary; and to fix a salary of per them for the members of said board; and for other purposes," as amended by an act entitled:

"An Act to amend the Act approved August 22, 1931, said Act being entitled 'An Act to repeal an Act entitled, "An Act to authorize the City Council of Augusta to create a board of health for said city," approved February 26, 1877, amended August 23, 1879, amended December 8, 1880, amended August 15, 1922, and amended August 2, 1924; to combine the Board of Health of the City of Augusta with the Board of Health for Richmond County, and said combined body to be known as the 'Richmond County Department of Health,' and for other purposes,' so as to provide a retirement system and pension fund for the employees of the Board of Health and/or the Department of Health of Richmond County; to require that three percentum (3%) of the salary, wage or remuneration of each employee of said board of health be deducted from his pay and paid into said fund as part thereof; to require said Board of Health and/or Department of Health of Richmond County to pay into said fund as part thereof a sum equal to the amount deducted from its employees' salaries, wages or remunerations, to provide authority for said Board of Health and/or Department of Health of Richmond County to increase or reduce from time to time such withholdings from such employees' salaries, wages or remuneration and to increase, or reduce from time to time the sum to be paid by said Board of Health and/or Department of Health of Richmond County in matching said withholdings from such employees' salaries, wages or remuneration; to provide and require that the sums of money to be paid into said pension fund by said Board of Health and/or Department of Health of Richmond County to be entered into and made a part of the annual budget of the Board of Health of Richmond County and said sums to be paid over to said Board of Health by the City Council of Augusta and Richmond County on the percentage basis as other appropriations now made by said city and county; to provide for the method of retirement and pension of said employees of said Board of Health and/or Department of Health of Richmond County; to provide for said retired employees to be paid from the employee pension fund of said board of health; to provide for total and permanent disability and temporary disability pensions; to provide for punishment under the criminal laws of Georgia for persons who violate the terms of this Act; to repeal all laws in conflict herewith, and for other purposes." Said acts and any and all other acts that have been passed by the General Assembly of the State of Georgia, repealing, modifying, or changing said acts, in whole or in part, together with all rules, regulations and ordinances promulgated thereunder, be and the same are ratified, validated and confirmed, as of the respective dates of the passage and enactment of said acts, rules, regulations and ordinances. The General Assembly of Georgia may hereafter modify, repeal or abolish altogether, or change the jurisdiction and any or all of the powers, privileges, conditions, restrictions and remedies, in whole or in part, which have heretofore or may be hereafter enacted or passed relating to or having been passed by said Richmond County Board of Health. (Ga. Laws 1952, p. 71; Ga. Laws 1983, p. 4702, §§ 1, 2)
ARTICLE 2. DEPARTMENT OF HEALTH

Sec. 9-7. Continued existence.

There shall be a continued existence of the Richmond County Department of Health in accordance with article 11, section 1, paragraph VI of the Constitution of the State of Georgia.


Sec. 9-8. Powers.

The said Richmond County Department of Health shall be a body politic and corporate in law, and as such may contract and be contracted with, sue and be sued, plead and be impleaded in any court of this state having competent jurisdiction, and receive any gift, grant, donation or devise made for the use of public health within its jurisdiction; and moreover it shall be, and it is hereby invested with the title, care and custody of the Richmond County Department of Health, or any other real estate sites now or hereafter belonging to the Richmond County Department of Health, with power to control, lease, sell or convey the same as said board may think will best serve the interest of public health in said county. Subject to the provisions of this act, the Richmond County Department of Health by and through its board of health shall have power:

(a) to purchase, lease or otherwise acquire real and personal property, and to construct, repair, maintain and operate the public health department for said county;

(b) equip the same including the laboratories and other facilities appropriate for public health service in said county;

(c) to fix the compensation and prescribe the powers and duties of all employees including the establishment of a pay plan for said employees;

(d) to adopt as hereinafter provided an annual budget for the support of said Department of Health of Richmond County; and

(e) to make rules and regulations necessary for the conduct of its business and the government of its employees.

(Ga. Laws 1955, p. 3192, § 5)

Sec. 9-9. Financial administration.

(a) The fiscal year of the Richmond County Department of Health shall begin on the first day of January and end on the last day of December.

(b) Not later than the fifteenth day of September in each year the commissioner of public health shall submit to the Richmond County Board of Health a tentative budget for the fiscal year beginning on the succeeding first day of January. This budget shall contain estimates of expenditures as follows:

(1) A sum equal to any deficit insured in the preceding fiscal year by the failure of the actual cash receipts to equal the expenditures for such year, including current obligations payable but not paid;

(2) The cost of any other contractual obligation;

(3) The cost of operating the Richmond County Department of Health;

(4) Expenditures for other purposes for which said Richmond County Board of Health may legally appropriate money.

The budget shall also contain estimates of receipts. The estimate of expenditures for operating the Richmond County Department of Health shall be in detail, classified by activities and objects in accordance with the recommendations and regulations of the state department of health. The budget shall be so arranged as to show comparative data as to both revenue, cash receipts and expenditures for the last completed fiscal year. With the budget, the commissioner of public health shall submit a summary of its contents and a brief explanation of the principal changes from the preceding year in either receipts or expenditures which shall be given to the press and made available at the office of the department of health for public inspection. There shall be sufficient copies of the budget itself to supply the members of the board, and copies shall be kept on file for public inspection during regular
business hours in the office of the commissioner of public health. This budget shall be reviewed and studied by the Richmond County Board of Health and approved as a whole or such portions of it as the board of health may deem expedient and wise. The budget, after its approval by the Richmond County Board of Health, shall be submitted to the Board of Commissioners of Roads and Revenues of Richmond County, by whom it shall also be reviewed, studied, approved or disapproved as a whole or such portions of it as the said Board of Commissioners of Roads and Revenues of Richmond County may deem expedient and wise. Upon final approval, the budget shall then become the budget of the Richmond County Department of Health for the ensuing year, and the Board of Commissioners of Roads and Revenues of Richmond County, Georgia, shall levy and collect a tax to meet the same and shall appropriate and turn over in a lump sum to the Richmond County Department of Health the amount of its budget as aforesaid. The payment by Richmond County to the Richmond County Department of Health of said monies may for convenience be divided into twelve equal monthly installments or otherwise as may be agreeable between the Board of Commissioners of Roads and Revenues of Richmond County and the Richmond County Board of Health.

The amounts authorized in the budget for expenditures for each object and activity shall be deemed to be appropriated therefor, and no expenditures shall be made or obligations be paid from the county health fund incurred except in accordance with such appropriations. Transfers from the appropriations from one activity or object, except from debt service, to another activity or object may be made at any time by the board, but a supplementary or additional appropriation shall not be made unless it is first certified by the commissioner of public health that there is an unappropriated and unencumbered surplus from which such appropriation can be made.

The Richmond County Department of Health funds shall consist of all monies belonging to the department of health, and not forming of any trust fund shall be kept in a bank or banks in Richmond County designated by the Richmond County Board of Health subject to any laws of the State of Georgia relating to the deposit of public funds. Money shall be paid out of the Richmond County Department of Health Funds only on orders signed by the chairman or vice-chairman of the Board of Health of Richmond County and the Commissioner of Public Health of Richmond County. Payroll checks may be signed by facsimile signatures of the respective officers. The employee having custody of the payroll checks shall be bonded in such a manner as may be fixed from time to time by the board; the premium to be paid from the public health fund. The commissioner of public health, chairman and vice-chairman of the Richmond County Board of Health shall furnish to the Richmond County Board of Health surety company bonds in such amount as the board may deem necessary, conditioned upon the faithful performance of their duties. The premium shall be paid from the county health fund.

(Ga. Laws 1955, p. 3192, § 7.)

Sec. 9-10. Multi-county health department.

The Richmond County Board of Health may by majority vote of its membership, contract with adjacent and neighboring counties to become a part of any multi-county health department which might be hereafter created in said counties to participate in public health work in said counties.

(Ga. Laws 1955, p. 3192, § 16.)

ARTICLE 3. BOARD OF HEALTH

Sec. 9-11. Management and control of health department; composition.

(a) The membership of the Richmond County Board of Health for the Richmond County Department of Health shall be composed as follows:

(1) One member from the Augusta-Richmond County Commission-Council appointed by such commission-council;

(2) The president of the Richmond County Board of Education or his or her designee;

(3) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Richmond County Medical Society;
(4) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Stoney Medical, Dental & Pharmaceutical Association;

(5) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Augusta Dental Society;

(6) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Tenth District of the Georgia Nurses Association; and

(7) Five members at large appointed by the Augusta-Richmond County Commission-Council.

(b) The members of the board of health in office on February 1, 1996, shall serve out the terms of office to which they were appointed. As new members are appointed, such members shall be appointed for terms of office of four years and until their successors are appointed and qualified; provided, however, that the terms of office of the members of the board of health provided for in paragraphs (1) and (2) of subsection (a) of this section shall be terms of office of one year. New appointments shall be made such that the requirements of subsection (a) of this section are met at the earliest date possible. The appointments of additional members required by this Act shall be made by the Augusta-Richmond County Commission-Council in compliance with subsection (a) of this section, provided that the initial term of office of one of such appointments shall be two years. Except for successors appointed to the board of health under paragraphs (1) and (2) of subsection (a) of this section for one-year terms of office, the remaining successors to the members provided in this section for terms of four years and until their successors are appointed and qualified. Members may succeed themselves; provided, however, that no person currently on such board of health or appointed to such board of health after the effective date of this section shall serve more than two consecutive terms of office.


Sec. 9-12. Vacancies.

All vacancies on said board shall be filled by appointment in like manner as the original appointees to said board. Any appointee to a vacancy on said board shall serve only the unexpired term of his predecessor on said board.

(Ga. Laws 1955, p. 3192, § 2.)

Sec. 9-13. Organization; officers; execution of contracts.

The Richmond County Board of Health shall hold an organizational meeting on the first Thursday in the month next succeeding the passage of this act in the offices of the department of health in Richmond County, Georgia. The Richmond County Board of Health shall then proceed to organize by electing one of its members as chairman and one as vice-chairman to serve the first Thursday in January, 1956, at which time said Richmond County Board of Health shall hold an organizational meeting and from its membership proceed to elect a chairman and vice-chairman for a term of four years from the said first Thursday in January, 1956.

The board shall elect one of its employees to serve as secretary to said board. All conveyances and contracts shall be executed on behalf of the Richmond County Department of Health by the chairman or vice-chairman of the board of health, and the commissioner of public health.

(Ga. Laws 1955, p. 3192, § 3.)

Sec. 9-14. Meetings.

The Richmond County Board of Health shall hold regular meetings not less frequently than once each month, the day and hour of which shall be fixed for the ensuing four years at its organizational meeting. Special meetings may be called by the chairman, by the vice-chairman in the event of the absence of the chairman or incapacity of the chairman, by the commissioner of public health, or by a majority of the members; provided, that a written notice of the time and place of such meeting and of the subject or subjects to be considered thereat shall be dispatched by mail to each member of the board at least seventy-two hours prior to the date of such meeting. At such special meetings only the subject or subjects re-
ferred to in such notice shall be acted upon. A majority of the members shall constitute a quorum for the transaction of business. The minutes of each meeting shall be recorded by the secretary of such board in a book provided for that purpose, which shall be a public record and open for inspection in the office of the commissioner of health during regular business hours. In the absence of the regularly elected secretary, another employee of the board shall be designated to act as secretary for that meeting, by the board.

(Ga. Laws 1955, p. 3192, § 4.)

Sec. 9-15. Compensation of members.

Each member of the Richmond County Board of Health shall be paid the sum of ten dollars for each meeting of the board that he attends, whether the same be called or a regular meeting; provided, that no member shall be paid more than two hundred forty dollars in any one year.

(Ga. Laws 1955, p. 3192, § 8.)

Sec. 9-16. Attorney.

The Richmond County Board of Health shall have the right to employ such attorney or attorneys as it deems necessary to properly conduct the affairs of the County Board of Health of Richmond County, Georgia, and to fix the compensation for their services.

(Ga. Laws 1955, p. 3192, § 10.)

Sec. 9-17. Publication of rules, regulations and ordinances.

All present rules and regulations pertaining to sanitary measures heretofore adopted by the said Richmond County Department of Public Health or by the Richmond County Board of Health shall remain in full force and effect until July 1, 1955, at which time the Richmond County Board of Health shall publish in pamphlet form all of its rules and regulations and revised ordinances and the same shall become effective upon being printed in pamphlet form by said board and advertised by being posted in the courthouse door and the captions thereof being published one time in the legal gazette for Richmond County, Georgia.

(Ga. Laws 1955, p. 3192, § 13.)

ARTICLE 4. COMMISSIONER OF PUBLIC HEALTH

Sec. 9-18. Appointment; term; removal; qualifications; duties; powers.

The commissioner of public health shall be appointed by the Richmond County Board of Health for a four-year term, and may be removed by it; provided, that he shall first be served a clear statement in writing of the cause of his removal and given an opportunity to be heard thereon at a public meeting of said board to be held not less than ten nor more than twenty days after the service of such statement. He shall be entitled to be represented by counsel at such hearing, and upon his request witnesses whose testimony is pertinent to the charges against him shall be subpoenaed by the chairman or vice-chairman of said board. After such hearing, decision of the board, upon a vote of three-fourths of its members, shall be final, except that in the event of physical or mental incapacity of the commissioner of public health then a majority shall be authorized to act. The commissioner of public health shall be a physician qualified with and approved by the Merit System Board of Georgia, and it is deemed desirable that he have either a Master of Public Health degree from some recognized college or a diploma from the American Board of Preventive Medicine and shall have at least five years' experience in a responsible position in some reputable public health agency. Provided further that the incumbent commissioner of health Dr. Abe J. Davis, shall continue to serve said board until the expiration of the term of office to which he has been previously elected. The commissioner of public health shall be the executive officer of the Richmond County Department of Health. He shall supervise the preparation of the annual budget and submit the same to the board; attend all its meetings with the right to speak therein but not to vote. He shall nominate all employees for appointment by the board, and shall generally supervise, direct and control the operation of the Richmond County Department of Public Health, its offices and employees.

He shall have power to require such reports from each employee as he may deem necessary or which may be required by law. Within two months
of the close of each fiscal year, he shall prepare for submission to the board a brief and comprehensive report of the activities and finances of the Richmond County Department of Public Health which shall be given to the press and be available to the public at the office of the department of health.

(Ga. Laws 1955, p. 3192, § 6)

Sec. 9-19. Compensation.

The commissioner of public health shall receive for his services such compensation as the Richmond County Board of Health may from time to time prescribe to be paid out of the county health fund in the same manner as other bills.

(Ga. Laws 1955, p. 3192, § 9)

Sec. 9-20. Inspection and quarantine.

The Commissioner of Health of Richmond County, and each of his deputies, shall have police power and shall have the right to enter upon any premises in said county for the purpose of inspection and quarantine when it is considered necessary to protect the public health in said county by the commissioner of public health or his deputies.

(Ga. Laws 1955, p. 3192, § 17)

ARTICLE 5. PUBLIC SANITATION

Secs. 9-21—9-23. Reserved.

Sec. 9-24. Disposal of refuse; authority to provide and operate sanitary landfill.

The board of commissioners of Richmond County, Georgia, shall have the authority to operate and provide a landfill for deposit of trash and refuse for the citizens of Richmond County, and to determine and fix reasonable charges and fees for the use of the landfill.


Secs. 9-25—9-27. Reserved.

ARTICLE 6. BOARD OF HEALTH EMPLOYEES

DIVISION 1. SALARIES

Sec. 9-28. Application of Georgia merit system.

The Richmond County Board of Health shall comply with the provisions of the Georgia Merit System in matters applying to all employees in the said department of health in whose salaries the state department of health participates.

(Ga. Laws 1955, p. 3192, § 15)

DIVISION 2. PENSION FUND

Sec. 9-29. Definitions.

As used in this act, the following terms and phrases shall have the following meanings, to wit:

(a) Time of service as an employee. The time spent in the service of the Augusta board of health and/or department of health that was operated immediately prior to the present board of health and which was operated by virtue of an act of the general assembly approved August 23, 1879, as amended by an act approved December 8, 1880, as amended by an act approved August 15, 1922, as amended by an act approved August 2, 1924, shall be counted in computing the total number of years of service credited to those employees who were in the service of either organization and who continued in the service of the present Richmond County board of health and/or department of health and who are in the service of said board and/or department of health at the time of the adoption of this act.

(b) A call to active duty in the armed forces of the United States involuntarily by direction of the President of the United States of any employee shall be counted in the total time of service of such employee for retirement purposes; providing, said employee returns to his position with said board within ninety days after his dis-
charge from said armed services. The status of volunteers is to be determined by a joint committee from the board of health and health department employees.

(1) Employee. All employees of the Richmond County Board of Health and/or Department of Health, that are elected or appointed by the board.

(2) Board or the board. The Richmond County Board of Health; department shall mean the Richmond County Department of Health.

(3) The masculine shall include the feminine and the singular shall include the plural, wherever the context requires it.

(4) Year or years. Full calendar years; intervening legal holidays, annual leaves, and sick leaves not to be deducted.

(5) Effective date. The first day of the first month following the approval of this act by the governor.

(6) Finance officer. Some person designated by the board to be responsible for the collection, disbursement and keeping records of the fund.

(7) Chairman of the board. The chairman of the Richmond County Board of Health.

Sec. 9-30. Creation; administration.

There is created a permanent pension fund for the benefit of every employee covered by this act, and said fund shall be known as the board of health employees' pension fund and shall be kept in a separate account earmarked board of health employees' pension fund with a separate permanent record thereof, which record shall be kept by the finance officer of said board, and no warrant shall be drawn on said fund except as provided in this act, except that at any time said fund exceeds the maximum amount insured by the Federal Deposit Insurance Corporation, on deposit in any one bank, said finance officer shall purchase bonds for the benefit of the said pension fund with all excess above the maximum amount insured by the Federal Deposit Insurance Corporation provided said bonds are approved by the Georgia laws for purchase by trustees of trust estates in Georgia.

The finance officer shall at no time have in any one bank more than the maximum amount insured by the Federal Deposit Insurance Corporation of said pension funds, and all such deposits shall be in Richmond County, Georgia. The said finance officer's voucher, when countersigned by the chairman of the board, shall be the method of withdrawal from said pension fund; acting finance officer, or acting chairman, when properly designated as such in accordance with the ordinances of Richmond County Board of Health, shall have authority to perform all acts and duties, and shall perform all acts and duties conferred by this act on said finance officer or chairman, hereinafter provided for, shall likewise include and cover anyone acting in his stead as acting finance officer or chairman.


Sec. 9-31. Enforcement of act.

It shall be the duty of the board to see that the provisions of this act are carried out strictly in conformity with this act.

(Ga. Laws 1945, p. 963, § 4.)

Sec. 9-32. Separate from board monies.

Said board of health employees' pension fund shall be kept separate from all board monies.

(Ga. Laws 1945, p. 963, § 5.)

Sec. 9-33. Records—Decisions of board as to fund; withdrawals.

All decisions of the board in regard to said pension fund, or any withdrawal therefrom, shall be entered on a separate pension record kept by the finance officer, and shall also be kept on the minutes of said board and all entries appearing on the minutes of the board shall be transcribed by said finance officer upon his permanent record book as to said pension fund, in order to readily determine the status of said fund, and each of the
said records shall be a legal record thereof, and it shall be the duty of said board to see that said records conform one to the other at all times.

(Ga. Laws 1945, p. 963, § 6.)

Sec. 9-34. Same—Receipts and deductions; inspection.

The finance officer shall keep a full and complete record of receipts for and deductions from said fund, and of deductions from the salaries, wages and compensation of employees, and of the payments made into said fund. Such records of the finance officer, together with any records furnished him by the board, shall be open to inspection at all regular business hours.

(Ga. Laws 1945, p. 963, § 8.)

Sec. 9-35. Contributions.

The sum of three percentum shall be deducted by the said finance officer from the salary, wages or remuneration of each employee of the board not specifically excluded by this act, as and when paid, by pay vouchers, or other forms of payment, for services rendered. This deduction shall be deposited by said finance officer in the board of health employees' pension fund in conformity with this act, and he, the said finance officer, is designated as custodian of such fund. During each year after the effective date of this act, the board shall pay over to said finance officer for said board of health employees' pension fund, and which shall become a part thereof and be the property of such fund, a sum equal to the amount deducted by the finance officer from the salaries, wages or remunerations, and it is hereby made the duty of said finance officer to collect and receive said equal sum from the board, and the board shall pay it over to him, as herein directed, and he shall collect the same promptly and deposit it in said board of health employees' pension fund; provided, however the board shall have authority from time to time to increase the contributions by said employees up to five percentum of such salary, wage or remuneration, but upon each such increase on the part of such employees, then and in that event the board shall make its contributions correspond to the percentage deducted from such employee's salary, wage or remuneration; provided, however, that before said board shall be authorized to increase said contribution by itself and said employees, said pension fund shall have been depleted so that there shall not be in the fund an amount sufficient to pay the pensions of those on the pension roll for a period of twelve months, provided, however, should in the judgment of said board, said pension fund shall have grown to such an extent as to reduce the contributions to this fund down to as low as three percentum, then and in that event, said board shall have authority so to do. The Richmond County Board of Health shall never reduce its contributions below the percentage of contributions from employees' salaries, wages or remuneration.

(Ga. Laws 1953, Jan.—Feb. Sess., p. 3262, § 7.)

Sec. 9-36. Fund not property of board.

The said fund is hereby declared not to be the property of said board and this includes any sum paid in or directed to be paid in by said board, and it shall reserve no property in any sum raised or due by virtue of this act.

(Ga. Laws 1945, p. 963, § 9.)

Sec. 9-37. Fund deficiencies met by appropriations.

When a pension is properly allowed as herein provided, and becomes a charge on said pension fund, if there is not sufficient money in said pension fund to pay said pension promptly at the time it falls due, and from time to time, then the board shall provide by appropriation a sufficient sum to meet any such deficiency in payment of such pension or pensions, so that any and all pensions shall be paid when due, which will be at the same time and in the same manner as monthly salaries are paid; provided, further that the contributions to said fund by said board shall be a legitimate item in the annual appropriations of said board, which shall be paid over to said board by the City Council of Augusta and Richmond County on the same percentage basis as other annual appropriations made to said board by said city and county.

(Ga. Laws 1945, p. 963, § 10.)
Sec. 9-38. Qualification for benefits after effective date of act.

Any person who becomes an employee after the effective date of this act, in order to come under any of the benefits of this act, or be entitled to any of the benefits of this act as an employee shall furnish to said board proof of his age and a health certificate to its satisfaction as to his age and to its satisfaction as to his good health at the time of such employment and at the time of his employment shall file the proof of his age and certificate of his health with the secretary of the board and said certificate shall be from a reputable practicing physician in the City of Augusta, designated for that purpose by said board.

(Ga. Laws 1945, p. 963, § 11.)

Sec. 9-39. Retirement—Computation of pension—Twenty-five years service.

Every employee in active service and employment at the time of the effective date of this act, or hereafter, whose total service as an employee shall at any time amount to twenty-five years, may retire on his own motion, and this shall include any employee who shall have served twenty-five years prior to the effective date of this act, and any employee who shall serve his twenty-five years after the effective date of this act, and also include any employee who serves twenty-five years regardless of whether part of said service is before the effective date of this act and part of the service is after the effective date of this act, such employee shall be retired at one-half of the highest salary or wage or remuneration he has received as an employee within the period of seventy-two months immediately preceding his retirement; provided, says employee shall have attained the age of sixty-five years, however at no time shall any pension exceed sixty percentum of the highest salary, wage or remuneration paid to said employee within the period of seventy-two months immediately preceding his retirement. Salary increases in effect for less than six months preceding retirement are not to be used in computation of pensions. The provisions for retirement due to physical disability as set forth in section 43 and section 44 of this act shall not be affected.

(Ga. Laws 1953, Jan.—Feb. Sess., p. 3262, § 12(a).)

Sec. 9-40. Same—Same—Employees entering service after July 1, 1953.

Any employee entering the service of the board as a regular employee on or after July 1, 1953, and contributing to the general retirement fund shall be entitled to retire on a pension computed at two percentum per annum of the highest salary, wage or remuneration he has received as an employee within the period of seventy-two months immediately preceding his retirement; provided, said employee shall have attained the age of sixty-five years, however at no time shall any pension exceed sixty percentum of the highest salary, wage or remuneration paid to said employee within the period of seventy-two months immediately preceding his retirement. Salary increases in effect for less than six months preceding retirement are not to be used in computation of pensions. The provisions for retirement due to physical disability as set forth in section 43 and section 44 of this act shall not be affected.

(Ga. Laws 1953, Jan.—Feb. Sess., p. 3262, § 12(a).)

Sec. 9-41. Same—Same—Effect of involuntary separation.

Each employee in active service and employment at the time of the effective date of this act, or hereafter, whose total service as an employee amounts to at least twenty years, that is separated from the service involuntarily by action of said board will constitute a retirement of such employee if he so elects. Such employee so retired shall be retired at two percentum of his salary times the number of years he has served as an employee, at the highest salary, wage or remuneration he has received as an employee within the period of seventy-two months immediately preceding his retirement; the years of service shall be twenty or more years before the effective date of this act, or twenty or more years after the effective date, or twenty or more, part of which was served prior to the effective date of this act and part of which was served after the effective date of this act; provided, however, no employee shall draw any benefits under this section if his involuntary separation from the services of the board is found by the board to have been caused by the employee's wilful misconduct, or self-inflicted injury, or growing out of his attempt to injure
another, or due to intoxication or wilful misconduct, or due to the commission of crime under the laws of this state, or any other state of the United States.

(Ga. Laws 1945, p. 963, § 13.)

Sec. 9-42. Same—Same—Age sixty-five.

Any employee when he is sixty-five years of age, whether he became sixty-five years of age prior to the effective date of this act, or becomes sixty-five on or after the effective date of this act, may retire at will at two percentum of the highest salary or wage or remuneration he has received as an employee within seventy-two months immediately preceding his retirement, times the number of years served, not to exceed sixty percentum of the highest of such salary, or wage or remuneration received; provided, that said employee has at least ten or more years of service as an employee; and, provided, further that during the first five years from the effective date of this act, the foregoing provisions shall not apply unless such voluntary retirement is approved by a majority of said board, anything in this act to the contrary notwithstanding; provided, however, should any employee retire under the terms of this section who has served twenty-two years or more as an employee, he shall then receive as his pension fifty percentum of his salary, wage or remuneration at the time of his retirement, subject to the limitations of maximum pensions provided for in section 39 hereof.

(Ga. Laws 1945, p. 963, § 14.)

Sec. 9-43. Disability payments—When employee disabled while in discharge of duties.

Any employee who is permanently and totally disabled while in the discharge of his duties, and arising out of and in the course of his employment for said board, whether said disability is caused by injury or disease, shall be placed on the pension list; provided, he has prior to said permanent and total disability, continuously, actively performed the duties of his employment for one year after the effective date of this act, and shall be paid while so permanently and totally disabled one-half of the highest salary or wage or remuneration that he has received as an employee within the period of seventy-two months immediately preceding his said permanent and total disability. Provided, however, that should said employee receive any workmen's compensation while so disabled, such workmen's compensation so received, excluding medical, doctor, nursing and hospitalization, shall be subtracted from any pension, voucher paid such employee, and he shall receive only the excess of any pension due him after the subtraction of the amounts of workmen's compensation received by him, less any other indebtedness due the board by said employee, and it shall be the duty of said board to determine the cause and manner of the claimed permanent and total disability and to declare in its findings whether or not such disability is permanent and total. Totally and permanently disabled shall mean that the employee is not able, on account of disability received in the discharge of his duties, to adequately discharge the duties of his job or office, nor ever will be, and no employee shall be declared to be totally and permanently disabled to discharge the duties of his job or office, except upon the recommendation of three reputable physicians, after examination, who shall consider the case and make their findings. One of said physicians shall be selected by said board, one by the employee, and these two shall select the third. The recommendations of the physicians shall state that they find him totally and permanently disabled from performing the duties of his job or office and/or that they do not find him totally and permanently disabled from performing the duties of his job or office, and the majority report of the physicians state that they find the employee totally and permanently disabled, and entitled to draw the pension hereinbefore set out, and his right to draw said pension shall date back to the time of injury; provided, however, that no employee shall draw any benefits under this section if his disability is found by the board to have been caused by the employee's wilful misconduct, or selfinflicted injury, or growing out of his attempt to injure another, or due to intoxication or the wilful misconduct, or due to the commission of crime under the laws of this state, or any other state of the United States; and provided further it shall be the
duty of said board to make frequent investigations of the disability of such employee, and in the event it determines that he is no longer totally and permanently disabled and is able to actively perform his duties or services that he was employed to perform at the time of his injury that resulted in the claimed permanent and total disability, to order said pensioner to return to work and remove him from the pension list; provided, however, after said employee is declared permanently and totally disabled and he desires to accept other employment with the board that he is able to perform that is offered him by said board, as long as he performs such duty he shall be paid at least as much as he would receive from his pension but shall not receive a pension, and in such cases the employee may leave such employment at any time he sees fit and be immediately returned to the pension list at the sum that he was retired on, and the board may strike him from the payroll and return him to the pension list at any time it sees fit.

(Ga. Laws 1945, p. 963, § 15.)

Sec. 9-44. Same—When employee regardless of cause cannot perform duties.

Any employee who after one year from the effective date of this act that shall become disabled and cannot perform the duties of his employment and who has to his credit twelve years of employment as an employee, whether such twelve years be before the effective date of this act, or be after the effective date of this act, or part of such years are before the effective date of this act, and part after the effective date of this act, and who, after four weeks continuous unbroken disability, makes application in person or by his authorized representative, to the Richmond County Board of Health, and is found by said board disabled and cannot perform the duties of his employment, shall be placed on the pension list and receive, while so disabled, excluding first four weeks, a pension of two percentum of the highest salary or wage or remuneration he has received as an employee within seventy-two months immediately preceding such disability times the number of years served, during the continuance of his disability. Provided, it shall be the duty of the board to make frequent investigations of such cause and return such employee to active duty or service as soon as he is able to return, at which time his pension, by virtue of this section, will stop. Provided, that should such employee receive any workmen's compensation, while so disabled, such workmen's compensation so received, excluding medical, doctors, nursing and hospitalization, shall be subtracted from any pension voucher paid said employee and he shall receive only the excess of any pension due him after the subtraction of the amounts of workmen's compensation, as well as any other indebtedness that may be due the board; provided, further, that no employee shall draw any benefits under this section if his disability is found by the board to have been caused by the employee's wilful misconduct or self-inflicted injury, or growing out of his attempt to injure another, or due to intoxication, or wilful misconduct, or due to the commission of a crime under the laws of this state or any other state of the United States; provided, however, none of the provisions of this act shall detract from the rights of such employee under the rules pertaining to annual or sick leave as fixed by the laws of Georgia and the rules and regulations of the Georgia Merit System for employees covered by said merit system; provided, further, that such pension shall date from the expiration of any annual or sick leave that may be to the credit of the employee at the beginning of his disablement.

(Ga. Laws 1945, p. 963, § 16.)

Sec. 9-45. Separation or discharge; abolishment of office—Partial return of contributions.

Any employee, who, before retirement, voluntarily, absolutely separates from the service, or who is discharged, or whose office or position is abolished, shall have returned to him or his estate, within ninety days of the date of application after he is absolutely separated or his discharge becomes final, ninety percentum of the amount of deductions from his salary, wages or remuneration by virtue of this act, without interest, less any disability payments he has received, also less any indebtedness whatever that may be due the board; provided, such employee has, after becoming such employee and after the effective date of this act, continued in continuous employ-
ment as provided by this act for twelve months, and when said ninety percentum is returned to said employee, he shall not have any further claim or rights to receive any fund, or payments whatsoever of any kind or character from said fund.

(Ga. Laws 1945, p. 963, § 17.)

Sec. 9-46. Same—Same—Repayment of refund upon reemployment.

Any employee who before retirement, or who voluntarily separates from the service, or is discharged, or his office or position abolished and is thereafter re-employed by the board, and upon the presentation to the board of a certificate from a doctor designated by the Richmond County Board of Health, certifying that such permanent employee is in good health and able to perform actively the duties of his employment by the board, his services prior to such separation or discharge shall be counted in his length of service with the board; provided, he shall, before he completes twelve months continuous employment after being so re-employed by the board, pay back into the pension fund, by paying to the finance officer of said board, the amount refunded to such employee by reason of such separation or discharge.

(Ga. Laws 1945, p. 963, § 19.)

Sec. 9-47. Limitation of one benefit per person.

There shall not be paid to any person whomsoever more than one benefit at a time under this act.

(Ga. Laws 1945, p. 963, § 20.)

Sec. 9-48. Application for pension.

All applications for pension shall be made to the secretary of the board on forms prescribed by the Richmond County Board of Health and printed for use in such cases, and it shall be the duty of the Richmond County Board of Health to provide said forms at all times and the secretary of the board shall immediately transmit such application to the attorney for said board for his approval as to form and procedure, and upon his approval, same shall then be presented to the board.

(Ga. Laws 1945, p. 963, § 22.)

Sec. 9-49. Consolidation of funds provided for by act and prior funds.

The pension fund of the Richmond County Board of Health and/or Department of Health heretofore created by acts of the general assembly and all funds therein at the time of the effective date of this act shall be made a part of the fund provided for herein. Said board is further authorized to set aside other sums as may be available from earnings of the department and received as bequests and legacies that may be bequeathed to said employees' pension fund.

(Ga. Laws 1945, p. 963, § 23.)

Sec. 9-50. Integration with state pension fund.

Said board is further granted authority to integrate the pension system herein provided for with that of the Georgia State Department of Health where same may work to the advantage of the board and said employees.

(Ga. Laws 1945, p. 963, § 24.)

Sec. 9-51. Annual report.

At the close of each year the finance officer shall make a written report to the Richmond County Board of Health of funds on hand and liabilities of said pension, both accrued and contingent.

(Ga. Laws 1945, p. 963, § 25.)

Sec. 9-52. Act constitutes contract.

The act constitutes a contract between the Richmond County Board of Health and each employee now and hereafter from the date it becomes effective.

(Ga. Laws 1945, p. 963, § 27.)

Sec. 9-53. Violations.

Any person whosoever covered by this act, or administering the provisions of this act that violates the provisions of this act shall be guilty of a
misdemeanor and shall be punished, if found guilty, as provided for the punishment of a misdemeanor in this state.
(Ga. Laws 1945, p. 963, § 28.)
Chapter 10

RESERVED
Chapter 11

RESERVED
Chapter 12

PAUPERS

Sec. 12-1. Interment of deceased indigents—
Generally; reimbursement of county by board of offender rehabilitation for certain burials.

(a) Whenever any person dies in this state and the decedent, his family, and his immediate kindred are indigent and unable to provide for his decent interment, the governing authority of the county wherein the death occurs shall make available from county funds a sum sufficient to provide a decent interment of the deceased indigent person or to reimburse such person as may have expended the cost thereof voluntarily, the exact amount thereof to be determined by the governing authority of the county, provided that in no event shall the sum to be made available by the county be less than $75.00 or more than $250.00.

(b) The department of offender rehabilitation is authorized to reimburse the governing authority of the county where expenditures have been made in accordance with this code section for the burial of any inmate under the authority, jurisdiction, or control of the department of offender rehabilitation; but in no case shall the governing authority of the county be entitled to reimbursement where the decedent was in the custody of a county correctional institution or other county correctional facility. (O.C.G.A., § 36-12-5)
Chapter 13

PERSONNEL

ARTICLE 1. MERIT SYSTEM

Sec. 13-1. Authority of general assembly relative to county.

Notwithstanding any other provision of this constitution, the general assembly is authorized to create, by local law, a merit system of employment for all or some of the employees of the sheriff of Richmond County who are paid in whole or in part by county funds.

(Ga. Laws 1982, p. 2639, § 1)


ARTICLE 2. RESERVED

Secs. 13-9—13-20. Reserved

ARTICLE 3. INSURANCE

Sec. 13-10. Hospitalization insurance authorized.

The general assembly shall have authority to enact laws authorizing the County of Richmond in the sole discretion of its governing authority to participate in and contribute to a group hospitalization insurance policy covering its employees, either by direct contribution to such a fund, or by payment of insurance premiums, or by a combination of such methods, for all or any employees and officers who are compensated by Richmond County, and who hold their offices and positions either by election or appointment; to levy taxes for these purposes and to enact laws establishing rules for tenure of office for such officers and employees, and for other purposes consistent therewith.

(Ga. Laws 1962, p. 778)

ARTICLE 4. PENSION FUND

RESERVED
CHARTER COMPARATIVE TABLE
ORDINANCES

This table gives the location within the Charter of those ordinances adopted since the Republication of March 2003. Ordinances not listed herein have been omitted as repealed, superseded, or not of a general and permanent nature.

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Adoption Date</th>
<th>Section</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 813</td>
<td>5-31-2009 (Act)</td>
<td>1</td>
<td>1-139</td>
</tr>
</tbody>
</table>
TITLE 1

GENERAL GOVERNMENT

Article 1 General Provisions

Sec. 1-1-3. Catchlines of sections.
Sec. 1-1-4. Severability of parts of Code.
Sec. 1-1-5. Effect of repeal of ordinance or resolution.
Sec. 1-1-6. Provisions considered as continuations of existing ordinances and resolutions.
Sec. 1-1-8. General penalty; continuing violations; enforcement.
Sec. 1-1-10. Certain ordinances not affected by Code.
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*Editor's note—Ord. No. 7035, § 4, adopted February 19, 2008, called for the renumbering of Article 8, §§ 1-10-63—1-10-66 as §§ 1-10-96—1-10-99. For purposes of classification, and at the editor's discretion, these provisions have been included as Article 14.
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Chapter 1

[IN GENERAL]

ARTICLE 1 GENERAL PROVISIONS


The ordinances and resolutions embraced in the following chapters and sections shall constitute and be designated the Code of Augusta-Richmond County, Georgia, and may be so cited.


In the construction of this Code and of all ordinances and resolutions, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Augusta-Richmond County Commission:

(a) Augusta. The term Augusta shall mean the consolidated government of the former City Council of Augusta and Richmond County.

(b) Augusta-Richmond County. The term Augusta-Richmond County shall mean the same as Richmond County, Georgia and Augusta, Georgia.

(c) Board of health. The term board of health shall mean the county board of health or the county department of health, whichever the context requires.

(d) Canal. The term canal shall mean the canal of the Augusta-Richmond County.

(e) City of Augusta. The term City of Augusta shall mean the former municipality whose charter was abolished by the Consolidation Act.

(f) Code. The term code shall mean the Code of Augusta-Richmond County as adopted and as hereafter amended.

(g) Commissioners. Members of the Augusta-Richmond County Commission representing the ten (10) Commission Districts.

(h) Commission. The Augusta-Richmond County Commission.

(i) Committee. The term committee shall mean committee of Commission.

(j) Computation of time. Unless otherwise specifically provided, the time within which an act is required by law to be done shall be computed by excluding the first day and including the last; except that the last day shall be excluded if it be Sunday or a holiday.

(k) Consolidation Act. The term Consolidation Act shall mean the Act consolidating the City of Augusta and Richmond County as found in 1995 Ga. Laws p. 3648, as amended.

(l) County. The words the county or this county shall mean Richmond County, Georgia.

(m) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

(n) Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(o) Keeper, proprietor. Persons, firms, associations, corporations, clubs and copartnership, whether acting by themselves or as a servant, agent or employee.

(p) Land, real estate. Rights and easements of incorporeal nature.

(q) Mayor. The term Mayor shall mean the Mayor of Augusta-Richmond County, Georgia.

(r) Month. A calendar month.

(s) Municipal officer. The term municipal officer shall mean any municipal officer of the Augusta-Richmond County, Georgia.

(t) Municipal property, work, structure, enterprise or activity. The terms municipal property, work, structure, enterprise or activity shall mean the property, work, structure, enterprise or activity of Augusta-Richmond County, Georgia.
Sec. 1-1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be...
titles of such sections nor as any part of such sections, nor, unless expressly so provided, shall be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-1-4. Severability of parts of Code.

It is hereby declared to be the intention of the Commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Commission without incorporation in this Code of any such unconstitutional or otherwise invalid phrase, clause, sentence, paragraph or section.

Sec. 1-1-5. Effect of repeal of Ordinance or resolution.

(a) The repeal of an Ordinance or resolution shall not revive any Ordinances or resolutions in force before or at the time the Ordinance or resolution repealed took effect.

(b) The repeal of an Ordinance or resolution shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the Ordinance or resolution repealed.

Sec. 1-1-6. Provisions considered as continuations of existing Ordinances and resolutions.

The provisions appearing in this Code, so far as they are the same as those Ordinances and resolutions existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.


It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except by Ordinance or resolution or other official act of the Commission, which will cause the law of Augusta-Richmond County to be misrepresented thereby.

Sec. 1-1-8. General penalty; continuing violations; enforcement.

(a) Whenever in this Code or in any Ordinance or resolution of the Augusta-Richmond County Commission any act is prohibited or is made or declared to be unlawful or an offense of a misdemeanor, or whenever in such Code, Ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any Ordinance or resolution shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment in jail or any public works camp which may be established not exceeding sixty (60) days or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any Ordinance or resolution shall continue a separate offense.

(b) All Ordinances of the Commission shall be enforced in the Municipal Court of Augusta-Richmond County, the State Court of Richmond County, Georgia.


(a) All Ordinances and resolutions passed subsequent to the passage of the Ordinances originally included in this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent Ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent Ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent Ordin-
nances until such time that this Code and subsequent Ordinances numbered or omitted are re-adopted as a new Code by the Commission.

(b) All sections, Articles, chapters or provisions desired to be repealed shall be specifically repealed by section, Article or chapter number, as the case may be.

(c) The enactment of an Ordinance, in the absence of language to the contrary, shall not repeal any Ordinance theretofore passed dealing with the same matter, except where in direct conflict therewith.

Sec. 1-1-10. Certain Ordinances not affected by Code.

Nothing in this Code, or the Ordinance adopting this Code, shall be construed to repeal or otherwise affect the validity of any of the following:

(a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contact or right established or accruing before the effective date of this Code;

(b) Any Ordinance or resolution promising or guaranteeing the payment of money for the City Council of Augusta, Board of Commissioners of Richmond County, or the consolidated government, or authorizing the issuance of any bonds of the City Council of Augusta, Board of Commissioners of Richmond County, or the consolidated government, or any evidence of the consolidated government’s indebtedness, or any contract or obligation assumed by the consolidated government;

(c) Any Ordinance or resolution fixing salaries of officers or employees of the consolidated government;

(d) Any appropriation Ordinance or resolution;

(e) Any right or franchise granted by the City Council of Augusta, Board of Commissioners of Richmond County, or the consolidated government to any person;

(f) Any Ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, closing, abandoning, widening, vacating, etc., any street or public way in Augusta-Richmond County;

(g) Any Ordinance or resolution establishing and prescribing the street grades of any streets in Augusta-Richmond County;

(h) Any Ordinance or resolution providing for local improvements or assessing taxes therefor;

(i) Any Ordinance or resolution dedicating or accepting any plat or subdivision in the consolidated government or providing regulations therefor;

(j) Any Ordinance zoning or rezoning property in Augusta-Richmond County;

(k) Any Ordinance or resolution prescribing traffic regulations for specific locations, parking limitations, parking prohibitions, one-way traffic, or limitations on loads of vehicles or loading zones, not inconsistent with this Code;

(l) Any temporary or special Ordinance;

and all such Ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.


Sec. 1-1-11. Reserved.

Editor’s note—Ord. No. 6239, § 1, adopted Jan. 18, 2000 renumbered § 1-1-11 to 1-1-20 to read as herein set out. See the Code Comparative Table.

Sec. 1-1-12. Authorization of certain employees to issue citations.

Employees of the public works and utilities departments of Augusta, and employees of the Augusta-Richmond County Planning and Zoning Commission, and employees serving as license inspectors and Code enforcement officers of the Augusta License and Inspection Department are hereby authorized to issue citations to any person violating any provision of this Code and/or any Ordinance of Augusta-Richmond County which relates to drainage or soil erosion and sediment control, subdivisions and zoning, water and sew-
Sec. 1-1-13. Contact with employees.

Except for purposes of inquiry and investigation, including but not limited to constituent requests, members of the Augusta-Richmond County Commission, including the Mayor and Commissioners, shall only deal with the employees of Augusta, Georgia, who are below the level of assistant department director, through the administrator, deputy or assistant administrator(s), department directors, or assistant directors, and shall not give any order or directions to any such employee either public or privately, directly or indirectly.

(Ord. No. 6363, § 1, 4-3-01)

Secs. 1-1-14—1-1-19. Reserved.

ARTICLE 2 CODE OF ETHICS


Any person in government service should:

(a) Put loyalty to the highest moral principles and to country above loyalty to person, party, or government department.

(b) Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.

(c) Give a full day’s labor for a full day’s pay and give to the performance of his duties his earnest effort and best thought.

(d) Seek to find and employ more efficient and economical ways of accomplishing tasks.

(e) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself/herself or his/her family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

(f) Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.

(g) Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

(h) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

(i) Expose corruption wherever discovered.

(j) Uphold these principles, ever conscious that public office is a public trust.

(Ord. No. 6239, § 1, 1-18-00)

Editor’s note—Formerly § 1-1-11.

Sec. 1-1-21. Purpose.

An ethics in government policy for elected and appointed officials and employees of Augusta is hereby established to encourage a commitment of fidelity to the public interest for the people of Augusta.

(Ord. No. 6239, § 1, 1-18-00)

Sec. 1-1-22. Persons subject to this article; definitions.

The following persons are subject to this article:

(a) All employees of Augusta and in any agency created by the Augusta-Richmond County Commission, whether elected or appointed, including the Mayor and members of the Augusta-Richmond County Commission.

(b) Agency heads who are appointed by the Augusta-Richmond County Commission, Mayor or Administrator.
(c) As used in this article the term:

(1) *Agency* means any agency, authority, department, board, bureau, commission, council, corporation, entities or instrumentality of Augusta, except those headed by an elected official other than the Mayor and any citizens committee, or citizens advisory committee, appointed by the Mayor or the Commission.

(2) *Agency head* means the director or executive head of an agency.

(3) *Commission* means the Augusta-Richmond County Commission.

(4) *Employee* means any agency head, and all individuals employed by the Augusta-Richmond County Commission, Augusta, Georgia, or any agency of Augusta.

(5) *Gift* means food, lodging, transportation, personal services, a gratuity, subscription, membership, trip, loan, extension of credit on behalf of an employee or public official, forgiveness of debt of an employee or public official, advance or deposit of money for the benefit of an employee or public official, or anything of value, exceeding the value of one hundred dollars ($100.00). A "gift" shall not include:

(A) Food or beverage consumed at a single meal or event; or food, beverages, and registration at group events to which all members of an agency are invited; or food, beverage, or expenses afforded employees, public officials, relatives, or others that are associated with normal and customary business or social functions or activities;

(B) Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;

(C) An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, private or public service, or achievement;

(D) Actual and reasonable expenses for food, beverages, travel, lodging, and registration provided to permit participation in a meeting related to official or professional duties, if participation has been approved in writing by the agency head;

(E) Promotional items generally distributed to the general public;

(F) A gift from a relative or personal friend of the employee or public official who is neither a lobbyist nor a vendor;

(G) Lawful campaign contributions to any elected official or candidate for elected office; and

(H) Courtesy tickets or free admission extended to an elected official for an event as a courtesy or for ceremonial purposes;

(I) A commercially reasonable loan made in the ordinary course of business.

(6) *Lobbyist* shall have the meaning defined in O.C.G.A. § 21-5-70(6).

(7) *Person* means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of individuals.

(8) *Public official* means the Mayor and members of the Augusta-Richmond County Commission and all appointed members of any agency.

(9) *Relative* means members of the family or household or relatives (including a person for whom the employee or public official has legal responsibility, a parent, step-parent, child, step-child, son-in-law, daughter-in-
law, brother, sister, spouse, aunt, uncle, niece, nephew, grandparent, grandchild, brother-in-law, sister-in-law, or persons living in the employee's or public official's household).

(10) **Value** means the actual retail price or cost attributable to a gift, less applicable taxes and gratuities, or a reasonable estimate based upon customary charges for like goods or services in the locality, prorated among all recipients of each single gift, whether or not all recipients are employees. Gifts shall be valued as a single gift. Specific types of gifts shall be valued on the following basis:

(A) Transportation, by air or rail, shall be based on the ticket cost or coach-class equivalent value.

(B) Ground transportation shall be valued on cost or the mileage rate reimbursed by Augusta.

(C) Entrance fees, admission fees, or other tickets shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, if provided by the charitable organization.

(11) **Vendor** means any person who solicits to sell to or to contract, or who sells or contracts, with Augusta or any department, board, bureau, agency, or commission created by the Augusta-Richmond County Commission for the provision of any goods or services.

(12) **Charitable organization** shall have the meaning defined in O.C.G.A. § 45-20-51.

(Ord. No. 6239, § 1, 1-18-00)

Sec. 1-1-23. Rules of conduct for employees and public officials of Augusta.

Employees and public officials of Augusta shall perform their official duties in such a manner as to promote the best interest of the public. To help ensure the proper performance of their duties, the following Rules of Conduct are adopted.

(a) Receipt of gifts by employees and public officials prohibited; reporting; disposition.

(1) An employee or public official, or any other person on his or her behalf, is prohibited from knowingly accepting and retaining, directly or indirectly, a gift from a lobbyist, vendor, or any other person seeking to influence official action. If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization. However, a gift may be accepted by an employee or public official on behalf of Augusta, the agency, or the Mayor and Commission. If the gift is accepted, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(2) An employee who accepts a gift for an agency or for the Mayor and Commission must file a report, no later than the last day of each quarter in which a reportable gift is made. The report shall be filed with the employee's agency head and in the case of the Mayor and Commission with the Clerk of the Commission. The report must contain a description of each gift, the name and address of the recipient of the gift, and the date such gift is given. The donor shall be notified that the gift will be reported, but a single gift need not be reported by more than one employee.

(3) A public official who accepts a gift for an agency or for the Mayor and Commission must file a report with the Clerk of the Commission not later than February 1, 2001, and not later than February 1 of each year thereafter, and shall cover the preceding
calendar year. The report must contain a description of each gift, the name and address of the donor of the gift, and the date such gift is given. The donor shall be notified that the gift will be reported, but a single gift need not be reported by more than one (1) employee.

(b) Conflict of interest prohibited.

(1) An employee or public official shall not knowingly use his or her position in any manner which will result in the receipt of a financial benefit or gift, direct or indirect, to the employee, the employee's relatives, the public official, the public official's relatives, or an individual with whom the employee or public official has a financial interest or a business with which the employee or public official has a financial interest.

A) These rules shall not be applicable to financial and other benefits derived by an employee or public official that he or she would enjoy to an extent no greater than that which other citizens of Georgia would or could enjoy.

B) These rules shall not be applicable to financial and other benefits rightfully gained by an employee or public official pursuant to the proper performance of his or her official responsibilities.

C) These rules shall not be applicable to the exceptions to prohibited transactions set forth in O.C.G.A. §§ 45-10-23 and 45-10-25.

D) These rules shall not be applicable to such further exceptions as may be made on a case-by-case basis upon application to the Augusta-Richmond County Commission.

(2) An employee or public official shall not directly or knowingly ask, accept, demand, extract, solicit, seek, or assign or receive a financial benefit or gift for himself or herself or for another person in return for being influenced in the discharge of his or her official responsibilities.

(3) An employee or public official shall not solicit or receive a financial benefit, or a gift other than a financial benefit received by the employee or public official for acting in his or her official capacity, for advice or assistance given in the course of carrying out the employee's official responsibilities.

(4) An employee or public official shall not use or disclose information gained in the course of, or by reason of, his or her official responsibilities in a way that would affect a personal financial interest of the employee, an employee's relative, the public official, a public official's relative, or a person with whom, or business with which, the employee or public official shares a financial interest.

(5) An employee shall not cause the employment, appointment, promotion, transfer, or advancement of a relative to an employment position which the employee directly supervises or manages. An employee or public official shall not participate in an action relating to the disciplining of a relative. Nothing herein shall be construed to affect Augusta's nepotism policy as contained in its Personnel Policies and Procedures.

(c) Appearance of conflict.

(1) An employee or public official shall make every reasonable effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the employee's or public
An employee or public official shall recuse himself or herself from participation in any official proceeding in which the employee's or public official's impartiality might reasonably be questioned due to the employee's or public official's personal or financial relationship with any participant in the proceeding, including an owner, shareholder, partner, employee, or agent of a business entity involved in the proceeding. If the employee or public official is uncertain whether the relationship justifies recusal, then the employee or public official shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which, if any, the employee or public official will be permitted to participate. If the presiding officer is the affected employee or public official, he or she shall relinquish the chair to a substitute who shall made the determination.

(d) Other rules of conduct.

(1) The agency head shall make a due and diligent effort to determine whether he or she has a conflict of interest or appearance of conflict before taking any action.

(2) The agency head shall continually monitor, evaluate, and manage his or her personal, financial, and professional affairs to ensure the absence of conflicts of interests and appearance of conflicts.

(e) Augusta shall not pay lodging costs, meal costs, transportation costs, entrance fees, admission fees, or for other tickets for anyone other than the employee unless such person has specific approval from the City Administrator or agency head, as applicable, for such person to accompany the employee on such trip, nor shall Augusta pay for such expenses for anyone representing the Mayor or members of the Commission, without specific approval of the Augusta-Richmond County Commission.

(Ord. No. 6239, § 1, 1-18-00)

Sec. 1-1-24. Violations; sanctions—Employees.

Each agency shall make a copy of this article available to all employees and public officials and shall institute procedures for its enforcement consistent with all applicable Georgia laws. Violation of this Article may subject an employee to disciplinarian action, including termination of employment pursuant to the applicable policies and procedures. The agency head of each agency shall be responsible to the Augusta-Richmond County Commission for the faithful enforcement of this article, and shall report all alleged violations and their disposition to the Augusta-Richmond County Commission.

(Ord. No. 6239, § 1, 1-18-00)

Sec. 1-1-25. Violations; complaints—Public officials.

The Augusta-Richmond County Commission shall be responsible for hearing and deciding any complaints filed against a public official regarding alleged violation of articles 2 and 3 of this Chapter.

(Ord. No. 6239, § 1, 1-18-00)

Sec. 1-1-26. Disciplinary action against public official.

In addition to any other remedy provided by law, a public official who is subject to the provisions of this article and who is found by the Augusta-Richmond County Commission to have violated its provisions may be subject to censure or reprimand.

(Ord. No. 6239, § 1, 1-18-00)
ARTICLE 3 ETHICS IN PUBLIC PROCUREMENT

Sec. 1-1-27. Employee or public official conflict of interest.

It shall be unethical for any Augusta-Richmond County employee or public official, as defined in the Augusta-Richmond County Code section 1-1-22(8), to transact any business or participate directly or indirectly in a procurement contract when the employee or public official knows that:

(a) The employee or public official or any member of the employee's or public official's immediate family has a substantial interest or financial interest pertaining to the procurement contract, except that the purchase of goods and services from businesses which a member of the Commission or other Augusta-Richmond County employee has a financial interest is authorized as per O.C.G.A. § 36-1-14, or the procurement contract is awarded pursuant to O.C.G.A. § 45-10-22 and § 45-10-24, or the transaction is excepted from said restrictions by O.C.G.A. § 45-10-25;

(b) Any other person, business, or organization with whom the employee or public official or any member of an employee's or public official's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract.

An employee or public official or any member of an employee's or public official's immediate family who holds a substantial interest or financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest or financial interest.

(Ord. No. 6239, § 2, 1-18-00)


(a) Gifts. It shall be unethical for any person to offer, give, or agree to give any Augusta-Richmond County employee or public official, or for any Augusta-Richmond County employee or official to solicit, demand, accept, or agree to accept from another person, a gift or gratuity except as provided in Augusta-Richmond County Code § 1-1-23, or any rebate or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

(1) Kickbacks and rebates. It shall be unethical for any payment, gifts, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order.

(2) Contract clause. The prohibition against gratuities, rebates and kickbacks prescribed in this Section shall be conspicuously set forth in every contract and solicitation therefor.

(3) Courtesies. Employees may accept for themselves and members of their families common courtesies usually associated with customary business practices so long as they do not violate the provision of the Rules of Conduct set forth in Augusta-Richmond County Code § 1-1-23.

(4) Cash. It is never permissible for an Augusta-Richmond County official or employee to accept a gift in cash or cash equivalent (e.g. stocks or other forms of marketable securities) of any amount.

(Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-29. Prohibition against contingent fees.

It shall be unethical for a person to be retained, or to retain a person, to solicit or secure an Augusta-Richmond County contract upon any agreement or understanding for a commission, percentage, brokerage, or contingent fee, except...
for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. (Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-30. Contemporaneous employment prohibited.

It shall be unethical for any Augusta-Richmond County employee or official who is participating directly or indirectly in the procurement process to become, or to be while such an employee or public official, the employee of any person contracting with Augusta-Richmond County. (Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-31. Waiver from contemporaneous employment prohibition and other conflicts of interest.

The Augusta-Richmond County Commission may grant a waiver from the employee conflict of interest provision or the contemporaneous employment provision upon making a written determination that:

(a) The contemporaneous employment or financial interest of the employee has been publicly disclosed;

(b) The employee will be able to perform his/her procurement functions without actual or apparent bias or favoritism; and

(c) The award will be in the best interests of Augusta-Richmond County. (Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-32. Use of confidential information.

It shall be unethical for any Augusta-Richmond County employee or public official knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person. (Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-33. Inside information.

No Augusta-Richmond County public official or employee shall:

(a) Give or release without proper authority to anyone not employed by Augusta-Richmond County or to another employee or public official who has no need for the information, data or information of a confidential or proprietary nature, such as a tax sale obtained while in Augusta-Richmond County's employment or service.

(b) Use non-public information obtained while in Augusta-Richmond County’s employment or service, including information about customers or suppliers, for the personal profit of that employee or public official or anyone else. This includes, but is not limited to, taking advantage of such information by:

(1) Trading or providing information for others to trade in securities;

(2) Acquiring a real property interest of any kind, including but not limited to plant or office sites or adjacent properties; or

(3) Acquiring options to obtain interest in royalties, minerals, or real property for the purpose of obtaining mineral or royalty interest. (Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-34. Use of position for gain.

No Augusta-Richmond County public official or employee shall use his official position or office to obtain financial gain for himself. (Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-35. Unauthorized purchases.

No purchases of materials, supplies, equipment and services shall be made in the name of Augusta-Richmond County or one (1) of its departments, or through its procurement department, except such as are required for official use by Augusta-Richmond County or one (1) of its departments. Purchases in the name of Augusta-Richmond County or a department for personal use by an individual or for other than official use are prohibited, and no Augusta-Richmond County funds will be expended or advanced therefor. (Ord. No. 6239, § 2, 1-18-00)
Sec. 1-1-36. Agreement of candidates involving work or appointments.

It shall be unethical for any candidate for the office of mayor or commissioner to enter into any agreement or understanding with any person as to the disposal of any work or appointment which is or shall be under the control of the Commission.

(Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-37. Penalties and sanctions.

(a) Legal or disciplinary action by Commission. The Commission may take appropriate legal and/or disciplinary actions against any Augusta-Richmond County public official, vendor, contractor, organization, or person in violation of these ethical standards or the Rules of Conduct set forth in Augusta-Richmond County Code § 1-1-23.

(b) Legal or disciplinary action by Augusta-Richmond County Administrator. The Augusta-Richmond County Administrator may take appropriate legal and/or disciplinary actions against any Augusta-Richmond County employee subject to the Administrator's supervision and control as defined in the Augusta-Richmond County Code, subject to the appropriate appeals process of Augusta-Richmond County.

(c) Legal or disciplinary action by Elected/Constitutional Officers of Augusta-Richmond County. The Constitutional Officers and other Elected Officers of Augusta-Richmond County may take appropriate legal and/or disciplinary actions against any employee under their supervision and control subject to the appropriate appeals process of Augusta-Richmond County.

(d) Administrative penalties for employees. The Augusta-Richmond County Administrator or Constitutional/Elected Officer may impose any one (1) or more of the following penalties or sanctions on an Augusta-Richmond County employee for violations of the ethical standards in this Section as appropriate to the situation, subject to the Personnel Manual or other appropriate appeals procedures:

(1) Oral or written warnings or reprimands;

(2) Suspensions with or without pay for specified periods of time; or

(3) Termination of employment.

(e) Administrative penalties for outside contractors/vendors. The Augusta-Richmond County Commission may impose any one (1) or more of the following penalties or sanctions on a vendor/contractor or other person or organization for violations of these ethical standards:

(1) Written warnings or reprimands;

(2) Termination of contracts; or

(3) Debarment or suspension as provided in section 1-10-65 (Authority to Debar or Suspend).

(Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-38. Recovery of value transferred or received in breach of ethical standards.

(a) General provisions. The value of anything transferred or received in breach of the ethical standards of this chapter or the Rules of Conduct set forth in Augusta-Richmond County Code section 1-1-23 by an Augusta-Richmond County employee, public official, or a vendor/contractor or other person may be recovered from either party.

(b) Recovery of kickbacks by Augusta-Richmond County. Upon showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by Augusta-Richmond County and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one (1) offending party shall not preclude recovery from other offending parties.

(Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-39. Political contributions.

(a) No employee or public official shall make any contribution of Augusta-Richmond County funds, property, or services to any political party or committee, or to any candidate for or holder of any office of the government—National, state, local, or foreign.
(b) Nothing herein shall be construed as prohibiting the making of political contributions by any vendor/contractor or other person or organization to any candidate for public office, so long as the contribution is made without any agreement or understanding with regard to future or pending contracts or purchase orders.
(Ord. No. 6239, § 2, 1-18-00)

Sec. 1-1-40. Registration of vendors making gifts

(a) Any vendor who, either directly or through another person, makes a gift or gifts to one (1) or more employees or public officials exceeding in the aggregate one hundred dollars ($100.00) in value during any calendar year shall file a disclosure report with the Clerk of the Augusta-Richmond County Commission in the form specified by the Augusta-Richmond County Commission listing the amount and date of receipt, the name and mailing address of any vendor making the gift, and the name, address, and position of each public employee or public official receiving such a gift.

(b) Each disclosure report required by subsection (a) of this section shall be filed with the Clerk of the Commission not later than February 1, 2001, and not later than February 1 of each year thereafter, and shall cover the preceding calendar year.

(c) A report required by this section shall be verified by the oath or affirmation of the person filing such report or statement taken before an officer authorized to administer oaths. Each report required in a calendar year shall contain cumulative totals of all gifts which have been made or received and which are required to be reported.

(d) In addition to other penalties provided under this Article, a filing fee of fifty dollars ($50.00) shall be imposed for each report that is filed late. In addition, a filing fee of twenty-five dollars ($25.00) shall be imposed on the fifteenth day after the due date if the report has still not been filed.
(Ord. No. 6239, § 2, 1-18-00)
Chapter 2
ADMINISTRATION

ARTICLE 1 COMMISSION

Sec. 1-2-1. Seal.

A seal shall be prepared of and for the Commission for such uses as may be properly made thereof, the same to be of a circular form bearing a representation of the City Hall of the City of Augusta as of 1859 and bearing on the circumference thereof on the top the words Augusta-Richmond County and on the bottom Georgia.

Note—(1) The seal is required to be used in all contracts, deeds, ordinances and official resolutions where otherwise legally required.

Sec. 1-2-1-1. Service mark.

The service mark was submitted and approved by the United States Patent and Trademark Office on July 18, 2006, certificate of registration 3,115,752 for a 10 year initial term to be renewed on July 18, 2016, consists of the stylized script "Augusta" with the words "Georgia" spaced below and across the old Government House (1736) oval presentation watermark.

Note—(1) The service mark is used for proclamations, letterheads and other documents where the seal is not required.

Sec. 1-2-2. Meeting—Time and place; committees.

(a) All Commission’s regular meetings shall be held on the first and third Tuesday of each month at 2:00 p.m. at the Municipal Building 8th floor, in the Lee Beard Commission Chambers. The committee meetings are held on the second and last Monday of every month on the 8th floor, Room 802. There are also called meetings of the Commission and the subject, dates and times of these meetings are scheduled and notified in advance.

Note—By Ordinance No. 6883, on May 2, 2006, the Augusta-Richmond County Commission changed its first meeting in April 2007 to the last Wednesday in March of 2007, and the first meeting of every April thereafter to the last week of the preceding March.

(b) If there is a necessity to change the time and date of the regular meeting of the Commission or of the regular called meeting, this shall be done by request of the Mayor or a majority of the members of the Commission, provided a majority of the Commissioners can attend the meeting which shall be held on a different date and shall be given the notice required herein.

(c) The Commission may hold such additional meetings as shall be deemed necessary when called by the Mayor or a majority of the members of the Commission, provided all members shall have been notified at least twenty-four (24) hours in advance of the special meeting. Provided, further, that a majority of the Commission may convene the same in extraordinary session for emergency business, such as a natural disaster or civil disturbance, whenever in their judgment it may be necessary.

(d) Any action taken at all committee meetings shall be placed on the agenda of the regular meeting, regular called meeting, or special meeting of the full Commission for approval of the action of the committee.


(a) No business shall be transacted at the regular meeting or regular called meeting of the Commission on the first Tuesday and third Tuesday of each month that is not on the agenda by 9:00 a.m. on Thursday before such meeting; provided, however, business items may be added to the agenda after the deadline, with the unanimous consent of the members of the Commission present at such meeting.

(b) The Administrator for Augusta-Richmond County shall be elected/appointed by a majority vote of the Commission of Augusta-Richmond County, Georgia, from nominations presented by the Mayor following the Commission approved recruitment process. The Mayor shall present as many as three top candidates for appointment, along with his recommendation. The Commission shall elect/appoint an Administrator from among the candidate or candidates presented by the Mayor. Should none of the candidates be elected/
appointed, then the Mayor shall nominate as many as three new candidates from those who applied through the recruitment process.

(c) An item may be removed from the agenda after 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting with unanimous approval of the members of the Commission attending the regular meeting.

(d) An item may be removed from the agenda prior to 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting upon the request of the commissioner, department head, or other individual party who was responsible for placing the item on the agenda.

(e) No item pertaining to alcoholic beverage application shall be placed on the agenda within one (1) year from the date of the denial of the application by the Commission.

(f) No item pertaining to zoning shall be placed on the agenda for the same zoning classification within one (1) year from the date of the denial of the application by the Commission.

Sec. 1-2-3 AUGUSTA-RICHMOND COUNTY CODE, READOPTED 7-10-2007

Sec. 1-2-4. Meetings—Minutes.

The minutes of meetings of the Commission shall, at a minimum, briefly describe all statements made and shall record the actions taken by the Commission. Any statement shall be recorded in full at the request of a member of the Commission. A member of the Commission may incorporate an additional statement when the minutes are read. The minutes shall be read before they are approved as soon as is possible or feasible but in no case later than the next regular meeting of the Commission.

Sec. 1-2-5. Ordinances—Required readings.

(a) The caption of each ordinance shall be read previous to the adoption of the ordinance. All readings of every ordinance shall be by reading the caption of such ordinance only, unless some member of the Commission shall then and there demand that the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance. Except as provided in paragraph (b) hereof, all ordinances shall be read twice before final adoption.

(b) Except for emergency ordinances or ordinances amending the Zoning Map for Augusta-Richmond County, or upon a unanimous vote of the Commission, no ordinance shall be adopted until it has been read or presented in written form at two meetings held not less than one week apart.

(c) A resolution may be adopted at the same meeting at which it is introduced.

(d) The affirmative vote of at least six (6) members of the Commission shall be required for the adoption of any ordinance or resolution. The passage of all ordinances or resolutions shall require the recording of "ayes" and "nays" and the names of the members of the Commission voting for and against each proposed ordinance or resolution or amendment thereto shall be entered in the minutes of the proceedings of the Commission.

Sec. 1-2-6. Announcement of commission action.

All communications to persons, firms or corporations affected by actions taken at a called or regular meeting of the Commission shall be made by the Administrator for Augusta-Richmond County, informing them of the action taken.

Sec. 1-2-7. Vacancies.

Any appointment to fill an expired or a new term on any board or commission, which appointment is made by the Commission, shall not have less than six (6) votes of approval.

Sec. 1-2-8. Procurement policy.

(a) The Administrator for Augusta-Richmond County shall have the authority to approve all purchases requiring a bid or written quote when the following conditions have been met:

(1) The item(s) have been previously approved in the budget adopted by the Commission;
(2) All state and ordinances and regulations relative to procurement have been complied with; and

(3) The low bid meeting specifications is selected and does not exceed the budgeted amount by ten (10) percent and not exceeding twenty thousand dollars ($20,000.00).

(b) Purchases under the following conditions must be approved by the Commission in open meeting:

(1) When other than the low bid is recommended for approval unless the low bid fails to meet specifications; or

(2) When the recommended bid exceeds those funds budgeted for the purchase with the exception of subsection (a)(3) above.

(c) The Administrator for Augusta-Richmond County shall submit a list of all bid items that have been approved to the Commission as soon as practical at the end of each month.

(Ord. No. 6774, § 1, 3-1-05)

Sec. 1-2-9. Mayor and commissioners prohibited from holding other office, contract, etc., with Augusta-Richmond County; exceptions.

It shall be unlawful for the Mayor or any member of the Commission to hold any office, appointment or contract under the Commission, during the term for which he was elected, whereby such Mayor or member of the Commission may derive any profit or emolument from Augusta-Richmond County, except such office, appointment, or contract specifically authorized by the Commission. Such office, appointment or contract, not so authorized, shall be declared void, and no funds whatever from Augusta-Richmond County treasury shall be paid thereon. All funds received or collected by the Mayor or any member of the Commission from any such office, appointment or contract, not so authorized, shall be demanded from such Mayor or member of the Commission, and if not paid, suit shall be brought to collect the same in any court having jurisdiction thereof; provided, however, that nothing herein contained shall prevent the Mayor or any member of the Commission from contracting with Augusta-Richmond County based upon sealed bids or proposals.

Sec. 1-2-10. Use of employees for personal benefit.

It shall be unlawful for any official, officer or employee of the Commission who has the control or direction of any employees or laborers of the Commission, to use any such employee or laborer for his own personal benefit or profit. Any person violating the terms of this section shall be punished as provided in section 1-6-1 and, upon conviction thereof, shall be subject to suspension or discharge by the Commission.

Sec. 1-2-11. Vacancies on agencies, boards, commissions created by Commission.

(a) The office of any member of any agency, board or commission created by the Commission for which the terms and conditions of office are not prescribed by state law shall be declared vacant upon such member of any agency, board or commission qualifying in a general primary or general election, or a special primary or special election, for any state, county or municipal office or qualifying for the House of Representatives or Senate of the United States. A vacancy created in any such office shall be filled by the governing authority of the county, or by the entity that otherwise is responsible for appointment of the position vacated.

(b) This section shall not apply to the existing term of any member of an agency, board or commission created by the Commission, but shall apply to all future appointments made by the Commission to any agency, board or commission created by the Commission for which the terms and conditions of office are not prescribed by state law.

Sec. 1-2-12. Publication of ordinances, notices, etc.

It shall be the duty of the Mayor to have published in the official gazette or newspaper of Augusta-Richmond County the ordinances of the Commission, the proclamations of the Mayor and
all other official notices of either the Commission or the Mayor ordered to be published by them, respectively; also, such other matters as the Mayor may deem advisable to publish. The ordinances of the Commission shall be published one time; all other matters shall be published such number of times as the Commission or the Mayor may direct. The Mayor shall have published in such official gazette or newspaper only the captions of the ordinances of the Commission and shall not have the bodies of such ordinances published.


Operational Procedure.

1.01. Meetings.

1.01.01 Regular and special meetings of the Augusta-Richmond County Commission-Council (also referred herein as the Commission-Council or the Commissioners) shall be as determined by Ordinance adopted by the Augusta-Richmond County Commission-Council. Except as otherwise provided by law, all meetings of the Commission-Council shall be public meetings. The Clerk shall be responsible for posting notices to the public of the time and place of all meetings of the Commission-Council. No meeting may commence prior to the posted time for said meeting.

1.01.02 An adjourned meeting is a continuation of the meeting immediately preceding, whether a regular or special meeting.

1.01.02(a) If a scheduled meeting of the Commission-Council is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or to a specific day scheduled by the Commission-Council to allow for the completion of pending business.

1.01.02(b) In an adjourned meeting (regular or special), only business which would have been proper to consider at the immediately preceding meeting may be considered and acted upon at the adjourned meeting.

1.01.02(c) Adjourned meetings resume business under the same rules, limitations and rights as the immediately preceding meeting.

1.01.03 Executive session meetings shall be conducted in accordance with the O.C.G.A. § 50-14-3 and § 50-14-4, or as these sections may be amended from time to time.

1.02 Quorum.

1.02.01 Seven (7) members of the Commission-Council shall constitute a quorum for any meeting of the Augusta-Richmond County Commission-Council.

1.02.02 If a quorum is not present thirty (30) minutes following the scheduled hour for convening the meeting, the Chairman-Mayor or the Vice Chairman-Mayor Pro Tempore, or in their absence, the Administrator (or his/her designee), may adjourn the meeting until the next day. By unanimous consent of those Commissioners present, the meeting may be adjourned to another hour and day.

1.02.03 If during the meeting there ceases to be a quorum, all business must stop except that the Commission-Council, by majority vote to be recorded in the minutes (naming those present at the time of the vote) may:

1.02.03(a) fix another day at which to reconvene;
1.02.03(b) adjourn and return at the next regular meeting;
1.02.03(c) recess to determine if a quorum will be present within a short period of time.

1.03 Chairman-Mayor.

1.03.01 The Chairman-Mayor shall have the rights and privileges of the other Commissioners with respect to debate, but shall have the right (but is not obliged) to vote on any matter (excluding appointment of any Commissioner to a committee and excluding voting as a member of any Committee as provided in the Consolida-
tion Act) only to break a tie or to create a tie. Additionally, his/her duties during meetings shall include:

1.03.01(a) presiding over meetings of the Commission-Council;
1.03.01(b) calling the meeting to order at the scheduled hour;
1.03.01(c) determining that a quorum is present;
1.03.01(d) preserving decorum and order at all meetings,
1.03.01(e) making the Commissioners aware of the substance of each motion;
1.03.01(f) calling for each vote;
1.03.01(g) announcing the results of each vote;
1.03.01(h) calling for a recess at such times as deemed advisable.

1.03.02 The Chairman-Mayor shall exercise such other duties as prescribed in Consolidation Act or by ordinance.

1.04 Vice Chairman-Mayor Pro Tempore. A Vice Chairman-Mayor Pro Tempore shall be elected from among the district Commissioners at the first meeting in January of each year as provided in the Consolidation Act. The Vice Chairman-Mayor Pro Tempore shall serve for a period of one year and shall have all rights, privileges and duties of the chair in the absence of the chair (excluding the right to vote to create or break a tie), and in addition shall have the right to make motions and vote on any issue, including matters coming before any Committee of which he is a member. The Vice Chairman-Mayor Pro Tempore may succeed himself/herself, subject to the two consecutive term limitation contained in the Consolidation Act.

1.05 Absence Of Chairman-Mayor And Vice Chairman-Mayor Pro Tempore. In the absence of the Chairman-Mayor and Vice Chairman-Mayor Pro Tempore, the Administrator shall determine whether a quorum is present. If a quorum is present, the Administrator shall call for the election of a temporary chair. The temporary chair shall preside over that meeting or until the conclusion of the business immediately pending at the time the Chairman-Mayor or Vice Chairman-Mayor Pro Tempore arrives.

1.06 Minutes.

1.06.01 All actions of the Commission-Council, except for actions described in O.C.G.A. § 50-14-3 and § 50-14-4, (or as these sections may be amended from time to time), shall be accurately recorded by the Clerk (or his/her designee) in the minutes which minutes shall include:

1.06.01(a) all main motions, exactly as worded when adopted (including amendments or stipulations);
1.06.01(b) the name of the maker of all important motions;
1.06.01(c) disposition of all main motions, whether
  1.06.01(c)(1) adopted;
  1.06.01(c)(2) defeated;
  1.06.01(c)(3) referred to committee or to staff for further information or recommendations;
  1.06.01(c)(4) held until a definite time;
  1.06.01(c)(5) the vote of each Commissioner; and
  1.06.01(c)(6) comments of Commissioners verbatim.

1.06.02 The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission-Council. The minutes of each meeting shall indicate their subsequent approval/correction. The minutes may be corrected whenever an error is noticed upon approval of the Commission-Council regardless of the time which has elapsed since recording of the minutes.

1.06.03 The minutes shall be attested to by the Clerk or his/her designee.

1.07 Agenda.

1.07.01 The Administrator shall be responsible for obtaining all documentation related to any item to be placed on the
agenda and shall submit same to the Clerk to include on the agenda for all meetings of the Commission-Council.

1.07.02 Any Commissioner or department head wishing to have an item placed on an agenda should submit said item to the Administrator no later than 5:00 p.m. on the Wednesday prior to the Tuesday of the regular Commission-Council meeting or any regular Committee meeting. No item may be added to an agenda without the consent of the Chairman-Mayor or the chairman of the committee responsible for such department; provided, however, any member of the Commission-Council shall have the right to have an item placed on the agenda for discussion or action if timely submitted as herein provided.

1.07.03 The Clerk shall be responsible for assembling the agenda and distributing it to all Commissioners no later than Friday in advance of the scheduled meeting.

1.07.04 An item may be removed from the agenda after 5:00 p.m. on the Wednesday prior to the Tuesday of the regular Commission-Council meeting with unanimous approval of the members of the Commission-Council attending the regular meeting.

1.07.05 An item may be removed from the agenda prior to 5:00 p.m. on the Wednesday prior to the Tuesday of the regular Commission-Council meeting upon the request of the commissioner, department head, or other individual party who was responsible for placing the item on the agenda.

1.08 Consent Agenda.

1.08.01 All items contained in the consent agenda may be voted on en gross. Prior to the vote on the consent agenda, any Commissioner may withdraw an item from the consent agenda so that it shall be voted on individually.

1.08.02 A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent attention, but which has not been placed on the published agenda.

1.08.02(a) If a Commissioner requests that an item be added to the agenda, he/she must provide the specific item, and the reasons immediate attention is required, to the Commission-Council.

1.08.02(b) The unanimous consent of the Commissioners present at the meeting shall be required to add an item to the agenda.

1.09 Voting.

1.09.01 All votes shall be taken by raised hand, except those which the chair handles through unanimous consent (i.e., "If there are no objections . . . "); and unless there is a request for a roll-call vote. A single objection will require that a counted vote be taken. An affirmative vote of at least six (6) members of the Commission-Council shall be required to adopt a motion, except where otherwise indicated.

1.09.02 Any Commissioner shall have the right to request a roll call vote on any issue, in which event the chair shall direct the Clerk to call the roll in alphabetical order, except that the Chairman-Mayor's name shall be called last and only when his vote will create or break a tie. As each Commissioner's name is called, such Commissioner shall vote either "yes" or "no" to the question presented. To verify the vote and to correct possible errors, the Clerk repeats the vote after each member responds to his name. At the conclusion of the roll call, the Chairman-Mayor can ask if anyone entered the room after his name was called. Changes of the vote are also permitted before the result is announced.

1.09.03 When an entire agenda "tab" has been moved to be voted upon by an en gross vote (see Section 3.01.05 herein), a Commissioner may, without discussion state that he/she is voting in the affirmative on all of the agenda items on that "tab" except certain ones which he/she
will name by number. In such cases, the votes of the Commissioner(s) will be recorded as negative for the items named, unless the Commissioner abstains as provided in Section 1.09.06.

1.09.04 If a motion has been voted on without discussion and a Commissioner feels that it is necessary to explain his/her vote, he/she may have no more than one minute to give public reasons for his/her vote. The chair will not allow the Commissioner to repeat discussion that has already taken place at the same meeting, however.

1.09.05 A tie vote shall cause all procedural motions to be defeated. A tie vote on a main motion shall keep the motion as pending before the Commission-Council and the motion shall be rescheduled for another time; Provided, however, the Chairman-Mayor shall have the right to vote to create or break a tie.

1.10 Public Participation In Commission-Council Meetings.

1.10.01 Persons wishing to address the Commission-Council shall do so during the Public Comment portion of the agenda.

1.10.02 Speakers will be allowed to appear before the Commission-Council at the public comment session prior to the regular agenda with each speaker allotted a maximum of five (5) minutes for their presentation.

1.10.03 Each speaker must submit a request in writing, including his/her address, which will state the topic of discussion, to the Clerk's office no later than 5:00 p.m. on the Wednesday preceding the next regularly scheduled Commission-Council meeting.

1.10.04 An extension of the five (5) minute limit per person may be granted upon the affirmative vote of six (6) members of the Commission-Council.

1.10.05 If deemed advisable by the Chairman-Mayor, a written response to a speaker may be provided by the appropriate County staff within thirty (30) days. The Commission-Council may respond verbally at the completion of any speaker's presentation.

1.10.06 After each individual speaker's remarks have concluded, the Chairman-Mayor may, but shall not be required to, briefly respond, either personally or through another member of the Commission-Council whom the Chairman-Mayor shall designate. In addition, when a request for special action or a grievance has been heard the matter will be referred to the Administrator (or his/her designee) who will prepare a response to the matter. If necessary, action on the matter for consideration of the Commission-Council will be placed on the agenda for the second regular meeting following the date of the comment.

1.10.07 No speaker will be allowed to return on public comment on the same issue within a period of ninety (90) days; however a speaker may return on another issue following the policy and procedure.

1.10.08 All speakers, other than salaried members of the Augusta-Richmond County staff, shall address the Commission-Council in the following manner:

1.10.08(a) Stating name and address (address is required only if individual has not previously provided address to Clerk).

1.10.08(b) Stating whether he/she is speaking for himself/herself or for another;

1.10.08(c) Stating if he/she represents an organization and whether he/she is being compensated by the organization for whom he/she speaks;

1.10.08(d) Stating whether he/she or any member of his/her immediate family has a personal interest in the pending matter.

1.10.08(e) Stating his/her comments.

1.10.09 All remarks shall be to the Commission-Council as a body and addressed through the chair. Remarks shall not be made to a particular Commissioner.
1.10.10 Questions from Commissioners, the Administrator, and/or the Augusta-Richmond County Attorney may be made for clarification. However, no person shall be permitted to enter into any discussion, either directly or through a member of the Commission-Council, without permission of the chair.

1.10.11 All remarks must be related to the issue on which the speaker has requested to be heard. No person shall be allowed to make impertinent, derogatory, offensive or slanderous remarks while addressing the Commission-Council.

1.10.11(a) A person may be barred from further speaking before the Commission-Council in that meeting if his/her conduct is deemed "out of order";

1.10.11(b) Once barred for improper conduct, a speaker shall not be permitted to continue or again address the Commission-Council in that meeting unless a majority vote of the Commission-Council allows;

1.10.11(c) In the event a speaker who is barred fails for improper conduct to obey the ruling, the chair may take such action as is deemed appropriate, including the removal of such person from the assembly;

1.10.11(d) The Commission-Council may bar a person from addressing Commission-Council meetings for up to sixty (60) days for improper conduct. A person barred by the Commission-Council for this period may request a hearing by written request to the chair, which request shall state the reason(s) for a reversal of the decision. All requests for hearings shall be placed on the agenda and heard by the Commission-Council. An affirmative vote of six (6) members of the Commission-Council shall be required to overturn the previous decision to bar the persons.

1.10.11(e) If not otherwise recognized by the Chair, upon motion and the affirmative vote of six (6) members of the Commission-Council, the Commission-Council may allow public comment on an agenda item at the time the item is being considered by the Commission-Council. These comments must be limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. These limits can be waived by the affirmative vote of six (6) members of the Commission-Council.

1.10.11(f) The Commission-Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Commission-Council. Hearings may be held immediately prior to or following a meeting of the Commission-Council or at such other places and times as the Commission-Council may determine. No official action shall be taken at any such public hearing.

1.11 Appointments By The Commission-Council.

1.11.01 Appointments shall be made as necessary. When it is has been determined, by the Consolidation Act or other rule or manner, that it is the "right" or "turn" of a particular Commissioner to nominate a candidate for a position, such nominee must be elected by a majority of the Commission-Council. If any nominee, however nominated, fails to receive a majority vote, alternate candidate(s) may be nominated until the position is filled by majority vote.

2.00 Decorum Of Debate. The following practices shall be followed in debate on motions and matters presented to the Commission-Council.

2.01 Adherence To Agenda.

2.01.01 In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the Commission-Council.
2.01.02 All Commissioners must conduct themselves in a professional and respectful manner. All remarks should be directed to the Chairman-Mayor and not to individual Commissioners, staff or citizens in attendance. Personal remarks are inappropriate. A Commissioner may not speak at a meeting until he has been recognized by the Chairman-Mayor. All comments made by a Commissioner shall address the motion that is being discussed.

2.01.03 During these remarks a Commissioner must observe the same rules of decorum as those set forth in Section 2.02 below, and may be called to order by the Chairman-Mayor or another Commissioner if there is a breach of those rules.

2.01.04 A Commissioner may not interrogate another Commissioner, staff or citizens. No one shall attempt to enter into discussion with a Commissioner who has chosen to avail himself/herself of this opportunity to share his/her opinions with the public.

2.02 Discussion Of The Issue. In discussion, a Commissioner may condemn the nature of likely consequences of the proposed measure in strong terms, but must avoid a discussion of personalities, and under no circumstances may he/she attack or question the motives of another Commissioner or staff. The issue, and not a person, shall be the item under discussion. Any Commissioner wishing to discuss an issue shall be allowed to do so; however, discussion of any particular issue by any particular Commissioner shall be limited to two (2) minutes of discussion and one (1) minute of rebuttal, unless debate is extended by the chair or by motion as provided in Section 3.04.05 hereof.

2.03 Call To Order, Remarks. The chair shall immediately call as "out of order" any remarks made outside the issue being addressed. Additionally, another Commissioner may call this breach of procedure to the attention of the chair and other Commissioners. In either case, the speaking Commissioner shall be required to continue with his/her remarks confined to the issue.

2.04 Discussion Through The Chair. All discussion shall be made through the chair, and one Commissioner may not interrogate another Commissioner or person speaking from the public except through the chair (or with the permission of the chair).

2.05 Disruptions. During discussion or voting, no Commissioner shall disturb the other Commissioners in any way that may be considered disruptive to the proceedings or that may hamper the transaction of business by the Commission-Council.

2.06 Call To Order, Action. The chair may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the chair.

2.07 Call Of "Out Of Order".

2.07.01 If a member of the Commission-Council refuses to comply with these Rules of Procedure the following procedure shall be used:

2.07.01(a) The Commissioner shall be "called to order" by the chair, who shall say, "Commissioner [using name], you are now out of order. If you persist a reprimand will be entered into the record."

2.07.01(b) If a Commissioner defies the ruling of the chair, the Chairman-Mayor shall state, "Commissioner, you are personally out of order. Let the record indicate a reprimand against Commissioner [using name]. Commissioner [using name], you have a right at this time to appeal the ruling of the chair by asking that a roll call vote of the Commissioners present be taken.
and a statement by each Commissioner be recorded as to why he/she is for or against the ruling of the chair. A majority vote of the members of the Commission-Council present shall govern."

3.00 Procedure In Meetings.

3.01 Motions.

3.01.01 In order for the Commission-Council to take any official action on any subject, a Commissioner must propose a Main Motion or there must be a Recommended Main Motion, as provided in Section 3.01.02(a). A proposed Main Motion must be seconded before there will be discussion on the motion. A second does not require the Commissioner seconding the motion to support the motion. A Commissioner may withdraw a Main Motion that he has made as provided in Section 3.01.04 hereof, at any time before the Commission-Council has voted on that motion. Prior to taking a vote, the chair shall state the motion (or resolution) or its substance, or he/she may call upon the Clerk or secretary to do so.

3.01.02 If the motion presented contains two (2) or more parts capable of standing as separate motions, a Commissioner may move to "Divide the Motion." This motion shall require a second and discussion shall be allowed only on why it should or should not be divided. A majority vote shall be required to adopt the motion to "divide the motion."

3.01.03 If a main motion is in the form of a resolution or document containing several paragraphs or sections which are not separate motions but could be discussed more efficiently if discussed in sections, a motion to Discuss by Paragraphs, Sections, or Numbered Agenda Items under a "tab," may be made. A second shall be required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to "consider by paragraphs, sections, or numbered agenda items under a 'tab'."

3.01.04 Once a motion has been moved and seconded, it belongs to the entire Commission-Council and not to the maker of the motion; therefore, if a Commissioner wishes to Withdraw a motion that is officially before the Commission-Council, action of the Commission-Council must be taken in either of the following ways:

3.01.04(a) The chair may ask the Commission-Council if there are any objections to the motion being withdrawn. If there are no objections, the motion shall be withdrawn by unanimous consent, without the need for the seconder to withdraw his/her second;

3.01.04(b) If there is an objection to the motion being withdrawn, then the chair shall take an official vote on the "motion to withdraw the motion", a second being required. A majority vote shall be required to adopt the motion to "withdraw the motion."

3.01.05 If a Commissioner feels that time could be saved by acting on all of the agenda items under a "tab," he/she may move that it be "Considered en Gross." (See Section 1.08.02.)

3.01.06 When several alternatives need to be considered (such as staff recommendations that propose various options for the Commission-Council to consider), unlimited choices may be considered by "Filling the Blank" in the motion:

3.01.06(a) No Commissioner may suggest more than one proposal for filling the blank without unanimous consent from the other Commissioners;

3.01.06(b) Each proposal shall be debatable and shall be treated as an independent item to be voted on separately until one has been approved by a majority. As soon as one proposal has received a majority, no others shall be considered;
3.01.06(c) Alternatives (from staff recommendations and/or suggestions by Commissioners) are listed in logical order for voting:

3.01.06(c)(1) Names are listed in the order in which they were proposed,
3.01.06(c)(2) Other proposals are listed in the order of their probable acceptability, beginning with the least popular choice.

3.02 Main Motions.

3.02.01 A main motion is a motion whose introduction brings business before the Commission-Council.

3.02.01(a) Recommended Main Motions—A recommendation from staff, or another item published in the agenda for action, shall be handled as an Recommended Main Motion by the chair. That is, the chair shall, upon the conclusion of a report, state, "The question (or motion) before you is . . . " (stating the motion in the affirmative). No second will be required in these instances and the chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she so wishes.

3.03 Ranking Of Motions.

3.03.01 Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt motion of lower precedence. The higher motion must be decided before the Commission-Council returns to consider the motion of lower precedence.

3.03.02 A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with this Section. Motions at the top of the following list take precedence over motions at the bottom of the list.

**HIGHEST RANK:**

- PRIVILEGED MOTIONS (Undebatable)
  1. Adjourn
  2. Recess
  3. Question of Privilege

- SUBSIDIARY MOTIONS (Undebatable)
  4. Lay on the Table (Postpone Temporarily)
  5. Vote Immediately (Previous Question)
  6. Limit Debate or Extend

**LOWEST RANK:**

- OTHER MOTIONS
  11. Main Motion

3.04 Subsidiary Motions. During the course of debate, Commissioners may introduce motions that propose that the Commission-Council take a particular action on a main motion. These motions are called subsidiary motions and they allow the Commission-Council to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motion, Amend, Limit Debate, and Vote Immediately, also can apply to other subsidiary motions.

3.04.01 Postpone indefinitely. If a Commissioner believes that the main motion should not be considered by the Commission-Council, that Commissioner may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled for the duration of the meeting. A motion to postpone indefinitely can be debated, but
it can be amended. A majority vote of the Commission-Council is required for the motion to pass.

3.04.02 Amend. If a Commissioner believes that a main motion that is on the table should be changed in order to make it more acceptable, he can move to amend the motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. Motions to refer, amend, postpone to a time certain and the motion to recess can also be amended. A motion cannot be amended more than two times.

Debate is allowed on a motion to amend only if the original motion is debatable. Debate is limited to the proposed amendment. A majority vote is required for the Commission-Council to adopt an amendment. If the amendment is adopted then the Commission-Council shall consider the amended version of the motion.

Concerning the amending of particular motions:

3.04.02(a) If a Commissioner feels that the main motion might be more acceptable stated other than as presented, the Commissioner may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions. A substitute motion shall be treated as a motion to amend. Such proposed amendments shall be handled in one of the following ways:

3.04.02(a)(1) by unanimous consent of the Commissioners; the chair, or another Commissioner, through the chair, may suggest changes or stipulations, and if there are no objections from the Commissioners, the motion shall be amended by unanimous consent.

3.04.02(a)(2) with a second, discussion and a majority vote on the proposed amendment.

3.04.02(b) If a proposed amendment fails to obtain unanimous consent or a majority vote, the main motion considered shall be the one originally presented.

3.04.02(c) An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.

3.04.02(d) Improper amendments shall be:

3.04.02(d)(1) one(s) which are not germane,

3.04.02(d)(2) one(s) which would make the adoption of the amended motion equivalent to a rejection of the motion;

3.04.02(d)(3) one(s) which are, in the opinion of the Chairman-Mayor, frivolous or absurd.

3.04.03 Refer To A Committee (Commit). If a Commissioner believes that further information is needed before the Commission-Council can act on a main motion, he may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to commit should specify the date that the committee or department will report back to the Commission-Council. A motion to refer shall require a second and shall be debatable only as to whether or not it shall be referred, to whom it shall be referred, or when the person to whom it is referred shall report back. If the motion fails, the motion to be referred only as to whether or not it shall be referred, to whom it shall be referred, or when the person to whom it is referred shall report back. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to refer. This motion is amendable. A majority vote is required for the motion to pass.

3.04.04 Postpone To A Time Certain (Postpone Definitely). A motion to postpone to a certain time may be proposed if a Commissioner believes that the main motion should not be considered until a future time. This motion shall set a particular
time for the main motion to be considered again. It is debatable and can be amended. A motion to hold to a time certain shall require a second and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold to a time certain. If this motion is passed, the Chairman-Mayor will bring the original motion back to the Commission-Council for consideration at the specified time which may be at the same meeting, at a subsequent meeting, or upon the occurrence of a specified event. A majority vote of the Commission-Council is required for the motion to pass.

3.04.05 Limit Or Extend Limits Of Debate. A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the Commissioner who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion. A majority vote of the Commission-Council is required for the motion to pass.

3.04.06 Vote Immediately (Call The Question). A Commissioner may move to "call the question" (i.e., move to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall not require a second and no discussion on the motion shall be allowed. If there is no objection, then it will be presumed there is unanimous consent. Should there be an objection, an affirmative vote of a majority of the Commission-Council shall be required.

3.04.07 Lay On The Table (Postpone Temporarily). A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the same meeting. The main motion can be brought back for consideration only if a motion to Resume Consideration is accepted by the Commission-Council during the same meeting. The motion will die if it is not taken up during the meeting. Debate is not allowed on this motion and the motion is not amendable. A majority vote of the Commission-Council is required for the motion to pass.

3.05 Privileged Motions. Privileged motions facilitate the running of the meeting. They do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on these motions.

3.05.01 Question Of Privilege. A formal question addressed to the chair concerning the rights of a Commissioner or of the Commission-Council as a whole is referred to a question of privilege. It does not require a second and cannot be debated or amended. The chair is required to make a ruling on the question, and no vote is required unless a motion arises out of the privilege.

3.05.01(a) If any matters occur which impede the Commission's completion of its business (e.g., noise, mechanical difficulties with equipment, matters that affect the safety, orderliness, or comfort of the Commissioners, or affecting the honor of an individual Commissioner) any Commissioner may state to the Chairman-Mayor that he/she has a question of privilege and the matter must be addressed before the pending business of the Commission-Council continues.

3.05.02 Recess. A motion to recess proposes that the meeting be suspended for a particular amount of time when business is still pending. It is a temporary intermission of the proceedings. A recess may be taken as it appears on the agenda or as it is declared by the chair when he/she deems it advisable or by a motion from a Commissioner. The motion must specify the length of the recess. The motion must also be seconded. Debate is not allowed on
this motion, but the motion can be amended. A majority vote is required for the motion to pass.

3.05.03 Adjourn. The highest ranking motion shall be the motion to adjourn, requiring a second and a majority vote with no discussion allowed, except that the motion shall contain a time to hear any non-completed items on the agenda, if such exist. If all business on the agenda has been completed, the chair may assume the motion and, without a second, obtain unanimous consent to adjourn.

3.06 Incidental Motions. Incidental motions allow Commissioners to exert their rights as a member of the Commission-Council. Incidental motions can be introduced at any time during a meeting.

3.06.01 Appeal. Whenever a Commissioner believes that the chair is mistaken in a ruling, a Commissioner may Appeal the Chair's Decision. An appeal shall require a second and shall be debatable with the chair speaking first to explain his/her ruling. The chair may also close out the debate with a statement defending the ruling. An appeal may be made only on a ruling and may not be made:

3.06.01(a) in response to a parliamentary inquiry or point of information; or

3.06.01(b) in areas that challenge verifiable rulings of a factual nature.

3.06.01(c) The chair shall state the motion as Shall the Chair's decision be sustained? A tie vote shall sustain the chair, because a majority vote of the Commission-Council shall be required to overturn the chair's ruling.

An Appeal is high in precedence and can only be interrupted by a privileged motion or by a motion to lay on the table.

3.06.02 Parliamentary Inquiry. A Parliamentary Inquiry is a question directed to the chair to obtain information on a matter of parliamentary law or the rules of the Commission-Council. This question should take the form of a parliamentary inquiry and should relate to the current business of the Commission-Council. The chair will answer such questions or may ask the Augusta-Richmond County Attorney or parliamentarian for an opinion. The chair's reply, whether or not he/she has requested advice from the Augusta-Richmond County Attorney or parliamentarian, is an opinion, not a ruling. If a Commissioner does not agree with the chair's opinions he/she may act in a way contrary to this opinion and if ruled out of order may then appeal the chair's ruling. The chair is not obligated to respond to hypothetical questions.

3.06.03 Point Of Order (Question of Order). If a Commissioner believes that a violation of the rules of parliamentary procedure has occurred, he can raise a point of order. A second is not required. The chair can make a ruling on the question or can allow the Commission-Council to debate and then rule on the question by majority vote. A point of order can only be interrupted by a privileged motion or by a motion to lay on the table.

3.06.04 Point Of Information (Request for Information). If a Commissioner has a question about the facts of a particular issue that is being considered, he may ask a point of information. A Point of Information is a request, directed to or through the chair, for information relevant to the business at hand, but not related to parliamentary procedure. This motion is addressed first to the to the appropriate person. A second is not required, and the motion is not debatable or amendable.

3.07 Supplementary Main Motions. Three motions allow the Commission-Council to act on a main motion that has either been passed or tabled by the Commission-Council. These motions are considered to be main motions but differ from usual main motions in the ways specified.

3.07.01 Reconsider. The motion to reconsider allows the Commission-Council to debate whether or not to overturn a deci-
sion made at the meeting that is in progress. It allows the Commission-Council to consider new information that may affect the decision that has already been made. Any Commissioner can make a motion to reconsider and any Commissioner may second the motion. The motion is debatable, but it cannot be amended. A majority vote of the Commission-Council is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided, and the Commission-Council will return to debate and revote the original motion.

3.07.02 Rescind. A motion to rescind proposes that the Commission-Council overturn a motion passed at a previous meeting. A motion to rescind can be made by any Commissioner. It is in order as long as the original motion has not been implemented, but the motion to rescind shall not be in order if:

3.07.02(a) the motion to rescind is made, at the same meeting in which the action was taken;
3.07.02(b) a motion to reconsider was taken and lost;
3.07.02(c) the matter is routine and only part of the action needs to be changed, in which case the motion to "amend a previously adopted action" shall be used;
3.07.02(d) something has been done as a result of the vote to implement the earlier action adopted.

An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the Commissioner seeking to rescind may place the matter on the agenda for the next meeting. The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If it is seconded, then the Commission-Council shall debate and vote on revision. A majority vote of the Commission-Council is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.

3.07.03 Resume Consideration. The motion to resume consideration allows the Commission-Council to consider a motion that has been temporarily postponed. This motion requires a second and is not debatable or amendable. It is a main motion but ranks higher than any debatable motion. A majority vote is required for the motion to pass.

4.00 Actions Of The Commission-Council.

4.01 Ordinances And Resolutions.

4.01.01 Every ordinance or resolution proposed for adoption by the Commission-Council shall be introduced in writing. No ordinance or resolution shall pass which refers to more than one subject matter or contains matter different from that expressed in the title thereof, except ordinances or resolutions adopting the annual operating and capital budgets and general codification and revisions of ordinances and resolutions of the Commission-Council.

4.01.02 Except for emergency ordinances under subsection 4.01.03 of this section or ordinances amending the Zoning Map for Augusta-Richmond County, or upon a unanimous vote of the Commission-Council, no ordinance shall be adopted until it has been read or presented in written form at two meetings held not less than one week apart. A resolution may be adopted at the same meeting at which it is introduced. The affirmative vote of at least six (6) members of the Commission-Council shall be required for the adoption of any ordinance or resolution; Provided, however, a vote of two-thirds of the Commission-Council, excluding the Chairman-Mayor, shall be required to change any provision of the Consolidation Act which conflict with existing or future state or federal laws, as required by said Consolidation Act. The passage of all ordinances or resolutions shall require the recording
of "ayes" and "nays" and the names of the members of the Commission-Council voting for and against each proposed ordinance or resolution or amendment thereto shall be entered in the minutes of the proceedings of the Commission-Council.

4.01.03 To meet a public emergency threatening life, health, property, or public peace, the Commission-Council may adopt emergency ordinances or resolutions, but such ordinances or resolutions may not be enacted to levy taxes, or to grant, renew or extend a franchise, or to regulate the rate charged for any public utility or service, or to authorize the borrowing of money. An emergency ordinance or resolution shall be in the form prescribed for ordinances or resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain a declaration stating what emergency exists. An emergency ordinance or resolution may be adopted with or without amendment or may be rejected at the meeting at which it is introduced, but the affirmative vote of at least six (6) members of the Commission-Council shall be required for its adoption. It shall become effective upon adoption or at such later time as it may specify.

4.01.04 The caption of each ordinance shall be read once previous to the adoption of the ordinance. All readings of every ordinance shall be by reading the caption of such ordinance only, unless some member of the Commission-Council shall then and there demand that the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance.

4.02 Signing, Authentication, And Recording.

4.02.01 Every ordinance or resolution adopted by the Commission-Council shall be submitted to the Chairman-Mayor for his/her signature as promptly as practicable following its adoption. The Clerk of the Commission-Council shall authenticate by the Clerk's signature and cause to be recorded in full all ordinances and resolutions adopted by the Commission-Council and signed by the Chairman-Mayor or otherwise becoming law in a properly indexed book kept for such purpose which shall be a public record and open to public inspection. The Commission-Council shall further provide for the periodic updating, revision, codification, and printing of all ordinances or resolutions of a general and permanent nature, together with such codes of technical regulations and other rules and regulations as the Commission-Council may require.

4.03 Publication Of Ordinances, Notices, Etc. It shall be the duty of the Chairman-Mayor to have published in the official gazette or newspaper of Augusta-Richmond County the ordinances of the Commission-Council, the proclamations of the Chairman-Mayor and all other official notices of either the Commission-Council or the Chairman-Mayor ordered to be published by them, respectively; also, such other matters as the Chairman-Mayor may deem advisable to publish. The ordinances of the Commission-Council shall be published one time; all other matters shall be published such number of times as the Commission-Council or the Chairman-Mayor may direct. The Chairman-Mayor shall have published in such official gazette or newspaper only the captions of the ordinances of the Commission-Council and shall not have the bodies of such ordinances published.

5.00 Parliamentarian.

5.01 The Augusta-Richmond County Attorney or his/her designee shall serve as parliamentarian and shall advise and assist the chair and the Commission-Council in matters of parliamentary law. A professional parliamentarian may be consulted as deemed necessary.

6.00 Parliamentary Authority.

6.01 The latest edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern meetings of the Augusta-Richmond County Commission-Council in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners, or with higher law.
7.00 Amendments.

7.01 These Rules may be amended by a majority of the entire Commission-Council at a regular meeting or special meeting of the Augusta-Richmond County Commission-Council, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

APPENDIX
Parliamentary Definitions

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE Augusta-Richmond County Commission-Council

adjourn - to officially terminate a meeting
adjourned meeting - a meeting that is a continuation at a later time of a regular or special meeting
adopt - to approve or pass by whatever vote is required for the motion
affirmative vote - a vote in favor of the motion as stated
agenda - the official list of items of business planned for consideration during the meeting
approval of minutes - formal acceptance of the record at a meeting, thus making this record the official minutes of the Commission-Council
chair - the Chairman-Mayor or Vice Chairman-Mayor Pro Tempore
Code of Conduct - The Richmond County Code of Conduct
Commission-Council - the Augusta-Richmond County Commission-Council
Commissioner - any of the ten members serving on the Commission-Council elected from the ten (10) districts established by the Consolidation Act
Commission-Council parliamentary rules - the body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization does not include statutory law or particular rules adopted by any organization or Commission-Council
Consolidation Act - the Act consolidating the City Council of Augusta and Richmond County found in 1995 Ga. Laws p. 3648
convene - to open a meeting
debate - formal discussion of a motion under the rules of parliamentary law and more often herein referred to as discussion
defer or hold - to delay action by referring the motion to staff (or an agency, committee, etc.) for more information, or by postponing a vote to a certain time
demand - an assertion of a parliamentary right by a Commissioner
dilatory motions or tactics - misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting
floor - when a person receives formal recognition from the chair, he/she "has the floor" and is the only person entitled to speak
germane amendment - an amendment relating directly to the motion to which it is applied
germane discussion - discussion relating directly to the matter involved
hearing - a meeting for the purpose of listening to the views of an individual or of a particular group on a particular subject
in order - permissible and right from a parliamentary standpoint
majority vote - an affirmation vote of at least six (6) Commissioners or the vote of five (5) Commissioners and the vote of the Chairman-Mayor in the event of a tie
minutes - the legal record of the action of the Commission-Council after the record has been approved by vote of the body

motion - a proposal submitted to the Commission-Council for its consideration and decision; it is introduced by the words, "I move that . . ."

objection - the formal expression of opposition to a proposed action

order of business - the adopted order in which the business is presented to the meeting of the Commission-Council

out of order - not correct, from a parliamentary standpoint, at the particular time

parliamentary authority - the code of procedure adopted by the Commission-Council as its parliamentary guide, governing in all parliamentary situations not otherwise provided for in the Consolidation Act, the Code of Richmond County, the Code of the City of Augusta, or other governing bodies

pending motion - sometimes referred to as pending question; a motion that has been proposed and stated by the chair for the Commission-Council's consideration and that is awaiting decision by vote

precedence - the order or priority governing the motion

precedent - a course of action that may serve as a guide or rule for future similar situation

procedural motion - motion to assist the Commission-Council in treating or disposing of a main motion; or, motion relating to the pending business otherwise at hand

proposal or proposition - a statement of a motion of any kind for consideration and action

O.C.G.A. - Official Code of Georgia Annotated

quorum - the number of persons that must be present at a meeting of the Commission-Council to enable it to act legally on business; seven (7) members of the Commission-Council shall constitute a quorum for any meeting of the Richmond of the Augusta-Richmond County Commission-Council

recognitions - acknowledgement by the chair, giving a person sole right to speak

reconsider - to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

request - a statement to the chair asking a question or some "right"

reconsider - to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

resolution - a formal motion, usually in writing, and introduced by the word "resolved" that is presented to the Commission-Council for a decision

ruling - the chair's decision as it relates to the procedure of the Commission-Council

second - a Commissioner's statement that he/she is willing to have the motion considered

seriatim - consideration by sections or paragraphs

statute - a law passed by the Georgia legislature

technical inquiry - request for information relevant to the business at hand

tie vote - a vote in which the affirmative and negative votes are equal on a motion

unanimous consent - deciding on a motion without voting on it but where no
Commissioner voices objection, with a single objection a vote must be taken
unfinished business - any business that is postponed definitely to a time cer-

Note—The Rules of Procedure for the conduct of parlimentary business coming before the Augusta-Richmond Commission were adopted by the Commission in 1996 and re-adopted Nov. 18, 2003.


ARTICLE 2 MAYOR


The Mayor shall have and exercise the following duties, powers and authority:

(a) He shall preside over all meetings of Commission, regular or special, whenever present;

(b) He shall call a special meeting of Commission whenever five (5) members of Commission, in writing, so request and he shall direct the clerk of Commission to send reasonable written notice of all such special meetings to each member thereof. He may also call a special meeting of the Commission or call any committee together at any time he deems necessary;

(c) He shall be recognized as the head of the Augusta-Richmond County government for all ceremonial purposes and for the service of civil process;

(d) He shall have the same right to speak at the meetings of the Commission as the members thereof, but may vote only to create or break a tie on all questions before the Commission. The Mayor shall not have the right to vote upon the question of appointments to the various committees;

(e) The Mayor shall have and exercise the duties, powers and authority herein defined and specified and those imposed upon and vested in him by the acts of the General Assembly or by the Commission;

The Mayor, by authority of the Commission herein provided, also shall have authority:

(f) To impose disciplinary action upon the Administrator after ratification by a majority of the Commission;

(g) To examine all bills and accounts presented to the Commission;

(h) To examine the digest of tax returns;

(i) To examine the accounts, books and returns of all Augusta-Richmond County officers;

(j) To examine all other matters and things connected with Augusta-Richmond County finances;

(k) To appoint some competent person, whenever deemed necessary by him, to make any examination specified in paragraphs (g), (h), (i), and (j) of this section, and to report the result thereof to him;

(l) To use all legal means to possess the Augusta-Richmond County Commission of all property belonging to Augusta-Richmond County, whenever it can be identified as such property;

(m) To give the Commission his views in the form of a message, on such subjects as in his opinion may be for the public interest or the necessary information of the Commission;

(n) To use all lawful and proper means for the exercise of any power, or the discharge of any duty, devolved upon him by this Code, or by the Commission, or by any act of the General Assembly, for the good of Augusta-Richmond County.

Sec. 1-2-27. Authority and duties as chief executive officer.

The Mayor shall be the chief executive officer of Augusta-Richmond County. It shall be his duty to have the ordinances and laws governing Augusta-Richmond County put in full force.
ARTICLE 3 ADMINISTRATOR FOR AUGUSTA-RICHMOND COUNTY

Sec. 1-2-30. Office created.

(a) There is hereby created the office of Administrator for Augusta-Richmond County.

(b) The administrator for Augusta-Richmond County shall be elected/appointed by a majority vote of the Commission of Augusta-Richmond County, Georgia, from nominations presented by the Mayor following the Commission approved recruitment process. The Mayor shall present as many as three top candidates for appointment, along with his recommendation. The Commission shall elect/appoint an Administrator from among the candidate or candidates presented by the Mayor. Should none of the candidates be elected/appointed, then the Mayor shall nominate as many as three new candidates from those who applied through the recruitment process.

(c) The Administrator is employed at the pleasure of the Mayor and Commission and performs duties under the direction and supervision of the Commission through the Mayor. The Administrator maintains regular contact with the Mayor and through the Mayor keeps all Commission members informed on significant and/or controversial issues involving the government, its services, policies, and employees.

(d) In the event of a vacancy in said office for any cause, the Commission may elect an Acting Administrator by a majority vote pending the election/appointment of an Administrator as provided in subsection (c) hereof.

Sec. 1-2-31. Suspension, removal by commission; hearing.

(a) The Administrator for Augusta-Richmond County may be removed only by a majority vote of the Commission.

(b) The Mayor is empowered to impose disciplinary action upon the Administrator after ratification by a majority of the Commission. In case of suspension or removal, the Administrator for Augusta-Richmond County shall be given a written statement of the reasons for such action. He may, within five (5) days from receipt thereof, request a public hearing thereon before the Commission. Upon receipt of such request, a hearing shall be set not earlier than ten (10) days nor later than fifteen (15) days from the date of such request. Pending such hearing, and until final action has been taken thereon, the Administrator for Augusta-Richmond County may be suspended from office and all of the duties thereof performed by some other person designated by the Commission to perform such duties. The action of the Commission in suspending or removing the Administrator for Augusta-Richmond County shall be final.

Sec. 1-2-32. Qualifications.

The Administrator for Augusta-Richmond County shall be chosen by the Commission solely upon the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practices in respect to the duties of his office, as hereinafter set forth. He shall be of good character and be of proven executive ability and experience. No person related by blood or marriage within the third degree to any member of the Commission shall be eligible for appointment as Administrator for Augusta-Richmond County. No member of the Commission, or holder of a public elective office in Augusta-Richmond County during the term of office for which he was elected, or for a period of one (1) year thereafter, shall be eligible for appointment as Administrator for Augusta-Richmond County.


The Administrator for Augusta-Richmond County shall be paid an annual salary to be fixed by the Commission.

Sec. 1-2-34. Bond.

Before entering upon his duties, the Administrator for Augusta-Richmond County shall give
bond in a minimum amount of one hundred thousand dollars ($100,000.00), payable to Augusta-Richmond County, upon which bond action may be brought in the name of Augusta-Richmond County at the instance of the Commission, for any act of misfeasance, nonfeasance or malfeasance; the premium on such bond shall be paid out of Augusta-Richmond County treasury, and the bond shall be kept by the probate judge.

Sec. 1-2-35. Oath.

Before entering upon his duties, the Administrator for Augusta-Richmond County shall take and subscribe an oath for the faithful performance of his duties under this Code, which oath shall be duly entered on the minutes of the Commission.

Sec. 1-2-36. Duties.

The Administrator for Augusta-Richmond County shall be the administrative officer of Augusta-Richmond County and head of the administrative branch of Augusta-Richmond County government. The Administrator shall be responsible to the Mayor and Commission for the proper administration of all affairs of Augusta-Richmond County, and his duties shall be as follow:

(a) To recommend for appointment or removal all Augusta-Richmond County department heads, subject to the approval of the Commission, with the exception of the Augusta-Richmond County attorney, the Clerk of the Commission, the Equal Opportunity Officer, and the internal auditor, all of whom shall be appointed and discharged directly by the Commission;

(b) Subject to the rules and regulations of the Commission, where applicable, the Administrator for Augusta-Richmond County shall be the appointing authority for all other Augusta-Richmond County employees whose appointment is now or hereinafter vested in the Commission, and shall have the right to employ and discharge the same;

(c) To execute all lawful orders, directions, instructions, and all ordinances, resolutions and regulations adopted by the Commission consistent with this Code and entered upon the minutes of the Commission; in the execution of these matters, the Administrator shall keep the Mayor fully informed and shall coordinate with the Mayor to ensure that all laws, ordinances, and resolutions of Augusta-Richmond County are faithfully executed;

(d) To have supervision over all departments or divisions of Augusta-Richmond County now or hereinafter subject to the jurisdiction of the Commission;

(e) To attend all meetings of the Commission, with the right to take part in the discussion;

(f) To prepare and to recommend salary scales for all employees;

(g) To prescribe the duties and supervise the work of Augusta-Richmond County employees;

(h) To require reports from heads of departments, and other employees trusted with administrative duties or exercising discretion;

(i) To prepare and submit to the Mayor and Commission a proposed annual budget; when the budget has been prepared and adopted as provided by law by the Commission, it shall be the duty of the Administrator for Augusta-Richmond County to execute the budget; no department or office of Augusta-Richmond County government shall exceed the budget without the approval of the Commission;

(j) To keep the Mayor and Commission fully advised on the financial conditions and future needs of Augusta-Richmond County and shall make such recommendations on Augusta-Richmond County affairs as the Administrator deems necessary for the efficient operation of Augusta-Richmond County;

(k) To act as liaison between the Mayor and/or Commission and all Augusta-Richmond County department heads or employees of Augusta-Richmond County;
(l) To confer with and assist all other elected or appointed officials of Richmond County, and all departments, such as Augusta-Richmond County health department, the Augusta-Richmond County Department of Family and Children Services, whose missions are not under the direct control and supervision of the Commission, but who are dependent upon the appropriations of the Commission for their continued operation;

(m) To submit to the Mayor and Commission at the end of each fiscal year a complete report on the finances and administrative activities of Augusta-Richmond County for the preceding year;

(n) To see that all legislation, programs, regulations or plans promulgated and required by the state or federal government are duly carried out and complied with in accordance with such legislation, programs, regulations or plans;

(o) To perform such other duties as may be required of him by the Mayor and Commission.

Sec. 1-2-37. Examination of departments' books, records.

The Administrator for Augusta-Richmond County shall have at all times the authority to examine all books and papers of each department of Augusta-Richmond County.

Sec. 1-2-38. Duties regarding procurement; delegation to subordinates.

Subject to rules established by the Mayor and Commission, the Administrator for Augusta-Richmond County shall authorize all purchases for Augusta-Richmond County, subject to the laws requiring advertisement and bids. He shall supervise the disbursement of all Augusta-Richmond County funds, and shall render such reports as may be required by the Commission. The Administrator for Augusta-Richmond County may delegate purely administrative duties to subordinates in Augusta-Richmond County government whose work the Administrator for Augusta-Richmond County shall supervise and direct; however, the designation or assignment of duties to subordinates shall not relieve the Administrator for Augusta-Richmond County from his responsibilities for administration of Augusta-Richmond County affairs.

Sec. 1-2-39. Political activities.

The Administrator for Augusta-Richmond County shall not engage in or be concerned with any partisan politics or any political campaign. He shall not contribute to any campaign fund or solicit funds for political purposes from any other person. He shall not appoint any relative as an employee of Augusta-Richmond County unless such relative shall qualify and become eligible for appointment under the rules of the Commission and be recommended by the Commission.

Sec. 1-2-40. To devote full time to duties of office.

The Administrator for Augusta-Richmond County shall devote his entire time to the duties of his office and shall maintain his office at the courthouse or municipal building.

Sec. 1-2-41. General administrative duties.

(a) As administrative officer, it shall be the duty of the Administrator for Augusta-Richmond County to conduct, supervise and administer all Augusta-Richmond County affairs, subject only to the general law, to rules prescribed by the Mayor and Commission, and subject to the right of the Mayor and Commission to review, repeal or modify any action of the Administrator for Augusta-Richmond County which is contrary to the general law or such rules, by a vote of a majority of the Commission at any subsequent, regular or called meeting, when such vote thus reviewing, repealing or modifying the action of the Administrator for Augusta-Richmond County shall be entered in writing on the minutes of the Commission.

(b) The Administrator will assemble and provide necessary documentation for the Mayor and Clerk of the Commission to prepare the agenda for all Commission meetings.
(c) The Administrator shall be responsible to the Mayor and Commission for the establishment of comprehensive, efficient and professional administered systems of:

1. Financial planning and control;
2. Personnel management, employee and supervisory training and compensation;
3. Equipment and supply procurement and inventory control;
4. Equal employment opportunity;
5. Small and minority business opportunity;
6. Community land use, economic development and strategic planning; and
7. Citizen information and service.

(d) The Administrator shall prepare and present to the Mayor and Commission annually a public report on:

1. State of the community and government;
2. Accomplishments during the past year; and
3. Community and organization needs and objectives for the coming year.

(e) The Administrator shall be the official spokesperson and representative of the Mayor and Commission with the Augusta-Richmond County government organization.

(f) The Administrator shall have such other powers and duties as imposed on him by ordinance or by the Commission.

Sec. 1-2-42. Duties regarding public works.

The Administrator for Augusta-Richmond County shall receive all requests for public work, road building, repairs to bridges and roads and public buildings, the construction of water and sewer mains, the opening, grading and improving of public roads and sidewalks. It shall be his duty to investigate and recommend to the Mayor and Commission a program for all such work, but nothing herein shall be construed to prevent the Administrator for Augusta-Richmond County from performing immediately any work in an emergency that is necessary to protect the interests of Augusta-Richmond County or the citizens thereof.

It shall be the duty of the Administrator for Augusta-Richmond County to receive and consider requests for appropriations of Augusta-Richmond County funds, all of which he shall investigate and report to the Mayor and Commission, with his recommendation thereon.

Sec. 1-2-43. Receiving and transmitting reports; use of Augusta-Richmond County property; claims against Augusta-Richmond County.

All requests and reports of Augusta-Richmond County officers shall be made to the Administrator for Augusta-Richmond County for his approval or recommendation to the Mayor and Commission; all requests and reports of Augusta-Richmond County departments shall be presented to the Administrator for Augusta-Richmond County for his recommendation to the Mayor and Commission; the use and disposition of Augusta-Richmond County property shall be under the supervision and direction of the Administrator for Augusta-Richmond County, subject to approval by the Mayor and Commission; all claims against Augusta-Richmond County shall be presented to the Administrator for Augusta-Richmond County, who shall investigate same and report same to the Mayor and Commission, together with his recommendation thereon.

Sec. 1-2-44. Tax recommendations.

It shall be the duty of the Administrator for Augusta-Richmond County, with the cooperation of Augusta-Richmond County comptroller, to investigate the tax digests and to recommend to the Mayor and Commission the levy of a sufficient tax upon all property of Augusta-Richmond County, which tax, together with all other sources of revenue which may lawfully be anticipated, shall be sufficient to balance the budget, after it has been adopted.


ARTICLE 4 CLERK OF COMMISSION

Sec. 1-2-60. Election; bond.

The Commission shall elect an officer to be known as the Clerk of Commission, who shall give
bond and security in the sum of ten thousand dollars for the faithful performance of his duties.

Sec. 1-2-61. Duties—Generally.

The duties of the Clerk of Commission shall be as follows:

(a) To attend every meeting of the Commission, regular or special, and all committee meetings;

(b) To record regularly and fairly all the proceedings of the Commission, in a book to be kept by him for that purpose;

(c) To have the custody and charge of all records, books and papers belonging to the Commission;

(d) To carefully record in a book to be kept by him for that purpose all ordinances of the Commission, within ten days after the adoption thereof;

(e) To carefully preserve the original ordinances of the Commission, and not allow them to leave his custody unless so directed by the Commission or the Mayor;

(f) To issue, in the name of the Commission, or its appropriate committee, all summonses, subpoenas, writs, executions or processes required or permitted by this Code or by the Commission to be issued, and not specifically required to be issued by some other officer;

(g) To notify the Augusta-Richmond County attorney, the Administrator and the reporters of all daily newspapers published in Augusta-Richmond County, of the meetings of the Commission, including all committees thereof, regular or special, and to notify each member of the Commission, for his information and guidance, of all meetings of the various committees of the Commission;

(h) To perform such other duties as are required of him by this Code or by the Mayor and Commission.


The Commission shall elect an officer to be known as the deputy clerk of Commission. It shall be the duty of the deputy clerk, in the absence of the Clerk of Commission, to discharge the duties now required of the Clerk of Commission as defined by the preceding section, and to perform such other duties as may be required of him by the Mayor and Commission. The deputy clerk shall receive such compensation as the Commission may from time to time provide.

Sec. 1-2-63. Clerk pro tem.

If the Clerk of Commission shall be absent from any meeting of the Commission and his deputy shall be also absent, the Commission shall appoint a clerk pro tem.

Sec. 1-2-64. Records, files, etc., in office or custody of clerk.

(a) It shall be unlawful for any person to remove from the office or custody of the Clerk of Commission any record or document of any nature that the Commission has made it the duty of the Clerk of Commission to preserve or that by its nature requires preservation, without the consent of the Mayor and Commission.

(b) It shall be unlawful for any person to change or mutilate in any way any record or document of any nature that the Commission has made it the duty of the Clerk of Commission to preserve or that by its nature requires preservation, without the consent of the Mayor and Commission.

(c) Nothing herein shall prohibit the clerk from delivering any such record or document to any employee or official of Augusta-Richmond County for their official use, provided a record is maintained by the Clerk of the person to whom such record or document is delivered and the date same was delivered.


ARTICLE 5 AUGUSTA-RICHMOND COUNTY PROPERTY

Sec. 1-2-93. Commission office hours.

All Augusta-Richmond County offices shall be open for the transaction of business with the public from 8:30 a.m. until 5:00 p.m. daily Monday through Friday and for such other hours as
directed by the Mayor and Commission. Such offices shall be closed for the transaction of business on Saturdays, Sundays and such holidays as may be determined by the Commission and at such other times as the Mayor may direct.

Sec. 1-2-94. Commission administrative office.

All the equipment and office space used in the Commission administrative office shall be used for Augusta-Richmond County personnel or Commissioners only, and no other person whatsoever is allowed the use of any machines, or equipment, or office space in this administrative office without the approval of the Commission or the Administrator.

Sec. 1-2-95. Inventory.

Each of the county officials and departments having Augusta-Richmond County property in their custody shall keep a record in a bound book of itemized statements showing all of the property belonging to Augusta-Richmond County in their possession and custody. A copy of such record shall be furnished annually to the Administrator for the County's file.

Sec. 1-2-96. Use.

No Augusta-Richmond County employee shall lend or lease any Augusta-Richmond County machinery or equipment to any person, firm or corporation.

Sec. 1-2-97. Vehicles.

All Augusta-Richmond County vehicles under the jurisdiction of the Commission, shall be subject to the policies, guidelines and/or Manuals approved by the Commission.

Sec. 1-2-98. Vehicle decals.

Every motor vehicle which is owned or leased by Augusta, Georgia, or any department, agency, commission, or authority of Augusta, Georgia shall have affixed to the front door on each side of such vehicle a clearly visible decal to identify Augusta, Georgia as the government entity owning or leasing such vehicle. The requirements of this Section shall not apply to:

(a) Any vehicle used for law enforcement or prosecution purposes; and

(b) Any vehicle assigned for the transportation of the Mayor.

(Ord. No. 6435, § 1, 11-20-01)


ARTICLE 6 RECORDS MANAGEMENT PLAN

Sec. 1-2-103. Adopted.

(a) The records of Augusta-Richmond County are public property and all these records contain information needed for varying lengths of time for the conduct of public business. Some of these records are essential for varying lengths of time for continuity of government or for the protection of the rights and privileges of our citizens and some of these records contain information that is essential as documentary evidence of our heritage. It is in the best interest of our citizens that an efficient and cost effective records management plan be adopted and implemented which will cause any records whose usefulness has ended to be destroyed and which will cause those records which have enduring value to be preserved.

(b) The Record Retention Schedules for County Governments as prepared by the Georgia Department of Archives and History and approved by the State Records Committee, dated March 7, 1983, is hereby adopted as the records management plan for Augusta-Richmond County.

Sec. 1-2-104. Location.

The records retention schedules for Augusta-Richmond County shall be kept on file in the office of the Clerk for Augusta-Richmond County and shall be available for public inspection during normal business hours.
Sec. 1-2-105. Office of records management officer created.

The position of records management officer is hereby created; and the records management officer shall be the director of central services, who shall administer a records management program for Augusta-Richmond County under the direction of Augusta-Richmond County records committee.

Sec. 1-2-106. Records committee.

There is hereby created Augusta-Richmond County records committee, which shall be composed of the following seven (7) members:

(a) An Augusta-Richmond County commissioner designated by the Commission, who shall serve as Chairman of the committee.

(b) The Administrator for Augusta-Richmond County.

(c) The Augusta-Richmond County attorney.

(d) The finance director.

(e) The internal auditor.

(f) The clerk of superior court.

(g) The records management officer (director of central services).


Sec. 1-2-107. Standards.

The records retention schedules adopted herein shall be the common standards of Augusta-Richmond County.

Sec. 1-2-108. Duties of committee.

It shall be the duty of Augusta-Richmond County records committee to review and recommend approval, disapproval or modification of records retention schedules to the Commission; and the records retention schedules adopted herein shall remain in effect until modified or changed by the Commission.


The Commission shall designate an archival depository to store records determined to have permanent historical value.

Sec. 1-2-110. Distribution of schedules.

The Administrator for Augusta-Richmond County shall distribute a copy of this article and the records retention schedules adopted herein and all amendments thereto to all elected officials and department heads throughout Augusta-Richmond County government.

Sec. 1-2-111. Retention of records.

Records requiring retention for several years will be transferred to Augusta-Richmond County records center for low-cost storage at the earliest possible date following creation, and a reference service will be provided by the records center for records deposited therein. Records may only be placed in the records center as provided in the approved records retention schedules as approved by the Commission.

Chapter 3

AVIATION COMMISSIONS

ARTICLE 1 AUGUSTA AVIATION COMMISSION

Division 1 Generally

Sec. 1-3-1. Creation; appointment and terms of members; vacancies.

There shall be a board consisting of ten (10) members (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be known as the Augusta Aviation Commission. Except as provided for herein, all members of the Augusta Aviation Commission shall be appointed by the Commission for terms of four (4) years. In case of a vacancy on such a commission for any cause prior to the expiration of the term of a member thereof, an appointment shall be made for the unexpired portion of such term.

(a) Except as provided herein, members of the Augusta Aviation Commission of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.

(b) Current members of the Augusta Aviation Commission shall continue to serve until their terms expire and their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>District</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ed McIntyre</td>
<td>District 1</td>
<td>3/31/98</td>
</tr>
<tr>
<td>2</td>
<td>Appointment TBA</td>
<td>District 2</td>
<td>3/31/2000</td>
</tr>
<tr>
<td>3</td>
<td>Bernard Silverstein</td>
<td>District 3</td>
<td>1/15/2003</td>
</tr>
<tr>
<td>4</td>
<td>George Sancken, Jr.</td>
<td>District 4</td>
<td>1/15/98</td>
</tr>
<tr>
<td>5</td>
<td>Joe Scott</td>
<td>District 5</td>
<td>3/31/98</td>
</tr>
<tr>
<td>6</td>
<td>Charles Presley</td>
<td>District 6</td>
<td>1/15/2000</td>
</tr>
<tr>
<td>7</td>
<td>Frank Dennis, Jr.</td>
<td>District 7</td>
<td>1/15/99</td>
</tr>
<tr>
<td>8</td>
<td>Edward Skinner</td>
<td>District 8</td>
<td>1/15/2002</td>
</tr>
<tr>
<td>9</td>
<td>Rick Beard</td>
<td>District 9</td>
<td>3/31/98</td>
</tr>
<tr>
<td>10</td>
<td>Lewis A. Newman</td>
<td>District 10</td>
<td>1/15/2000</td>
</tr>
</tbody>
</table>

(c) The successors to the members representing Districts 1, 5, and 9 shall serve until March 31, 1998, or until their successors are appointed and qualified.

(d) The successors to the members representing Districts 2, 4, 6, and 10 shall serve until March 31, 2000, or until their successors are appointed and qualified.

(e) The successor to the member representing District 3 shall serve until 3/31/2005, or until his successor is appointed and qualified; the successor to the member representing District 7 shall serve until 3/31/2002, or until the successor is appointed and qualified; and the successor to the member representing District 8 shall serve until 3/31/2004, or until his successor is appointed and qualified.

(f) Members of the Aviation Commission appointed by the Commissioner of the respective Districts to succeed those appointed in subsections (b), (c), and (d) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(g) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors
are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(h) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(i) The director of the Augusta Aviation Commission is hereby designated Augusta Aviation Officer and shall administer and enforce the provisions of the Aviation Law.

Sec. 1-3-2. Mayor to be ex officio member; member to serve without compensation.

The mayor shall be an ex officio member of the Augusta Aviation Commission and all other members of such commission shall serve without compensation.

Sec. 1-3-3. Election of chairman.

The Chairman of the Augusta Aviation Commission shall be elected annually by the Augusta Aviation Commission; provided, however, no member shall be eligible to serve as Chairman who has served two (2) consecutive full one-year terms as Chairman until more than one (1) year after the expiration of that person's last term of office as Chairman.

(Ord. No. 6325, § 1, 11-7-00)

Sec. 1-3-4. Qualifications of members.

All appointees to the Augusta Aviation Commission shall be citizens of Richmond County, who have had at least ten (10) years of business experience and have manifested some interest in the advancement of aviation.

Sec. 1-3-5. Powers and duties—Generally.

The Augusta Aviation Commission shall take charge of Augusta Regional Airport at Bush Field owned by Augusta-Richmond County, and all other property incidental to the operation of Augusta Regional Airport at Bush Field, and such commission shall take all steps necessary toward constructing, improving and repairing an airport now owned and to be owned by Augusta-Richmond County, including the construction, alteration and repair of airport buildings and the removal, lowering, marking and lighting of airport obstructions. Such commission shall be empowered to acquire any lands or property interest necessary either for such construction or to protect such airports and the approaches thereto, make surveys, prepare plans and specifications for this purpose and to employ adequate personnel therefor.

Such commission shall be authorized and empowered to enter into contracts with commercial air lines and other operators of aircraft for the use of any airport and airport facilities owned by Augusta-Richmond County and shall be authorized to make any and all necessary contracts and agreements with the federal government or any branch or agency thereof in connection with air mail service in connection with the operation of such airport. Such commission shall also make studies of and put into operation facilities to raise additional revenue in connection with such airports, such facilities to be operated by such commission or leased to responsible persons, whichever the commission deems most advantageous to Augusta-Richmond County; provided, however, that any contract made by such commission exceeding a term of one (1) year shall be subject to the approval of the Augusta-Richmond County Commission.

(Ord. No. 6939, § 2, 1-2-07)

Sec. 1-3-6. Same—Employment of airport manager.

The Augusta Aviation Commission shall employ an airport manager for the aviation fields operated by the Commission.

Sec. 1-3-7. Same—Same—Powers, duties, salary, etc., of airport managers.

Every airport manager appointed pursuant to the preceding section shall be paid a salary to be fixed by the Augusta Aviation Commission and shall have immediate supervision and control of the airport which he is employed to manage and it shall be his duty to enforce all rules and regulations prescribed by the Augusta Aviation Commis-
sion, and such manager shall report to such Commission any violation thereof. He shall be charged with the duty of maintaining such Airport and buildings thereon in good condition. The employment of such manager shall be purely on a temporary basis, subject to the will of the Commission, and no Airport Manager shall be considered a permanent employee of Augusta-Richmond County. He shall be deemed to have accepted employment under these conditions.

Sec. 1-3-8. To make meeting rules; reports to Augusta-Richmond County Commission; inspection of minutes and documents.

The Augusta Aviation Commission shall make its own rules with reference to meetings and shall make monthly reports to the Augusta-Richmond County Commission. All of their minutes and documents shall be readily available at all times to the Augusta-Richmond County Commission.

DIVISION 2. AIRLINE RENTS AND FEES FOR AUGUSTA REGIONAL AIRPORT*

Sec. 1-3-8.1 Augusta Regional Airport fiscal policy.

(a) The County hereby adopts the following fiscal policy for operation of the Airport and the following method to establish and periodically adjust rents and fees to be paid by all Airlines operating at the Airport that do not have operating agreements with the County.

(b) The cost of operating, maintaining, and developing the Airport will be paid solely from Airport Revenues and such government grants as may be received by the County and lawfully used for such purposes, without the use of ad valorem taxes or other County revenue or pledges so as not to place any burden on taxpayers or residents of the County.

(c) The Augusta Aviation Commission shall establish, maintain, and collect such rates, fees, rentals, and other charges for the use and services of the Airport and revise the same from time to time whenever necessary, as to always provide Net Revenues (as hereinafter defined) sufficient to pay one hundred twenty-five (125) percent of the current Annual Debt Service Requirement (which shall be defined in the Bond Resolution) on the County’s Airport Revenue Bonds (as hereinafter defined), and to always provide Airport Revenues sufficient to pay all reserve and other payments provided for in the Bond Resolution (as hereinafter defined) and all other obligations and indebtedness payable out of the Revenues of the Airport, and to satisfy such other requirements as may be established in the Bond Resolution. Such rates, fees, rentals, and other charges shall not be reduced so as to be insufficient to provide adequate Airport Revenues for such purposes.

(d) In furtherance of this policy and in accordance with the authority conferred upon the Aviation Commission by the laws of the State of Georgia, the Aviation Commission shall establish and periodically adjust, as required, certain rates, fees, rentals, and other charges for the use and occupancy of Airport facilities so that such rates, fees, rentals, and other charges are scheduled to recover from the Airlines and nonAirline owners or operators of Aircraft, on a reasonable and nondiscriminatory basis, the fully allocated costs of the facilities and services used by such Airlines and nonAirline owners or operators of Aircraft. In recovering the costs of these facilities and services, the Aviation Commission shall take into account all Airport revenue.

(Ord. No. 7031, § 1, 2-5-08)

Sec. 1-3-8.2 Definitions.

The following words, terms and phrases shall have the meanings respectively ascribed to them in this Article.

(a) Aircraft Arrival(s) shall mean the arrival of all nongovernmental Aircraft (including, without limitation, scheduled and non-scheduled flights, training and maintenance flights, or Aircraft diversions) at the Airport.

*Editor’s note—Ord. No. 7031, § 1, adopted February 5, 2008, repealed the former Div. 2, §§ 1-3-8.1—1-3-8.6, and enacted a new Div. 2 as set out herein. For a more detailed analysis of this inclusion, see also the Code Comparative Table.
Aircraft Parking Position(s) shall mean the location(s) on the Aircraft Parking Apron where Aircraft are parked for the purpose of enplaning and deplaning passengers at the Terminal Building.

Airfield shall mean those portions of the Airport which provide for the landing, takeoff, taxiing, movement, or staging of Aircraft including navigational aids, hazard designation and warning devices, Airfield Security roads, fencing, lighting, runway protection zones, aviation easements and interests in property utilized in connection therewith.

Airline shall mean any entity engaging in the business of providing Air Transportation services and operating Aircraft into and out of the Airport under Part 121 or Part 135 of the FARs, or the practical equivalent of said parts and using the Terminal Building, Airfield Area, and/or the Apron Area.

Airline Rentable Space shall mean the total of an Airline's Exclusive Use Space and preferential use space.

Airport shall mean the Augusta Regional Airport at Bush Field located in Augusta, Georgia as it now exists or as it may change from time to time in the future.

Airport Cost Centers shall mean the following areas which shall be used in accounting for Airport Revenues and expenses and for calculating and adjusting certain rents and fees described herein:

(i) Airfield Area shall mean those areas of the Airport, as they now exist or as they may hereafter be modified, changed, or developed, that provide for landing and takeoff, taxiing, parking, or other operations of Aircraft on the ground.

(ii) Apron Area shall mean the area dedicated to parking and ground handling of Aircraft at the Terminal Building, as it now exists or may be otherwise changed in the future.

Aviation Services shall mean Aircraft fueling activities and facilities and equipment dedicated to accommodating general aviation activity (i.e., public hangars, general aviation tiedowns, general aviation Apron, and general aviation terminal), together with the facilities and equipment dedicated to Aircraft fueling activities.

Loading Bridges shall mean any Loading Bridges owned by the Aviation Commission serving Aircraft at the Terminal Building.

Terminal Area shall mean the access road and parking areas surrounding the Terminal Building, as such areas now exist or as they may hereafter be modified, changed, or developed.

Terminal Building shall mean the passenger Terminal Building at the Airport, as it is today or may hereafter be modified or expanded, and including related signage, landscaping, and curbside areas.

Other Buildings and Areas shall mean those portions of the Airport not included in the preceding Airport Cost Centers.

Airport Director shall mean the person designated by the Aviation Commission to exercise functions with respect to the rights and obligations of the Aviation Commission under this Division. Said term shall also include any person expressly designated by the Aviation Commission to exercise functions with respect to the rights and obligations of the Airport Director under this Division.

Airport Revenues shall have the meaning set forth in the Bond Resolution.

Air Transportation shall mean the conduct of the business of commercial Air Transportation of persons, property, cargo and mail.

Annual Budget shall mean the Airport capital and maintenance and operating
budget prepared by the Airport Director and approved by the County, as amended from time to time.

(q) **Annual Debt Service Requirement** shall have the meaning set forth in the Bond Resolution.

(r) **Bonds** shall mean debt instruments of the County issued or made for the purpose of financing or refinancing the cost, or a portion thereof, of any improvements to the Airport, the payment of which debt is secured by a pledge of and lien on Airport Revenues.

(s) **Bond Resolution** shall mean any Bond Resolution of Augusta-richmond County, and any series resolution authorizing the issuance of bonds, other than special purpose facility bonds, payable from Airport revenue.

(t) **Certificated Maximum Landing Weight** shall mean the maximum weight, in one thousand (1,000) pound units, that each Aircraft operated by an Airline is authorized by the Federal Aviation Administration to land at the Airport.

(u) **Coverage** shall mean, for any series of bonds, the percentage of annual debt service that the Aviation Commission covenants to generate from Net Revenues, over and above the annual debt service for such series of bonds, pursuant to the Bond Resolution. Said term shall also mean the dollar amount computed by multiplying said percentage by the annual debt service for such series of bonds.

(v) **Enplaned Passengers** shall mean all passengers enplaned by an Airline on Aircraft operated at the Airport. Without limiting the generality of the foregoing, enplaned passengers shall also include persons for whom the Airline has provided the particular Air Transportation on a substantially complimentary basis such as employees of an Airline, family members of such employees, persons traveling on "buddy passes," employees of other Airlines, and those passengers redeeming "frequent flyer" awards and travel vouchers.

(w) **Exclusive Use Premises** shall mean those premises which have been licensed exclusively to an Airline.

(x) **Exclusive Use Space** shall mean the space leased by the Aviation Commission to an Airline from time to time for the Airline's exclusive use.

(y) **FAA or Federal Aviation Administration** shall mean the Federal Aviation Administration created by the Federal government under the Federal Aviation Agency Act of 1958 or such similar Federal agency as may from time to time have similar jurisdiction over the Airlines or their businesses. "Fiscal year" shall mean the twelve-month period beginning January 1 of any year and ending December 31 of the following year or any other period adopted by the County for its financial affairs.

(z) **Joint Use Formula** shall mean the formula used to prorate the specified charge according to the ratio of the number of each Airline's enplaning passengers at the Airport during the most recent month for which such information is available to the total number of enplaning passengers of all Airline users at the Airport during that same month.

(aa) **Joint Use Space** shall mean the premises leased by the Aviation Commission jointly to an Airline and one or more other Airlines from time to time for common use by such Airlines.

(bb) **Landing Fee(s)** shall mean the payment required of Airline each month for the use of the Airfield.

(cc) **Landing Fee Rate** shall mean the rate multiplied by each 1,000 pounds of certificated maximum landing weight or fraction thereof to calculate landing fees.

(dd) **Net Revenues** shall mean Airport Revenues, less all operation and maintenance expenses, and amounts deposited to the rebate fund.
(ee) **Operation and Maintenance Expenses** shall have the meaning set forth in the Bond Resolution.

(ff) **Passenger Holdrooms** shall mean the passenger waiting rooms located inside the Terminal Building adjacent to the Aircraft Parking Positions.

(gg) **Preferential Use Space** shall mean the premises from time to time provided by the Aviation Commission to an Airline for its preferential and nonexclusive use and shall include passenger holdrooms, Aircraft Parking Positions, and Loading Bridges.

(hh) **Premises** shall mean the exclusive use, preferential use, and joint use premises licensed to a specific Airline.

(ii) **Rental Rate** shall mean the annual charge per square foot for the space licensed to the Airlines.

(jj) **Rentable Space** shall mean the Airline, concession, Transportation Security Administration passenger processing, administrative square footage in the Terminal Building.

(kk) **Total Landed Weight** shall mean the sum of the certificated maximum landing weights for all Airline Aircraft Arrivals over a stated period of time. Said sum shall be rounded up to the nearest thousand (1,000) pound unit for all landing fee computations.

(ll) **Terminal Rental** shall mean the aggregate of monthly payments required of a specific Airline in each Fiscal Year for the license granted such Airline to occupy specific premises in the Terminal Building.

(mm) **Total Landed Weight** shall mean the sum of certificated maximum landing weight of all Aircraft Arrivals over a stated period of time.

(Ord. No. 7031, § 1, 2-5-08)

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**Sec. 1-3-8.3. Effective date.**

This Ordinance shall become effective on the date approved by the Augusta Commission (the "effective date") and shall continue in effect until superseded by a replacement Ordinance or by an agreement between the Airlines serving the Airport and Augusta.

(Ord. No. 7031, § 1, 2-5-08)

**Sec. 1-3-8.4. Privileges.**

(a) **Rights.** Each Airline is hereby granted the right to operate an Air Transportation system at the Airport for the carriage of persons, property and mail, including all activities reasonably necessary to such operation.

(b) **Premises.** In connection with the operation of its Air Transportation system, Augusta does hereby grant to each Airline a month to month license to use the premises in the Terminal Building set forth below. By using and occupying the premises, an Airline acknowledges satisfaction with the condition of the premises and does hereby release and forever discharge Augusta from all liens and liability, damages and costs arising out of the use of the premises.

(c) **Exclusive Use Premises.** Each Airline serving the Airport may be granted a license to use the premises in the Terminal Building assigned for its exclusive use. The Airport Director will assign the exact amount and location of the exclusive use premise to each Airline. Assignment of exclusive use premises is subject to change upon thirty (30) days advance written notice.

(d) **Preferential Use Premises.** Each Airline serving the Airport shall be granted a license to use the preferential use premises assigned to such Airline by the Airport Director (together with all facilities, improvements, equipment and services which have been or may hereafter be provided for use in connection with such premises), subject to the rights of Augusta and other Airlines to use such facilities jointly. The preferential use premises primarily consist of the passenger holdrooms and Aircraft Parking Positions.

(e) **Joint Use Premises.** Each Airline serving the Airport is hereby granted a license to use the joint use premises (together with all facilities,
improvements, equipment and services which have been or may hereafter be provided for use in connection with such premises in common with other Airlines serving the Airport. The joint use premises primarily consist of the arriving baggage handling area and the joint use Airline employee break room in the Terminal Building.

(f) **Surrender of Possession.** Each Airline shall perform normal maintenance in its premises and keep such premises in good clean and sanitary condition. An Airline that vacates its premises shall yield and deliver possession of the premises to Augusta in clean and good condition, except for reasonable wear and tear and insured casualty. An Airline may remove its trade fixtures from the premises but shall be responsible for and pay to Augusta the amount reasonably determined by Augusta to be the cost of repairing any damage caused by the removal of such trade fixtures.

(g) **Maintenance.** Airline shall, at all times, maintain and repair its licensed exclusive and preferential use space in the Terminal Building so that it remains in a neat, clean, safe, and orderly condition. Airline will provide custodial maintenance in its Exclusive Use Space.

(h) **Repair.** Airline shall repair at its cost or, at the Aviation Commission's option, reimburse the Aviation Commission for the cost of repairing, replacing, or rebuilding any damages to the Terminal Building or other portions of the Terminal Building caused by the acts or omissions of Airline, its officers, employees, or agents. Any repairs made by Airline shall be subject to inspection and approval by the Airport Director. (Ord. No. 7031, § 1, 2-5-08)

### Sec. 1-3-8.5. Subordination to Bond Resolution.

This division is subject and subordinate to the terms, covenants, and conditions of any Bond Resolution authorizing the issuance of Airport Revenue Bonds by Augusta-Richmond County. Conflict between the Bond Resolution and the Ordinance will be resolved in favor of the Bond Resolution. (Ord. No. 7031, § 1, 2-5-08)

### Sec. 1-3-8.6. Time and place of payment of rents and fees.

(a) **Time of Payment of Rents and Fees:**

1. Rents for Exclusive Use Space, preferential use space, the Apron Area and Loading Bridge use fees shall be payable, without deduction or setoff, in monthly installments, in advance, on or before the first day of each month.

2. Rents for the joint use space shall be payable without deduction or setoff, in monthly installments, in advance, on or before the fifteenth day of each month. Each Airline's joint use space rental shall be calculated in accordance with the joint use formula based on the most recent Fiscal Year's passenger enplanement statistics available.

3. Landing fees shall be due on the first day of each month for the preceding calendar month of operations, and shall be payable, without deduction or setoff, on or before the tenth day of each month.

(b) **Place of Payment:**

(1) Payments to the Aviation Commission may be made by wire transfer to the following account:

Citibank N. A.
BA Routing Number #021000089
A/C 30604518
FBO Citigroup Global Markets, Inc.
One Chase Plaza
New York, New York 10004
Credit to: Augusta Regional Airport
Airport Revenue Fund Account #417-90443-1-0

(2) If Airline elects not to make payments by wire transfer, payments to the Aviation Commission shall be made at the office of the Airport Director as set forth below or at such other place as may hereafter be designated by the Aviation Commission.

Airport Director
Augusta Regional Airport
1501 Aviation Way  
Augusta, Georgia 30906  

(3) Interest on overdue rents and fees. Any rents and fees not received within three (3) business days after the due date shall accrue interest at the maximum interest rate then allowable by applicable law; provided, however, that if no maximum interest rate is then provided by applicable law, the interest rate shall be twelve (12) percent per annum. Such interest shall not accrue with respect to disputed items being contested in good faith by an Airline.

(c) Monthly Activity Report:

(1) Each Airline shall furnish to the Aviation Commission, on or before the tenth day of each month, an accurate report of its operations at the Airport, on forms prescribed by the Aviation Commission. Said report shall include: (1) the Airline's total certificated maximum landing weight of each type of Aircraft, and (2) the total enplaned and deplaned freight, mail, and other cargo for such month. Each Airline shall also report the above information for the Aircraft of others, including charter flights, for which it provides ground service.

(2) If any Airline fails to furnish the Aviation Commission with the report required by this section, that Airline's landing fee shall be determined by assuming that the total landed weight for that Airline during the preceding month was one hundred twenty-five (125) percent of the total landed weight during the most recent month for which such figure is available for that Airline.

(d) Aviation Commission Records:

(1) The Aviation Commission shall maintain accounting records documenting the following items for each Airport cost center: (1) Airport Revenue, (2) Airport Expense, and (3) other expenses of the Aviation Commission.

(2) The Aviation Commission shall further maintain records evidencing the allocation of capital funds obtained from the proceeds of the sale of bonds or other capital fund sources to each Airport cost center. Included in the allocation to each Airport cost center shall be that cost center's proportionate share of bond issuance expense, capitalized interest, and funding of special funds determined in accordance the allocation of costs funded through bond proceed or other capital sources.

(Ord. No. 7031, § 1, 2-5-08)

Sec. 1-3-8.7. Calculation of rents and fees.

(a) From January 2008, rents and fees, as set forth in this division, shall be adjusted at the beginning of each Fiscal Year based upon the annual budget approved by the Aviation Commission and adopted by the County. The adjustment shall be effective on the first day of each Fiscal Year to which it applies. The foregoing notwithstanding, rents and fees shall be adjusted whenever the Aviation Commission determines that Airport Revenues are not sufficient to satisfy the requirements Bond Resolution and of this Division.

(i) Calculation of Terminal Building Rental Rate. Each year, the Aviation Commission will recalculate the rental rate for space in the Terminal Building in the following manner:

a. Terminal building rents are payable in accordance with section 1-3-8.6. The Aviation Commission shall recalculate the Terminal Building rental rate for the succeeding Fiscal Year, by totaling the following estimated amounts, as set forth in the Aviation Commission’s annual budget:

1. The total of the direct and indirect operation and maintenance expenses allocable to the Terminal Building;

2. An amount equal to 1.25 times the pro rata portion of the Annual Debt Service allocated to
the Terminal Building net of available PFC proceeds authorized for the payment of a portion of Terminal Building annual debt service and coverage;

3. The amount of deposits to any funds and accounts required by the Bond Resolution and allocable to the Terminal Building;

4. Any other Airport expense allocable to the Terminal Building not included in paragraphs 1 through 3 above; and

5. An amount equal to any deficit or credit estimated for operation of the Terminal Building during the then-current Fiscal Year or any adjustment carried over from preceding Fiscal Years to reflect any difference between actual versus estimated expenses.

b. The average rental rate shall then be calculated by dividing the Terminal Building costs computed above by the amount of Rentable Space square footage in the Terminal Building. The average rental rate shall then be multiplied by the total amount of square footage used or occupied by Airline to determine the total annual Terminal Building space rent payable by each Airline.

c. The space rents for all joint use space shall be prorated among all Airlines according to the joint use formula and each Airline shall pay its pro rata share of such space rents.

d. Terminal Building rents are payable monthly in accordance with section 1-3-8.6.

(ii) Calculation of Apron Area Fee. The Aviation Commission shall calculate Apron Area fee, to be effective upon date of beneficial occupancy (hereinafter "DBO") of the new Terminal Building and thereafter, in the following manner:

a. The Aviation Commission shall calculate Apron Area Fee for the succeeding Fiscal Year by totaling the following estimated amounts, as set forth in the annual budget:

1. The total operation and maintenance expenses allocated to the Apron Area;

2. An amount equal to 1.25 times the pro rata portion of the Annual Debt Service allocated to the Apron Area net of available Passenger Facility Charge (hereinafter "PFC") proceeds authorized for the payment of a portion of Apron Area Annual Debt Service and Coverage;

3. The amount of deposits to any funds and accounts required by the Bond Resolution and allocable to the Apron Area;

4. Any other Airport expense allocable to the Apron Area not included in paragraphs 1 through 3 above; and

5. An amount equal to any deficit or credit estimated for operation of the Apron Area during the then-current Fiscal Year or any adjustment carried over from preceding Fiscal Years to reflect any difference between actual versus estimated expenses.

b. The sum of the expenses identified in 1 to 5 above equals the Apron Area Requirement. The preferential Apron Area Fee shall then be calculated by dividing the Apron Area Requirement by the number of Aircraft Parking Positions at the Terminal Building. An Airline's preferential Apron Area Fee shall then be calculated by multiplying the total number of Air-
craft Parking Positions assigned to and used by Airline times the Apron Area rental rate per Aircraft gate.

c. The preferential Apron Area Fee is payable monthly in accordance with section 1-3-8.6.

(iii) **Calculation of Loading Bridge Use Fee.** The Aviation Commission shall calculate Loading Bridge use fees, to be effective upon date of beneficial occupancy (hereinafter "DBO") of the new Terminal Building, in the following manner:

a. The Aviation Commission shall calculate the Loading Bridge Use Fee for the succeeding Fiscal Year by totaling the following estimated amounts as set forth in the annual budget:

1. The total operation and maintenance expenses allocated to the Loading Bridges;

2. An amount equal to 1.25 times the pro rata portion of the Annual Debt Service Requirement net of Passenger Facility Charge (hereinafter "PFC") proceeds, if any, authorized to pay debt service allocable to the Loading Bridges, or such other amount as may be required by the Bond Resolution;

3. The amount of deposits to any funds and accounts required by the Bond Resolution and allocable to the Loading Bridge;

4. Any other Airport expense allocable to the Loading Bridge not included in paragraphs 1 through 3 above; and

5. An amount equal to any deficit or credit estimated for operation of the Loading Bridge during the then-current Fiscal Year or any adjustment carried over from preceding Fiscal Years to reflect any difference between actual versus estimated expenses.

b. The Loading Bridge Use Fee rate per Loading Bridge shall be calculated by dividing the Loading Bridge Use Fee calculated in accordance with paragraph 1 to 5 above by the number of Loading Bridges. An Airline's Loading Bridge Use Fee shall then be calculated by multiplying the Loading Bridge Use Fee rate per Loading Bridge by the number of Loading Bridges assigned to Airline.

c. The Loading Bridge Use Fee is payable monthly in accordance with section 1-3-8.6.

(iv) **Calculation of Landing Fee Rate.**

a. Each Fiscal Year, the Aviation Commission shall recalculate the Landing Fee Rate for the Fiscal Year commencing January 1st, and for each succeeding Fiscal Year, based upon the Aviation Commission's proposed annual budget for the succeeding Fiscal Year by totaling the following estimated amounts:

1. The total of the direct and indirect estimated operation and maintenance expenses of the Airfield Area;

2. An amount equal to the Airfield Area annual debt service (plus coverage), to pay debt service allocable to the Airfield Area, or such other amount as may be required by the Bond Resolution;

3. The amount of deposits to any funds and accounts required by the Bond Resolution and allocable to the Airfield Area;

4. Any other Airport expense allocable to the Airfield Area not included in paragraphs 1 through 3 above; and

5. Any overpayment or underpayment estimated for operation of the Airfield Area during the then-current Fiscal Year, or any adjustment carried over from
the preceding Fiscal Year, to reflect any difference between actual versus estimated Revenues or expenses; and

6. Any other Airfield Area expense not included in paragraphs 1 to 5 above.

b. The Airfield Area requirement for the succeeding Fiscal Year shall be calculated by subtracting from total Airport expense [the total of 1 to 5 above] a competitive credit in an amount determined appropriate by the Aviation Commission each Fiscal Year. The purpose of the competitive credit is to keep the Airline's Airport cost per enplane passenger competitive with other Airports similarly situated—for Air service development purposes. The Aviation Commission may establish differing levels of competitive credit for different classes of Airlines.

c. The landing fee rate for the succeeding Fiscal Year shall be calculated by dividing the net Airfield Area requirement computed above by the estimated total landed weight of all Aircraft Arrivals at the Airport for the succeeding Fiscal Year as estimated by the Aviation Commission.

d. The landing fee shall be calculated by multiplying the Airline's portion of total landed weight for the month by the landing fee rate then in effect.

e. The landing fee is payable monthly in accordance with section 1-3-8.6.

(Ord. No. 7031, § 1, 2-5-08)

Sec. 1-3-8.9. Security deposit.

(a) To guarantee the timely payment of all rentals and fees provided for herein, Airline shall remit to the Aviation Commission prior to Airline's use of space or Airline's operations or activities in regard to the Airport and that in any way, directly or indirectly, contingently or otherwise, affects or might reasonably affect the Aviation Commission, a Security deposit in the amount of: (a) Airline's estimated landing fees for two (2) months (as determined on the basis of Airline's published flight schedule as of that date times the actual landing fee rate effective as of that date); (b) Airline's estimated Exclusive Use Space, preferential use space, and joint use space rentals for two (2) months (as determined on the basis of Airline's actual space use and occupancy as of the effective date of this Division. The Security deposit may be adjusted by the Aviation Commission as Airline's flight activity and space rental commitment increases or decreases.

(b) Such deposit shall be in the form of an irrevocable letter of credit, or other Security satisfactory to the Aviation Commission, in a form approved by the Airport Director. Document(s)
evidencing this deposit shall provide that the same shall remain in full force and effect for a period extending two (2) months following termination of Airline’s use of the space or operations or activities in regard to the Airport.

(c) If payments required to be made by Airline under the terms of this division or payment of passenger facility charge proceeds are not made, the Aviation Commission shall have the right to forfeit, take, and use so much of such Security deposit as may be necessary to make such payment in full and to exercise any other legal remedies to which it may be entitled, after notice. (Ord. No. 7031, § 1, 2-5-08)

Sec. 1-3-8.10. Insurance.

(a) By use and occupancy of space on Airport premises, Airline understands and agrees that it shall, at its sole expense and in a manner acceptable to the County and the Aviation Commission, purchase and maintain in force the following insurance coverage for itself and its officers, agents, employees, passengers, guests, patrons, contractors, subcontractors, licensees, subtenants, invitees, and suppliers.

(b) All such insurance hereunder shall be maintained with insurance underwriters who have an A.M. Best’s rating of A+ or the equivalent thereof or who have been approved by the Airport Director.

(c) All liability insurance policies shall provide coverage that includes, or has the same substantive effect as, the following wording:

(d) Augusta-Richmond County and each of its officers, agents, elected representatives, volunteers, and employees, in their respective capacities as such, shall be additional insured’s hereunder with respect to the products, premises, and operations of the named insured.

(e) It is agreed that this insurance policy shall apply as primary, and any insurance and/or self-insurance as may be maintained by the County or its officers, agents, elected representatives, volunteers, and employees shall apply in excess of, and shall not contribute with insurance provided by, this policy.

(f) This insurance shall not be materially changed, altered, canceled, or nonrenewed until after thirty (30) days advance written notice has been given to the County except that only ten (10) days notice shall be required in the event of cancellation due to nonpayment of premium.

(g) At least ten (10) calendar days prior to Airline’s use of space or Airline’s operations or activities in regard to the Airport and that in any way, directly or indirectly, contingently or otherwise, affects or might reasonably affect the County, Airport shall furnish the County evidence of all insurance policies negotiated. Prior to expiration of any then-current policy of insurance, Airport shall deliver to County evidence showing that such insurance coverage has been renewed. At least five (5) calendar days prior to the date of cancellation or reduction of coverage, as received in the written notice from the insurer, Airline shall deliver to the Airport Director, evidence showing reinstatement or other provision for the required insurance.

(b) All such evidence shall be in the form of certificates of insurance satisfactory to the Airport Director, accompanied by a certified true copy of an endorsement to each policy containing the language required by this paragraph and, if applicable, cross-liability coverage.

(i) Aircraft liability insurance and comprehensive form general liability insurance covering bodily injury, personal injury, property damage, cross-liability, products/completed operations liability, premises liability, and contractual liability, shall be maintained with a liability limit of not less than Three Hundred Million Dollars ($300,000,000.00) combined single limit per occurrence, on occurrence form policy. Said limit shall be reduced to One Hundred Fifty Million Dollars ($150,000,000.00) where Airline’s maximum seating capacity on any Aircraft operated by Airline is thirty (30) or less. With respect to coverage for products/completed operations and personal injury, except with respect to passengers, a sub-limit of not less than Twenty-Five Million Dollars ($25,000,000.00) per occurrence, shall be permitted with approval of the Airport Director. Said Aircraft liability shall be applicable to owned, nonowned, and hired Aircraft.
(j) Automobile liability insurance with a liability limit of not less than Five Million Dollars ($5,000,000.00) shall be maintained for all owned, nonowned, and hired vehicles operated by or on behalf of Airline on the leased space, or elsewhere at the Airport, including any additional or replacement vehicles.

(k) Liquor liability insurance for Airline serving alcoholic beverages shall be maintained in an amount not less than Ten Million Dollars ($10,000,000.00) per occurrence.

(l) Hangarkeepers liability insurance or other appropriate insurance shall be maintained in an amount adequate to cover any Aircraft or nonowned property in the care, custody, and control of Airline at the Airport, but in any event in an amount not less than Five Million Dollars ($5,000,000.00) per occurrence.

(m) Employer's liability insurance shall be maintained in an amount not less than One Million Dollars ($1,000,000.00) per occurrence.

(n) Airline shall likewise maintain workers' compensation insurance or evidence of self-insurance, in accordance with the laws of the State of Georgia, covering all of its employees who may, from time to time, be at the Airport in such capacity. Airline shall require each of its agents, licensees, subcontractors, and suppliers of and to the leased premises to maintain such workers' compensation insurance covering their employees when on Airport premises in connection with Airline's operations hereunder. The workers' compensation policy(s) required hereunder shall be endorsed to state that the workers' compensation carrier waives its right of subrogation against the County, its officers, agents, elected representatives, volunteers, and employees. Upon request by the Airport Director, Airline shall furnish to the Airport Director evidence of such workers' compensation insurance in a form acceptable to County.

(o) Environmental/Pollution Liability Insurance with a limit of not less than Five Million Dollars ($5,000,000.00) shall be maintained, including coverage for third party pollution liability, remediation coverage, and offsite cleanup. The requirement to maintain Environmental/Pollution Liability Insurance, with a limit for Environmental/Pollution Liability, may be satisfied by securing a policy of insurance for this coverage or providing to the County a letter on company letterhead stating that Airline is self-insured for this coverage.

(p) The parties understand and agree that the minimum limits of the insurance required herein may become inadequate during the term of Airline's use of space or Airline's operations or activities in regard to the Airport and that, if it in any way, directly or indirectly, contingently or otherwise, affects or might reasonably affect the Countv, Airline and County agree that each will increase such minimum limits by reasonable amounts on request of the Airport Director, with concurrence of the County Risk Manager.

(q) If at any time Airline fails to obtain or maintain in force the insurance required herein, such failure shall constitute a default permitting County, at its option, to immediately terminate Airline's use of the space or Airline's operations or activities in regard to the Airport and that in any way, directly or indirectly, contingently or otherwise, affect or might reasonably affect County.

(r) If any claim for damages is filed with Airline or if any lawsuit is instituted against Airline, Airline shall give prompt and timely notice thereof to Airport Director, provided that claims and lawsuits subject to such notice are only those that arise out of or are in any way connected with the use of leased premises by Airline or its officers, representatives, agents, employees, passengers, guests, patrons, contractors, subcontractors, licensees, subtenants, invitees, or suppliers or connected with Airline's operations or activities in regard to the Airport and that in any way, directly or indirectly, contingently or otherwise, affect or might reasonably affect County. Notice shall be deemed prompt and timely if given within thirty (30) calendar days following the date of receipt of a claim or ten (10) calendar days following the date of service of process of a lawsuit. Accident or property damage claims in an amount less than One Thousand Dollars ($1,000.00) shall be excluded from the requirements of this paragraph.

(s) If any claim for damages is filed with County or if any lawsuit is instituted against County, County shall give prompt and timely notice thereof
to Airline, provided that claims and lawsuits subject to such notice are only those that arise out of or are in any way connected with, operation of the Airport by County and that in any way, directly or indirectly, contingently or otherwise, affects or might reasonably affect Airline. Notice shall be deemed prompt and timely if given within thirty (30) calendar days following the date of receipt of a claim or ten (10) calendar days following the date of service of process of a lawsuit. Accident or property damage claims in an amount less than One Thousand Dollars ($1,000.00) shall be excluded from the requirements of this paragraph.

(t) The time limitations set forth above are directory. If the notice required to be given is not given within the time limitations set forth herein, then the party giving notice shall not be precluded from establishing that notice actually given was timely under the circumstances of the particular claim or lawsuit, unless by the failure to give such notice within the applicable time period, the other party has been prejudiced in its ability to consider such claim or to respond to, or properly defend, such lawsuit. If the other party is so prejudiced by a late notice, then the late notice shall not be deemed to be prompt and timely. (Ord. No. 7031, § 1, 2-5-08)

Sec. 1-3-8.11. Indemnification.

(a) It is the Aviation Commission's policy that, as a condition of Airport use, each Airline shall indemnify the Aviation Commission from losses arising out of Airline's use and/or occupancy of Airport facilities.

(b) By continuing to use and occupy Airport facilities following notice of this Division, Airline is deemed to have agreed to protect, defend, and hold the County and Aviation Commission and their officers and employees completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to Airline's use or occupancy of, or operation of Airline at or about, the Airport or the acts or omissions of Airline's officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless if injury, death, or damage may occur, unless such injury, death, or damage is caused by the sole negligence of the Aviation Commission. The Aviation Commission shall give Airline reasonable notice of any such claims or actions. (Ord. No. 7031, § 1, 2-5-08)


(a) Compliance with Law.

(b) No Airline shall use the Airport or any part thereof, or permit the same to be used by any of its employees, officers, agents, contractors, subcontractors, subtenants, invitees, or licensees for any illegal purposes and will, at all times, comply with all applicable Ordinances, laws, rules, or regulations of any government, and of any political Division or subdivision or agency, authority, or Commission thereof that may have jurisdiction to pass regulations with respect to the use and occupancy of Airport facilities.

(c) Rules and Regulations.

(d) Each and every Airline must observe and obey all lawful and reasonable rules and regulations promulgated from time to time by the County and Aviation Commission governing conduct on and operations at the Airport and use of its facilities.

(e) No Airline shall violate nor permit its officers, agents, employees, contractors, subcontractors, licensees, or invitees acting on Airline's behalf to violate any such rules and regulations that are now in effect or as may from time to time be promulgated by the County and the Aviation Commission. (Ord. No. 7031, § 1, 2-5-08)

Sec. 1-3-8.13. Waiver of damage.

Each Airline hereby expressly waives and releases any cause of action or right of recovery for compensation for any and all loss or damage sustained by reason of any fire, defect, deficiency or impairments of any of the services in or to the
premises or the Airport, including, but not limited to, electrical power, gas, telephone service, steam, heating, Air conditioning, water supply, drainage or sewage systems, or from wires leading to or inside of any space or structure, or by reason of any loss resulting from the failure of any such system or facility unless such loss or damage is due to the negligence or willful misconduct of Augusta or its officers, agents or employees.

(Ord. No. 7031, § 1, 2-5-08)


By continuing to serve the Airport and paying the appropriate rents and fees each Airline acknowledges that it understands and will comply with the terms and conditions contained in this Ordinance.

(Ord. No. 7031, § 1, 2-5-08)

DIVISION 3. AUGUSTA REGIONAL AIRPORT RENTAL CAR BUSINESS REGULATIONS

Sec. 1-3-8.15. Policy.

(a) Augusta, Georgia, sometimes known as Augusta-Richmond County (hereinafter referred to as the County), is the owner of Augusta Regional Airport and operates it through the Augusta Aviation Commission (hereinafter referred to as the Aviation Commission). The County hereby adopts the following fiscal policy for the establishment of percentage fees to be paid by all Nonconcessionaire Rental Car Businesses operating at Augusta Regional Airport (hereinafter referred to as the Airport) without concessionaire tenant agreements with the Aviation Commission (hereinafter referred to as "Nonconcessionaire Rental Car Providers", as further defined below).

(b) The cost of operating, maintaining, and developing the Airport is paid solely through Airport Revenues and such government grants as may be received by the Aviation Commission and lawfully used for Airport purposes, without the use of ad valorem taxes or other County revenue or pledges, so as not to place any burden on taxpayers or residents of the County.

(c) The Aviation Commission shall fix, establish, maintain, and collect such rates, fees, rentals, and other charges for the use of the Airport and its services and shall revise the same from time to time whenever necessary, so as to always provide Net Revenues sufficient to pay for operating, maintaining and developing the Airport.

(d) In furtherance of this policy and in accordance with the authority conferred upon the County by the laws of the State of Georgia, the County, acting through the Aviation Commission, shall assess, and periodically adjust as required, a customer facility charge (as hereinafter defined and a percentage fees on the gross revenue of Nonconcessionaire Rental Car Providers operating at the Airport.

(Ord. No. 7053, § 1, 5-20-08)

Sec. 1-3-8.16. Definitions.

(a) The following terms in this section shall have the following meanings in this Ordinance unless expressly stated otherwise.

(b) Airport shall mean the lands and facilities owned by the County and operated by the Aviation Commission known collectively as Augusta Regional Airport, as it now exists and as it may change from time to time.

(c) Airport Customer shall mean anyone who is provided Transportation to or from the Airport as part of a rental car transaction in a rental car courtesy vehicle of a Nonconcessionaire Rental Car Provider and who either (1) executes an agreement to rent a motor vehicle from a Nonconcessionaire Rental Car Provider or had executed an agreement to rent a motor vehicle and completed the rental transaction with a Nonconcessionaire Rental Car Provider, or (2) takes delivery of a motor vehicle rented from a Nonconcessionaire Rental Car Provider or returned a motor vehicle rented from a Nonconcessionaire Rental Car Provider.

(d) Airport Director shall mean the person designated by the Aviation Commission to exercise functions in relation to the Airport with
respect to the rights and obligations of the Aviation Commission. The term also includes any person expressly designated to exercise functions with respect to the rights and obligations of the Airport Director under this Division, or such other persons, Divisions, departments, bureaus, or agencies as may from time to time exercise functions equivalent or similar to those exercised by the Airport Director.

(e) *Contract Day* shall mean each twenty-four-hour period, and each fraction thereof, during which a motor vehicle having been delivered by Nonconcessionaire Rental Car Provider to each customer picked up at the Airport which is rented by such Airport customer from the Nonconcessionaire Rental Car Provider. Each fractional period less than a twenty-four-hour period shall be deemed a contract day.

(f) *Gross revenue* of a Nonconcessionaire Rental Car Provider shall mean:

1. All amounts received by the Nonconcessionaire Rental Car Provider, or which the Nonconcessionaire Rental Car Provider is entitled to receive, from (a) any rental of a motor vehicle to any person picked up by the Nonconcessionaire Rental Car Provider, or its agent, from any point on the Airport, including but not limited to (i) the Airport Terminal Building, (ii) any premises leased by the Aviation Commission to a third party doing business on the Airport, or (iii) any other location within the Airport, or from (b) any rental of a motor vehicle to any person returned by the Nonconcessionaire Rental Car Provider, or its agent, to any point on the Airport, including but not limited to (i) the Airport Terminal Building, (ii) any premises leased by the Aviation Commission to a third party doing business on the Airport, or (iii) any other location on the Airport or within one (1) mile of the Airport.

2. All revenue received by the Nonconcessionaire Rental Car Provider from every Airport customer who, at the business location of the Nonconcessionaire Rental Car Provider, either (a) executes an agreement for the rental of a motor vehicle from the Nonconcessionaire Rental Car Provider, or (b) takes delivery of a motor vehicle rented from the Nonconcessionaire Rental Car Provider. Gross revenue shall be deemed received at the time that the sales, lease, or service transaction occurs, giving rise to the Nonconcessionaire Rental Car Provider's right to collect said monies, regardless of whether the transaction was conducted in person, by telephone, or by mail; whether the transaction was for cash or credit; and, if for credit, regardless of whether the Nonconcessionaire Rental Car Provider ultimately collects the monies owed for said transaction from the Airport customer.

3. Any gross revenue owed the Aviation Commission and determined by the Nonconcessionaire Rental Car Provider at a later date to be uncollectible shall not offset future percentage fees owed the Aviation Commission. If the initial rental car agreement entered into between the Nonconcessionaire Rental Car Provider and the Airport customer is subsequently amended because the Airport customer’s actual usage of the rental car vehicle differs from the usage contemplated in the original agreement, and the charges to be paid by the Airport customer to the Nonconcessionaire Rental Car Provider are therefore different from the charges contemplated in the original agreement, the percentage of gross revenue to which the Aviation Commission is entitled hereunder shall be based upon the gross revenue that the Nonconcessionaire Rental Car Provider is entitled to receive under the rental car agreement with its Airport customer, as amended.

4. Gross revenue shall not include:

   a. Federal, State, or municipal sales taxes separately stated and collected from the Airport customer.

   b. Amounts that the Nonconcessionaire Rental Car Provider receives, or is entitled to receive, for the sale, dis-
position, loss, conversion, or abandonment of Nonconcessionaire Rental Car Provider's used motor vehicles and other equipment, personal property, and trade fixtures.

c. Amounts that the Nonconcessionaire Rental Car Provider receives, or is entitled to receive, for the repair of damages to its motor vehicles.

(g) **Gross revenue** shall not be reduced by reason of any Commission or similar amount paid by the Nonconcessionaire Rental Car Provider to travel agents or others.

(h) **Nonconcessionaire Rental Car Provider or Operator or Permittee** shall mean all persons, firms, agencies, or companies providing rental car services from locations based outside of the Airport that are not signatory to a concession lease with the Aviation Commission providing Terminal Building counter locations and rental car ready lot vehicular parking.

(i) **Rental Car Courtesy Vehicle** shall mean a courtesy vehicle of the Nonconcessionaire Rental Car Provider if it is operated by, or under agreement with, the Nonconcessionaire Rental Car Provider. A courtesy vehicle shall be deemed operated under agreement with the Nonconcessionaire Rental Car Provider if the Airport Director finds that such courtesy vehicle is operated pursuant to any agreement or arrangement between the operator of such courtesy vehicle and the Nonconcessionaire Rental Car Provider.

(j) **Rental Car Customer Facility Charge** shall mean a charge imposed on a transactional basis and shall be a fixed uniform amount applied each day, or fraction thereof, to each subject contract and shall be added to the amounts collected by Nonconcessionaire Rental Car Provider from the renter of the vehicle.

(Ord. No. 7053, § 1, 5-20-08)

**Sec. 1-3-8.17. Nonconcessionaire Rental Car Business Permit.**

(a) Each Nonconcessionaire Rental Car Provider seeking to operate at the Airport shall execute a written agreement with the Commission in the form of a Nonconcessionaire Rental Car Business Permit (Permit) before engaging in any business activities on the Airport. The permit must be renewed annually, as described below. Application for such permit shall be made to the office of the Airport Director.

(b) The Permit shall be substantially in the form appended to this Ordinance adopting this Division, the terms of which are incorporated in and made a part of this Division by reference. The Airport Director may modify the form of the permit in any manner not inconsistent with the provisions of this section. In the event of conflict between any provisions of this section and any provision of the permit, this section shall be controlling.

(c) Operation of any rental car courtesy vehicle on the Airport shall be allowed only with a color-coded decal as required by this County Ordinance. Providers of Rental Car Courtesy Vehicles shall observe all rules and Ordinances of this section in addition to those established by other provisions of the Administrative Code of the County.

(d) Nonconcessionaire Rental Car Courtesy Vehicle decals shall be provided by the Airport Director initially to the Nonconcessionaire Rental Car Provider upon execution of the permit and successful completion of a vehicle safety inspection. Decals shall be issued for each Rental Car Courtesy Vehicle operated by the Nonconcessionaire Rental Car Provider. No decals shall be issued without the operator having valid courtesy vehicle licenses as may be required by the Aviation Commission.

(e) Decals shall be permanently affixed to the lower right hand corner of the front windshield of the Rental Car Courtesy Vehicle and shall be clearly visible at all times. Decals shall expire at the time of expiration of the permit. Only those vehicles displaying valid decals will be authorized to pick up passengers at the Airport.

(f) In the case of loss of a decal or damage beyond recognition, a duplicate decal may be obtained after payment by the Operator of Twenty-Five Dollars ($25.00) and after submission of a statement setting forth the circumstances of the loss or damage of the decal.
(g) Application forms for annual renewal of Rental Car Courtesy Vehicle Airport permit decals must be submitted to the Airport Director at least ten (10) working days prior to the expiration of the current decal. Renewal applications shall be reviewed and renewal of the decal shall be contingent upon satisfactory payment of the percentage fees and completion of the annual Rental Car Courtesy Vehicle inspection.

(h) All Rental Car Courtesy Vehicles are subject to inspection by a representative of the Airport Director to determine if they are in an adequate state of repair.

(i) The Airport Director or his representative, a police officer, or an Airport safety officer may inspect a Rental Car Courtesy Vehicle at any time while it is on the Airport. A vehicle found to be in an inadequate state of repair will be required to immediately leave the Airport and will not be permitted further access to the Airport until the noted deficiencies are corrected.

(j) The Aviation Commission may suspend and/or revoke any Nonconcessionaire Rental Car Business Permit, including the Nonconcessionaire Rental Car Courtesy Vehicle decal. Such power of suspension and/or revocation may be exercised only upon the failure of the Nonconcessionaire Rental Car Provider to satisfy the conditions of this section or the permit or for noncompliance with the Aviation Commission Code regarding the operation of Rental Car Courtesy Vehicles.

(Sec. 1-3-8.17 AUGUSTA-RICHMOND COUNTY CODE, RE-ADOPTED 7-10-2007)

Sec. 1-3-8.18. Operational procedures.

All Rental Car Courtesy Vehicles shall operate on the Airport in compliance with the Airport's operational procedures and all applicable Federal, State and local laws.

(Sec. 1-3-8.19. Percentage fee.

(a) Each Nonconcessionaire Rental Car Provider offering rental car services from locations based outside the Airport shall pay to the Aviation Commission ten (10) percent of all gross revenue derived by said Nonconcessionaire Rental Car Provider from the rental of motor vehicles to Airport customers picked up by said Nonconcessionaire Rental Car Provider from any point within the Airport or returned by said Nonconcessionaire Rental Car Provider to any point within the Airport.

(b) Each Nonconcessionaire Rental Car Provider shall submit to the office of the Airport Director, on or before the twentieth day of each month, a statement that sets forth:

1. The total gross revenue earned during the prior month; and

2. Information demonstrating to the satisfaction of the Airport Director which of the Nonconcessionaire Rental Car Provider's Gross Revenue during the prior month originated from Airport customers and which gross revenue originated from nonairport customers.

(c) It shall be presumed that ninety-five (95) percent of all gross revenue earned by the Nonconcessionaire Rental Car Provider during the month for which the statement is submitted constituted Airport customer-generated gross revenue, unless, and to the extent that, the Nonconcessionaire Rental Car Provider is able to demonstrate otherwise in its statement to the satisfaction of the Airport Director.

(d) The statement of gross revenue shall be submitted together with the Nonconcessionaire Rental Car Provider's remittance in payment of the Nonconcessionaire Rental Car percentage fee incurred during the prior month. Each Nonconcessionaire Rental Car Provider shall submit a timely statement of gross revenue each month even if such Nonconcessionaire Rental Car Provider earned no Airport-generated gross revenue during the prior month (and therefore incurred no Nonconcessionaire Rental Car Percentage Fee during such prior month). In such case, the statement of Gross Revenue shall state the Nonconcessionaire Rental Car Provider's total gross revenue during the prior month and shall demonstrate to the satisfaction of the Airport Director that none of such revenue constituted Airport generated gross revenue.

(Ord. No. 7053, § 1, 5-20-08)
Sec. 1-3-8.20. Customer facility charge.

(a) The Aviation Commission will determine the amount adequate to cover the capital, financing, maintenance and operations allocable to the cost of providing infrastructure and facilities to the Rental Car industry. In addition, the cost of collection, processing, enforcement of payment of the customer facility charge, Administration of the customer facility charge and audits of Nonconcessionaire Rental Car Providers' compliance with this Ordinance will be included in customer facility charge. This amount shall be the basis for calculating the rental car customer facility charge.

(b) The customer facility charge shall be collected by Nonconcessionaire Rental Car Provider, as agent for the Aviation Commission, from customers and remitted to the Aviation Commission, as provided for below.

(c) The rental car customer facility charge shall be imposed on a transactional basis and shall be a fixed uniform amount applied each day, or fraction thereof, to each subject contract and shall be added to the amounts collected by Nonconcessionaire Rental Car Provider from the renter of the vehicle. The rental car customer facility charge collected by Nonconcessionaire Rental Car Provider shall be the amount established by the Aviation Commission for all on-Airport rental car operators at the Airport. It shall be collected from all customers of Nonconcessionaire Rental Car Provider, including customers receiving complimentary or discounted car rental under Nonconcessionaire Rental Car Provider’s bona fide marketing plans.

(d) An amount exactly equivalent to the rental car customer facility charge collected or should have been collected by the Nonconcessionaire Rental Car Provider from customers shall be payable to the Aviation Commission. Such amount shall be immediately due to the Aviation Commission on collection by the Nonconcessionaire Rental Car Provider who shall be required to hold such amount in trust for the Aviation Commission's benefit. From the moment of collection, customer facility charge proceeds shall be the Aviation Commission's property and Nonconcessionaire Rental Car Provider shall hold only a possessory interest, not an equitable interest, in these funds held in trust. The amount equivalent to that collected or which should have been collected shall be remitted by Nonconcessionaire Rental Car Provider to Aviation Commission no later than the last day of each month.

(e) Nonconcessionaire Rental Car Providers shall maintain records and controls which are sufficient to demonstrate the correctness of the rental car customer facility charge revenue collected by Nonconcessionaire Rental Car Provider and the amount of rental car customer facility charge paid to the Aviation Commission. The records shall be subject to the same audit and review requirements as all other remittances as outlined in Section 11 of this Ordinance.

(f) The current rental car customer facility charge is $3.50 per contract day. As used in this Ordinance, "Contract Day" means each twenty-four-hour period, and each fraction thereof, during which a motor vehicle having been delivered by Nonconcessionaire Rental Car Provider to each customer at the Airport is rented by such customer from the Nonconcessionaire Rental Car Provider. Each fractional period less than a twenty-four-hour period shall be deemed a contract day. The Aviation Commission may adjust the rental car customer facility charge annually, based on estimates of contract days for the upcoming year. Approximately 60 days prior to the end of the Aviation Commission's Fiscal Year (December 31, annually), the Aviation Commission shall calculate the revised rental car customer facility charge and notify each Nonconcessionaire Rental Car Provider of the new rental car customer facility charge. Any credits or shortfalls from the prior Fiscal Year, as determined by the Aviation Commission, shall carry forward to the next Fiscal Year. Nonconcessionaire Rental Car Provider shall provide its estimate of rental days for the upcoming Fiscal Year no later than October 1, annually.

(g) After receiving the estimate for the adjusted rental car customer facility charge, Nonconcessionaire Rental Car Providers may request a meeting to discuss the estimated rental car customer facility charge. The request for such...
a meeting shall be made within twenty (20) days after the forwarding of the estimated rate for the upcoming Fiscal Year.

(h) The adjusted rental car customer facility charge shall become effective on January 1 of each year.

(i) The number of transactions completed by Nonconcessionaire Rental Car Provider shall be reported to the Aviation Commission each month. The report, signed by an authorized agent of the Nonconcessionaire Rental Car Provider, is to be received no later than the last day of the month following such transactions and shall be remitted with the payment of the rental car customer facility charge.

(j) The Aviation Commission and Nonconcessionaire Rental Car Provider acknowledge that it is anticipated that the individual members of the traveling public renting Nonconcessionaire Rental Car Provider’s cars and directly benefiting from Airport infrastructure and facilities are to pay the rental car customer facility charge on each transaction and that such renters are also subject to any sales tax imposed by the state for the lease or license of real property arising from the use of the facility. It shall be the responsibility of the Nonconcessionaire Rental Car Provider to separately state any such tax liability on its rental contracts, to collect such tax and to remit it to the State.

(Ord. No. 7053, § 1, 5-20-08)

Sec. 1-3-8.21. Conditions of permit.

The Aviation Commission shall not issue a Nonconcessionaire Rental Car Business Permit, and if the Aviation Commission has issued such a permit, may suspend and/or revoke that permit, unless the subject Nonconcessionaire Rental Car Provider continuously complies with the provisions of this Ordinance and the permit.

(Ord. No. 7053, § 1, 5-20-08)

Sec. 1-3-8.22. Suspension of permit.

(a) The Airport Director may suspend any Nonconcessionaire Rental Car Business Permit upon the failure of the permitted Nonconcessionaire Rental Car Provider to continuously com-

(b) A Nonconcessionaire Rental Car Provider whose permit is suspended or subject to suspension may demonstrate to the Airport Director, at any time before or after such suspension has been imposed, that such permittee is in compliance or has remedied its noncompliance or that it is making a good faith effort to do so.

(c) If the Nonconcessionaire Rental Car Provider whose permit is subject to suspension demonstrates that it has remedied its failure to satisfy the conditions of this section or the permit, the Airport Director will remove the suspension of such Nonconcessionaire Rental Car Provider’s permit, if such suspension has been imposed, or shall abandon proceedings to suspend the permit if such suspension has not yet been imposed.

(d) If the Nonconcessionaire Rental Car Provider whose permit is subject to suspension demonstrates that it is making a good faith effort to remedy its failure to comply with this section and/or the permit (though it has not yet remedied such failure), the Airport Director may, at his discretion, remove the suspension of such permittee’s Nonconcessionaire Rental Car Business Permit, if such suspension has been imposed, or abandon proceedings to suspend the permit if such suspension has not yet been imposed.

(e) Once a Nonconcessionaire Rental Car Business Permit has been properly suspended, it shall remain suspended unless and until permittee’s noncompliance is remedied to the satisfaction of the Airport Director and its suspension is removed, or until the permit is revoked.

(f) A Nonconcessionaire Rental Car Provider whose permit has been properly suspended by the Airport Director may appeal the decision to the Aviation Commission.

(Ord. No. 7053, § 1, 5-20-08)
Sec. 1-3-8.23. Revocation of permit.

(a) The Airport Director may revoke any Nonconcessionaire Rental Car Business Permit upon the failure of the permittee to continuously comply with all provisions of this section and its permit, provided, however, that:

1. Such permit has been properly suspended for at least thirty (30) days, and

2. Permittee has been given thirty (30) days' advance written notice, which notice may be issued to the Nonconcessionaire Rental Car Provider holding such permit only after the permit has been suspended.

(b) Upon revocation of its Nonconcessionaire Rental Car Business Permit, the Nonconcessionaire Rental Car Provider must immediately remove any rental car decals issued in connection with the revoked permit from its rental car courtesy vehicles.

(c) A Nonconcessionaire Rental Car Business Permit that has been revoked may not be reinstated. However, a Nonconcessionaire Rental Car Provider whose permit has been revoked may apply for a new permit after curing all causes of revocation.

(d) The Airport Director may revoke, without notice, the permit of any Nonconcessionaire Rental Car Provider if, at any time while such permit is suspended, any of such Nonconcessionaire Rental Car Provider's vehicles seek to enter the Airport under the authority of the suspended permit for the purpose of loading passengers for transport to or unloading passengers after transport from any facility of such Nonconcessionaire Rental Car Provider.

(Ord. No. 7053, § 1, 5-20-08)

Sec. 1-3-8.24. Failure to pay percentage fees and customer facility charge proceeds.

(a) If any Nonconcessionaire Rental Car Provider fails to submit any percentage fees and customer facility charge proceeds as required by this Ordinance by the end of the tenth (10th) day following the final day on which such remittance should have been submitted, the Nonconcessionaire Rental Car Provider shall pay interest to

the County at the rate of eighteen (18) percent per year (one-and-one-half [1.5] percent per month; or, if less, the maximum rate of interest allowed by law) on such overdue amounts calculated from the date on which such amounts should have been paid.

(Ord. No. 7053, § 1, 5-20-08)

Sec. 1-3-8.25. Records to be maintained by permittee.

(a) During and with respect to the term of any Nonconcessionaire Rental Car Business Permit issued to it, each Nonconcessionaire Rental Car Provider shall maintain such books and records as would normally be examined by an independent certified public accountant in accordance with generally accepted auditing standards in performing an audit or examination of permittee's Revenues and gross revenue in accordance with generally accepted accounting principles and this section.

(b) Each Nonconcessionaire Rental Car Provider to whom a Nonconcessionaire Rental Car Business Permit is issued shall make all records available for inspection by the Airport Director and/or his duly authorized representative(s), during reasonable business hours, for a period of not less than three (3) years following the end of the term of the permit to which such records relate; provided, however, that no such inspection will be conducted at a time or in a manner that causes undue interference with the business of the Nonconcessionaire Rental Car Provider.

(c) The Nonconcessionaire Rental Car Provider may make such records available for inspection at a specified place in Augusta, Georgia, or at its corporate headquarters. In the event that the inspection of such records is made at the Nonconcessionaire Rental Car Provider's corporate headquarters, and said corporate headquarters are located outside the limits of the County, then the Nonconcessionaire Rental Car Provider shall reimburse the County for all reasonable travel expenses associated with travel by the Airport Director and/or his duly authorized representative(s) to the Nonconcessionaire Rental Car Provider’s corporate headquarters for the inspection of such records.

(Ord. No. 7053, § 1, 5-20-08)
Sec. 1-3-8.26. Failure to submit statement of gross revenue and customer facility charge report

(a) If, in any month, any Nonconcessionaire Rental Car Provider fails to submit a timely statement of gross revenue and customer facility charge report, as required by section 1-3-8.20 of this Ordinance, at the end of the thirtieth (30th) day following the final day on which such timely statement should have been submitted, the Aviation Commission may, at its discretion, perform, or hire an agent to perform, an audit of permittee's various books and records (including, but not limited to, the records that such permittee is required to maintain under the provisions of this Ordinance) to determine permittee's gross revenue and customer facility charge requirement during the month that would have been the subject of such timely statement of gross revenue and customer facility charge report. The Nonconcessionaire Rental Car Provider shall, within thirty (30) days of receipt of an invoice from the Aviation Commission therefor, reimburse the Aviation Commission for its reasonable cost of performing or of hiring an agent to perform, such audit.

(Ord. No. 7053, § 1, 5-20-08)

Sec. 1-3-8.27. Term of permit.

(a) The term of such Nonconcessionaire Rental Car Business Permit shall extend from the date it is issued until either midnight on December 31 next following the date it was issued or the date on which such permit is revoked, whichever is earlier. The rental car courtesy vehicle decals issued in connection with a permit shall expire at the end of the term of such permit.

(b) On the first day of January of each succeeding year, the term of the Nonconcessionaire Rental Car Business Permit shall be extended automatically for successive one (1) year periods, unless said Permit is earlier suspended or revoked. If a suspension is in effect on January 1, the Nonconcessionaire Rental Car Provider shall remedy all failures to comply with the provisions of this Ordinance and shall apply for a new Nonconcessionaire Rental Car Business Permit before any such permit may be issued.

(Ord. No. 7053, § 1, 5-20-08)

Sec. 1-3-8.28. Permit nontransferable.

No Nonconcessionaire Rental Car Business Permit, and no rental car decal issued in connection with such permit, may be transferred, assigned, loaned, or used in any way by any person or entity other than the Nonconcessionaire Rental Car Provider to whom such permit was issued or the operator of a rental car courtesy vehicle operated under agreement with such Nonconcessionaire Rental Car Provider.

(Ord. No. 7053, § 1, 5-20-08)
ARTICLE 2 GENERAL AVIATION COMMISSION

Sec. 1-3-9. Creation; appointment and terms of members; vacancies.

There shall be a board consisting of ten (10) members (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be known as the General Aviation Commission. Except as provided herein, all members of the General Aviation Commission shall be appointed by the Commission for terms of four (4) years. In case of a vacancy on such a Commission for any cause prior to the expiration of the term of a member thereof, an appointment shall be made for the unexpired portion of such term.

(a) Except as provided herein, members of the General Aviation Commission of the City of Augusta who were serving on said Commission on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.

(b) Current members of the General Aviation Commission serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:

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<tr>
<th>Term Expires</th>
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<tbody>
<tr>
<td>(1) Richard Isdell</td>
<td>District 1</td>
<td>1/14/2002</td>
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</tr>
<tr>
<td>(2) Linda Roberts</td>
<td>District 2</td>
<td>3/31/2000</td>
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<tr>
<td>(3) Robert Moore</td>
<td>District 3</td>
<td>1/14/2000</td>
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<tr>
<td>(4) Michael Cooper</td>
<td>District 4</td>
<td>3/31/2000</td>
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<tr>
<td>(5) Appointment TBA</td>
<td>District 5</td>
<td>3/31/98</td>
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<tr>
<td>(6) Bert Harbin</td>
<td>District 6</td>
<td>1/1/98</td>
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<td>(7) Marcie Wilhelmi</td>
<td>District 7</td>
<td>1/14/2000</td>
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<td>(9) Appointment TBA</td>
<td>District 9</td>
<td>3/31/98</td>
<td></td>
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<tr>
<td>(10) Braye Boardman</td>
<td>District 10</td>
<td>3/31/2000</td>
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(c) The successor to the member representing District 6 shall serve until March 31, 2000, or until his successor is appointed and qualified.

(d) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections (b) and (c) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(e) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(f) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

Sec. 1-3-10. Mayor to be ex officio member; member to serve without compensation.

The Mayor shall be an ex officio member of the General Aviation Commission and all other members of such Commission shall serve without compensation.

Sec. 1-3-11. Election of Chairman.

The Chairman of the General Aviation Commission shall be elected annually by the General Aviation Commission.

Sec. 1-3-12. Qualifications of members.

All appointees to the General Aviation Commission shall be citizens of Augusta-Richmond County who have at least ten (10) years business experience and have manifested some interest in the advancement of aviation.

Sec. 1-3-13. Powers and duties—Generally.

The General Aviation Commission shall take charge of Daniel Field and all other property
incidental to the operation of Daniel Field owned by Augusta-Richmond County, and such Commission shall take all necessary actions toward the construction, improving and repairing of such facility, including the construction, alteration and repair of buildings and the removal, lowering, marking and lighting of Airport obstructions. Such Commission shall be empowered to acquire any lands or property interest necessary either for construction or to protect such Airports and the approaches thereto, make surveys and prepare plans and specifications for this purpose and to employ adequate personnel therefor.

The General Aviation Commission shall be expressly authorized and empowered to enter into contracts with Airlines and other operators of Aircraft for the use of such Airport and Airport facilities and shall be authorized to make the necessary contracts and agreements with the Federal government or any branch or agency thereof in connection with Air mail service in connection with the operation of such facility. Such Commission shall also make studies of and put into operation facilities to raise additional revenue in connection with such facility, such facility to be operated by such Commission or leased to a responsible person, whichever the Commission deems most advantageous to Augusta-Richmond County; provided, that any contract made by such Commission exceeding a term of one (1) year shall be subject to the approval of the Augusta-Richmond County Commission.

Sec. 1-3-14. Airport Manager—Employment.

The General Aviation Commission shall have the discretion of employing an Airport Manager for Daniel Field.

Sec. 1-3-15. Same—Powers, duties, salary, etc.

Should the General Aviation Commission appoint any Airport Manager pursuant to the preceding section, such manager shall be paid a salary to be fixed by the General Aviation Commission and shall have immediate supervision and control of Daniel Field and related facilities and it shall be his duty to enforce all rules and regulations prescribed by such Commission, and
such manager shall report to such commission any violation thereof. He shall be charged with the duty of maintaining such airport and buildings thereon in good condition.

Sec. 1-3-16. Meeting rules; reports to Augusta-Richmond County Commission; inspection of minutes and documents.

The General Aviation Commission shall make its own rules with reference to meetings and shall make monthly reports to the Commission. All of their minutes and documents shall be readily available at all times to the Commission.

ARTICLE 3 GENERAL PROVISIONS AS TO DANIEL FIELD

Secs. 1-3-17—1-3-18. Reserved.

Sec. 1-3-19. When aircraft may begin a take-off.

It shall be unlawful for any aircraft to begin a take-off until there is no risk of collision with landing aircraft and until preceding aircraft are clear of the field.

Sec. 1-3-20. Height of aircraft when over urban services district or assembly of persons.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) Over congested areas. Over any congested area of Richmond County, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) Helicopters. Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator.

Sec. 1-3-21. Right to use of field by landing aircraft.

When landing and maneuvering in preparation to land, the aircraft at the greater height shall be responsible for avoiding the aircraft at the lower height, and shall, as regards landing, avoid all stationary aircraft, although a landing plane has the right of way over planes moving on the ground or taking off.

Sec. 1-3-22. Aircraft moored on flying field to display light at night.

Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise all aircraft not in a hangar and which are moored or anchored on the flying field, shall show a white light visible for at least one (1) mile in all directions.

Sec. 1-3-23. Transportation of persons for hire.

No private, commercial or industrial pilot shall transport any person for hire or reward until such pilot first exhibits to the airport manager the proper license as prescribed by the rules of the United States Department of Transportation.


No person shall acrobatically fly an aircraft from or over any aviation field under the jurisdiction of Augusta-Richmond County without the consent in writing of the Mayor and the airport management.
Sec. 1-3-25. Dropping objects from aircraft in flight.

Except when necessary to the personal safety of the pilot, passengers or crew, when aircraft is in flight the pilot shall not drop or release, or permit any person to drop or release, any object or thing which may endanger life or injure property.

Sec. 1-3-26. Flexibility of preceding regulations.

The provisions of the preceding sections of this article may be deviated from when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause.

Sec. 1-3-27. Regulations to be posted.

A copy of the sections of this chapter regulating aircraft shall be posted in one or more conspicuous places on every flying field over which Augusta-Richmond County may have jurisdiction and suitable protection from the weather shall be provided in order to keep the contents thereof legible and distinctive.

Sec. 1-3-28. Responsibility for damages at flying fields.

Whenever any property damages occur at any flying field over which Augusta-Richmond County may have jurisdiction, which damages are caused by the negligence of aviators, automobile drivers or others, the person causing such damages shall be held responsible to Augusta-Richmond County.

ARTICLE 4 AIRPORT APPROACH AND TURNING ZONES AT DANIEL FIELD

Sec. 1-3-29. Definitions.

When used in this article, the following terms shall have the meaning ascribed to them by this section unless the context otherwise requires:

(a) Airport. The Daniel Aviation Field Municipal Airport.

(b) Airport hazard. Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

(c) Nonconforming use. Any structure, tree or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulation.

(d) Structure. Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks and overhead transmission lines.

(e) Landing area. The area of the airport used for the landing, take-off or taxiing of aircraft.

(f) Tree. Any object of natural growth.

(g) Map. The airport approach standards map.

Sec. 1-3-30. Map to be filed, etc.

A copy of the airport approach standards map shall be filed in the office of the Clerk of the Commission and be available for inspection upon request.

Sec. 1-3-31. To be established.

All the land within the boundaries of the airport and within two (2) miles of the landing area of the airport shall be divided into airport approach zones and airport turning zones. The inner area of the airport approach zones shall be as shown on the map. The turning zones and the outer area of the airport approach zones shall be that area within two (2) miles of the boundaries of the landing area and the inner area of the airport approach zones.

Sec. 1-3-32. Height limits.

Except as otherwise provided in this article no structure or tree shall be erected, altered, allowed to grow or maintained in any airport approach zone or airport turning zone to a height in excess of the following height limits:

(a) Inner area airport approach zones. As shown on map.
(b) Outer area airport approach zones. One hundred and fifty (150) feet above the elevation of the boundaries of the airport landing areas.

(c) Turning zones. One hundred and fifty (150) feet above the elevation of the boundaries of the airport landing areas.

Sec. 1-3-33. Restrictions on use of land within.

Notwithstanding any other provisions of this article, no use may be made of land within any airport approach zone or airport turning zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair the visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

Sec. 1-3-34. Existing nonconforming uses; structures begun before effective date of article.

The regulations prescribed in sections 1-3-25 and 1-3-26 of this Chapter shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use not conforming to the regulations as of the effective date hereof or otherwise to interfere with the continuance of any nonconforming use, and nothing contained in this article shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article, and is diligently prosecuted and completed within two (2) years thereof.

Sec. 1-3-35. Permit required to alter, erect, etc., structures, change use of land, etc., therein—Generally.

No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any airport approach zone or airport turning zone unless a permit therefor shall have been applied for and granted.

Sec. 1-3-36. Same—Applications for permits; when permits to be granted.

Every application for a permit required by the preceding section shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this article. If such determination is in the affirmative, the permit applied for shall be granted.

Sec. 1-3-37. Same—Existing structures, uses, etc.

Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, within an airport approach zone or airport turning zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this article or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing use, structure or tree shall be granted.

Sec. 1-3-38. Same—Variances.

Any person desiring to erect any structure or to increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this article may apply for a variance therefrom. A permit for such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this article.

Sec. 1-3-39. Same—Same—Permit may be conditioned to allow Augusta-Richmond County to install, etc., lights.

Any permit or variance granted pursuant to the preceding section may, if such action is deemed
advisable to effectuate the purposes of this article and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit Augusta-Richmond County, at its own expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Sec. 1-3-40. Administration of article—Inspector of buildings to enforce regulations.

The Director-Building Official (see section 7-1-27) is designated the administrative agency charged with the duty of administering and enforcing the regulations prescribed in this article.

Sec. 1-3-41. Same—Appeals to planning commission from decision of director-building official.

(a) Any person aggrieved, or taxpayer affected, by any decision of the Director-Building Official made in the administration of this article, if of the opinion that a decision of the Director-Building Official is an improper application of this article, may appeal to the planning commission.

(b) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the planning commission, by filing with the Director-Building Official and with the planning commission a notice of appeal specifying the grounds thereof. The inspector of buildings shall forthwith transmit to the planning commission all the paper constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director-Building Official certifies to the planning commission, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the planning commission on notice to the inspector of buildings and on due cause shown.

(d) The planning commission shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(e) The planning commission may, in conformity with the provisions of this article, reverse, or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Director-Building Official.

(f) The planning commission shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such fact in reversing, or affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this article.

(g) The concurring vote of a majority of the members of the planning commission shall be sufficient to reverse any order, requirement, decision or determination of the Director-Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to affect any variation in this article.

ARTICLE 5 AIRPORTS AND AVIATION

Sec. 1-3-42. Adoption of rules and regulations of general aviation commission—For Daniel Field.

There is hereby adopted for the purpose of establishing rules and regulations for the operation of Daniel Field, Augusta Municipal Airport, those certain rules and regulations of the General Aviation Commission dated July 21, 1997, on file in the office of the Clerk of Commission, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the operations of such airport. Same are attached as an Exhibit to this Code.
Sec. 1-3-43. Same—Augusta Regional Airport at Bush Field.

There is hereby adopted, for the purpose of establishing rules and regulations for the operation of Augusta Regional Airport at Bush Field those certain rules and regulations of the Augusta Aviation Commission, dated July 1, 1950, a copy of which is on file in the office of the Clerk of Commission, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the operations of such airport.

(Resolution of February 8, 1999; Ord. No. 6939, § 2, 1-18-07)
Chapter 4

BOARDS AND AUTHORITIES

ARTICLE 1 GENERAL PROVISIONS

Sec. 1-4-1. Appointment; qualifications; prohibition against appointment to more than one board or authority.

(a) The Augusta-Richmond County Commission has the responsibility under the Augusta-Richmond County Code and its Ordinances, and certain Acts of the General Assembly, to appoint members to certain boards, commissions, committees, panels, and authorities. The Augusta-Richmond County Commission deems it to be in the best interest of the citizens of Richmond County to prohibit any one individual from being appointed to more than one permanent board, commission, committee, panel, or authority for which said Commission has the authority of appointment or ratifying appointments and to provide qualifications for members on same.

(b) No person who is serving on a permanent board, commission, committee, panel, authority, or other entity appointed by the former Board of Commissioners of Richmond County, the former City Council of Augusta, or the Augusta-Richmond County Commission, shall, while serving as such a member, be qualified to be appointed to any other such permanent board, commission, committee, panel, or authority.

(c) No individual shall be eligible to be appointed to, or serve upon, any board, commission, authority, or other agency for which the Augusta-Richmond County Commission has the power of appointment, or the responsibility of approving appointments, who:

(1) Has been convicted of a felony or a crime of moral turpitude, unless such individual has had his civil rights restored as provided by law;

(2) Is under indictment for a felony or a crime of moral turpitude; or

(3) Is not a resident of Richmond County, or fails to maintain his residency in Richmond County, except where otherwise permitted by law.

(d) It shall be the duty of any prospective appointee to any such permanent the Augusta-Richmond County Commission to indicate to the Augusta board, commission, committee, panel, authority, or other entity appointed by Richmond County Commission, in advance of his appointment, his membership on any other such permanent board, commission, committee, panel, authority, or other such entity and his qualification to serve as provided herein.

(e) The Clerk shall notify any such appointee of his duty to notify the Augusta-Richmond County Commission of his membership on any other board, commission, committee, panel, authority, or other such entity by appointment by the former Board of Commissioners of Richmond County, the former City Council of Augusta, or the Augusta-Richmond County Commission and of his not being disqualified to serve for failing to meet the qualifications set forth in subparagraph (g) hereof. (Ord. No. 6244, § 1, 1-18-00)

Sec. 1-4-1.1 Attendance at meetings; removal.

(a) Faithful and prompt attendance at all meetings of boards, committees, commissions, panels, or authorities, and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on such board, committee, commission, panel or authority.

(b) Except as hereinafter provided, should a member fail to attend three (3) consecutive regular meetings of such board, committee, commission, panel or authority, and should there be no adequate excuse for such absences as determined by such board, committee, commission, panel or authority, same shall recommend to the Augusta-Richmond County Commission that such member be removed as provided in § 1-4-1. Nothing herein shall be deemed to apply to any member of the Augusta-Richmond County Commission who may be a member of any such board, committee, commission, panel or authority. (Ord. No. 6201, § 2, 9-21-99; Ord. No. 6244, § 2, 1-18-00)
Sec. 1-4-2. Code of ethics.

(a) Notwithstanding any provision of law to the contrary, each member of any board, commission, committee, panel, authority, or other entity appointed by the Augusta-Richmond County Commission, shall, upon appointment to such entity, whether directly or upon ratification of the appointment recommended or nominated by another body or entity, be subject to the Code of Ethics and Rules of Conduct set forth in Title 1, Chapter 1, Articles 2 and 3 of this Code.

I, ____________________ shall:

(1) Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;

(2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;

(3) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of my governmental duties;

(4) Never use any information coming to me confidentially in the performance of governmental duties as a means for making private profit;

(5) Expose corruption wherever discovered;

(6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of my official duties;

(7) Never accept any economic opportunity under circumstances where I know or should know that there is a substantial possibility that the opportunity is being afforded me with intent to influence my conduct in the performance of my official duties;

(8) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and

(9) Never take any official action with regard to any matter under circumstances in which I know or should know that I have a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

(b) Upon formal charges being filed with the Mayor of the Augusta-Richmond County Commission relative to a violation of the Code of Ethics set forth in subsection (a) hereof on the part of a member of any such board, commission, committee, panel, authority, or other entity appointed by the Augusta-Richmond County Commission, the Augusta-Richmond Commission shall conduct a hearing for the purpose of receiving evidence relative to the merits of such charges. The member so charged shall be given at least thirty (30) days written notice prior to such hearing. If such charges are found to be true, the Augusta-Richmond County Commission shall forthwith remove such member from such board, commission, committee, panel, authority, or other entity appointed by said Commission, and the vacancy shall be filled as provided by the Ordinance, Code, or special or general law providing for the membership of such entity. Any member removed from such entity shall have the right to judicial review of such decision by the Augusta-Richmond County Commission by the filing of a petition within thirty (30) days after the service of the final decision of the Commission, or if a rehearing is requested, within thirty (30) days after the decision thereon. The petition shall be filed in the Superior Court of Richmond County, Georgia. Copies of the petition shall be served upon the Mayor of the Augusta-Richmond County Commission. The petition shall state the nature of petitioner's interest, the facts showing that the petitioner is aggrieved by the decision, and the ground as specified herein upon which the petitioner contends that the decision shall be reversed or modified. The petition may be amended by leave of court.

(c) The filing of the petition does not itself stay enforcement of the decision of the Commission. Except as otherwise provided, the Commission may grant, or the reviewing Court may order, a stay upon appropriate terms for good cause shown.
(d) Within thirty (30) days after the service of the petition or within further time allowed by the Court, the Commission shall transmit to the reviewing Court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the Court for the additional costs. The Court may require or permit subsequent corrections or additions to the record.

(e) If, before the date set for hearing, application is made to the Court for leave to present additional evidence and it is shown to the satisfaction of the Court that the additional evidence is material and there were good reasons for failure to present it in the proceedings before the Commission, the Court may order that the additional evidence be taken upon conditions determined by the Court. The Commission may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing Court.

(f) The review shall be conducted by the Court without a jury and shall be confined to the record. In case of alleged irregularities in procedure before the Commission, not shown in the record, proof thereon may be taken in the Court. The Court, upon request, shall hear oral argument and receive written briefs.

(g) The Court shall not substitute its judgment for that of the Commission as to the weight of the evidence on questions of fact. The Court may affirm the decision of the Commission. The Court may reverse or modify the decision if substantial rights of the petitioner have been prejudiced because the findings, inferences, conclusions, or decisions of the Commission are: (1) in violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the Commission; (3) made upon unlawful procedures; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or (6) arbitrary and capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 1-4-3. Appeals.

In any appeal or contested case:

(a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in the trial of civil nonjury cases in the superior courts shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under such rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs or it consists of a report of medical, psychiatric, or psychological evaluation of a type routinely submitted to and relied upon by an agency in the normal course of its business. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(b) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original or have it established as documentary evidence according to the rules of evidence applicable to the superior courts of this state;

(c) A party may conduct such cross-examination as shall be required for a full and true disclosure of the facts; and

(d) Official notice may be taken of judicially cognizable facts.

§ 1-4-4. Removal; procedure.

Upon good cause shown, including without limitation, a violation of the Code of Ethics and Code of Conduct set forth in Title 1, Chapter 1, Articles 2 and 3 or a failure to meet the qualifications set forth in § 1-4-1 hereof, the Augusta-
Richmond County Commission may remove from the membership of any board or authority any member which it has appointed to that board or authority. The procedure for such removal shall be as set forth in § 1-4-2 (b) through (g) and § 1-4-3 above.

(Ord. No. 6244, § 3, 1-18-00)

Sec. 1-4-5. Reserved.

ARTICLE 2 DEVELOPMENT AUTHORITY OF RICHMOND COUNTY

Sec. 1-4-6. Purpose.

It has heretofore been determined and declared an urgent, existing and future need for a development authority to function in Richmond County, Georgia, for the purpose of developing and promoting for the public good and general welfare trade, commerce, industry and employment opportunities in such county thereby promoting the general welfare of its citizenry.

Sec. 1-4-7. Creation; board of directors—Composition.

The public body corporate and politic known as the Development Authority of Richmond County shall continue in existence. There are hereby elected as members of the board of directors of the development authority nine (9) persons, each of whom is a taxpayer of the county and only one of whom may be an officer or employee of the county; provided, however, the initial appointments shall be made as follows:

(a) Members of the Development Authority of Richmond County appointed are as herein set forth, to wit:

<table>
<thead>
<tr>
<th>Term Expires</th>
<th>Member Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/3/99</td>
<td>Charlene Sizemore</td>
</tr>
<tr>
<td>6/3/2001</td>
<td>Harrell Tiller</td>
</tr>
<tr>
<td>6/3/2001</td>
<td>Monty Osteen</td>
</tr>
<tr>
<td>6/3/99</td>
<td>Abram Serrota</td>
</tr>
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<td>Charles Walker</td>
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<tr>
<td>6/3/2001</td>
<td>Terry Elam</td>
</tr>
<tr>
<td>6/3/99</td>
<td>Dr. Ronald Lewis</td>
</tr>
<tr>
<td>6/3/2001</td>
<td>Walter Hornsby</td>
</tr>
<tr>
<td>6/3/99</td>
<td>William Thompson</td>
</tr>
</tbody>
</table>

Sec. 1-4-8. Terms of members.

Successors to the members named in section 1-4-7, members are to be appointed for four-year terms.

Sec. 1-4-9. Director to remain in office until successor elected.

If at the end of any term of office of any director a successor thereto shall not have been elected then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected.

Sec. 1-4-10. Duties.

The board of directors hereinbefore elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the development authorities law, as it now exists and as it might hereafter be amended or modified.

Sec. 1-4-11. Dissolution of authority.

Upon the dissolution or liquidation of the development authority of the county the directors shall, after paying or making provision for the payment of all of the liabilities of the development authority, dispose and transfer all of the assets of the development authority exclusively to the Commission for the county.

Sec. 1-4-12. Use of authority assets, etc.

No part of the assets, income or profit of the development authority of the county shall be
distributable to or inure to the benefit of the members of the board of Directors of the development authority of the County or its officers or any officer or employee of the County.

Sec. 1-4-13. Reserved.

ARTICLE 2.1 DOWNTOWN DEVELOPMENT AUTHORITY

Sec. 1-4-14. Purpose.

It has heretofore been determined by the City Council of Augusta (the "City of Augusta" being hereinafter sometimes referred to as the "City") that there is an existing and urgent need to provide incentives for the investment of funds for the rehabilitation and the redevelopment of the central business district of the City.

It has further been determined and declared that adequate financing for the rehabilitation and redevelopment of the central business district of the City cannot be provided through the ordinary operation of private enterprise, and the involvement of a public agency as herein contemplated in such an undertaking would not be competitive with private enterprise.

The City Council of Augusta has heretofore determined that there is a need for a downtown Development Authority to function in the City to help finance the cost of rehabilitation and redevelopment of the central business district of the City.

The City Council of Augusta, after a thorough study and investigation, has heretofore determined that it is desirable and necessary that a Downtown Development Authority be activated to function in the City with the powers granted it by the Act to issue Revenue Bonds and bond anticipation notes for the purpose of providing funds to finance the cost of rehabilitation and redevelopment of the central business district of the City.

It has heretofore been determined and declared a pressing, existing and future need for a Downtown Development Authority (as more fully described in the Act) to function in the City for the purpose of providing adequate financing for the rehabilitation and redevelopment of the central business district of the City, thereby promoting the welfare of the people of the City of Augusta.

Sec. 1-4-15. Creation; board of Directors—Composition, terms of members.

The Downtown Development Authorities Law (Ga. Laws 1981, page 1744 et seq., as amended, codified as Chapter 36-42-4, Ga. Code Ann.) (The "Act"), which was enacted by the General Assembly of the State of Georgia, creates for every municipal corporation in the State of Georgia a public body corporate and politic to be known as the Downtown Development Authorities law of such municipal corporation, which will consist of a board of seven (7) Directors to be appointed by the governing body of such municipal corporation for initial terms of two (2), four (4), and six (6) years and thereafter for staggered terms of four (4) years.

The public body corporate and politic known as the "Downtown Development Authority of the City of Augusta" (hereinafter referred to as the "Authority"), which Authority was created pursuant to the Act, Georgia Laws 1981 p. 1744 et seq. heretofore activated, shall continue in existence. Said Act shall, by reference, be incorporated herein and made a part hereof.

There is hereby elected as members of the Board of Directors of the Authority seven (7) persons, each of whom is a taxpayer residing in the City and only one of whom may be an officer or employee of the City; provided, however, the initial appointments shall be made as follows:

(a) Members of the Downtown Development Authority of the City of Augusta appointed are as herein set forth, to wit:
Term of Office

1. Margaret Woodard, Director
2. Julian Roberts, Chairman 4 Years
3. James Carter III, Secretary 4 Years
4. Cassandra Brinson, Director 4 Years
5. Paul King, Director 4 Years
6. J.R. Hatney, County Commissioner 4 Years
7. Steve Kendrick, Vice-Chairman 4 Years
8. Phil Wahl, Treasurer 4 Years

(b) Each of said persons named as Directors above shall serve in such capacity for the number of years set forth opposite their respective names; and if at the end of any term of office of any Director, a successor thereto shall not have been elected as hereinafter provided, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. No person shall receive any compensation for serving as a Director but a Director may be reimbursed for his actual expenses incurred in the performance of his duties.

(c) In the event that a Director at any time ceases to be a taxpayer residing in the City, his eligibility to serve as a Director shall cease, and his term of office shall end.

(d) The Board of Directors hereinbefore elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Act as it now exists and as it might hereafter be amended or modified.

(Ord. No. 6939, § 3, 1-2-07)

Sec. 1-4-16. Designation of development area.

The central business district of the City is hereby designated as the downtown development area of the City as required by Section 3 of the Act and that said area and district are geographically constituted as follows:

From the west side of Fifteenth Street through the west side of East Boundary, and from the Savannah River through the south side of Laney Walker Boulevard.

The boundaries of the Downtown Development Authority of Augusta are expanded so as to include the area located generally in the area East of Milledge Road and Lakemont Drive; South of the Savannah River; West of I-520; North of Wrightsboro Road, Seventh Street and Laney-Walker Boulevard, as more particularly shown as marked in blue on a Google Aerial Photograph of the area, identified as Image 2007 DigitalGlobe, 2007 Tele Atlas, filed with the Clerk of Commission and incorporated herein by reference. (Ord. No. 7119, § 3, 4-1-09)

Sec. 1-4-17. Accordance with development authorities law.

The board of Directors hereinbefore elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the development authorities law, as it now exists and as it might hereafter be amended or modified.

Secs. 1-4-18—1-4-55. Reserved.

ARTICLE 3 HOUSING AUTHORITY

Sec. 1-4-56. Purpose; Commissioners; tax-exempt status of its property; power to contract.

(a) It has heretofore been determined that there is need for a housing authority, as contemplated by the Georgia Laws of 1937, in Richmond County, Georgia, by reason of unsanitary and unsafe inhabited dwelling accommodations in such
County, and a shortage of safe and sanitary dwelling accommodations in such County for persons of low income at rentals they can afford.

(b) Five (5) persons of the County shall be appointed as Commissioners of the Housing Authority, such appointees to be appointed for the terms and for the purposes as set out in the Housing Authorities Laws of Georgia of 1937. The Quality Housing and Work Responsibility Act of 1998 requires The Board of each public housing agency to contain no less than one (1) member who is directly assisted by the public housing agency. O.C.G.A. § 8-3-1 et seq. (as amended), relating to Housing Authorities, provides for the appointment of one (1) or two (2) additional Com-
missioners who shall be known as resident commissioner of said City, County and Regional Housing Authorities in compliance with Federal Law.

(c) Any and all appointees as a commissioner of the housing authority shall accept such appointment divested of any authority as stated in section 21 of the housing authorities law, to wit:

"and such property and authority shall be exempt from all taxes and special assessments of Augusta-Richmond County, the county, the state or any political subdivision thereof; ellipsis;"

and the housing authority is hereby declared to be divested at all times of holding or possessing any property exempt from taxes and special assessments of the county, the state and/or Augusta-Richmond County. However, the governing bodies of the county or of Augusta-Richmond County or of the state in their discretion respectively may exempt from all taxes and/or any special assessments, or any taxes or any special assessments, such property as owned, held or possessed by the housing authority.

(d) No commissioner of the housing authority nor the housing authority shall have any power, nor shall he nor it make any contract of any nature, either of employment or otherwise, to bind the county for the payment of any sum whatsoever, without first obtaining the written authority of such Commission, in regular meeting of such Commission.

(Ord. No. 6939, § 4, 1-2-07)


Secs. 1-4-60. Purpose.

There has previously been determined and declared by the Board of Commissioners of Richmond County a pressing, existing and future need for a hospital authority to function in the area included within the county for the purpose of the prevention of disease, cure of disease, administering to the sick and the rendering of medical and surgical service to the citizens of the designated area, and to construct, maintain, modernize, repair and otherwise provide adequate and necessary hospital and other medical facilities effectively to carry out the named purposes and other purposes incidental thereto and usually connected therewith.

Sec. 1-4-61. Creation.

The body corporate and politic known as The Richmond County Hospital Authority previously created by the Board of Commissioners of Richmond County is hereby ratified and confirmed, which authority shall consist of a board of nine (9) trustees with all the powers, privileges, immunities, rights and liabilities as set forth in the constitutional amendment to article 7, section 6 of the Constitution of the State of Georgia and the Statutes of Georgia, including particularly Georgia Acts of 1941, page 241 et seq.


Sec. 1-4-62. Board of trustees—Vacancies; term of members.

Upon the death or resignation or inability of any trustee to serve prior to the expiration of his term, then the Commission of the county shall appoint a successor or successors for the unexpired term or terms as hereinafter provided. Each appointment to the board of trustees shall be made for a period of four (4) years. All members of the board of trustees shall be appointed to serve until their term expires or until a successor has been appointed.

State law reference—Hospital authorities generally, Ga. Code Ann., § 31-7-70 et seq.

Sec. 1-4-63. Same—Composition.

(a) The hospital authority shall consist of nine (9) members, who shall be residents of Richmond County. The members of the hospital authority shall represent the broad interests of the community and shall not use personal influence for the gain of specific individuals or groups.
(b) Of the nine (9) members of the hospital authority at least one member must be of the Jewish faith, at least one (1) member of the Catholic faith, at least one (1) member of the Black race, and two (2) members must be active medical staff members of the University Hospital.

Sec. 1-4-64. Same—Same—Additional members.

Two (2) trustees shall be selected and appointed from the members of the active medical staff of the University Hospital who are residents of Richmond County. These two (2) new members shall be appointed effective January 1, 1970, with the initial appointment of one of the members to be for two (2) years and the other for four (4) years. At the expiration of these initial terms, each appointment thereafter shall be for a period of four (4) years. For each such additional member, and for the appointment to fill the vacancy upon the expiration of the term of each such additional member, the hospital authority shall select three (3) names from a list of ten (10) submitted to it by the active medical staff; and the appointment shall then be made from this list pursuant to the procedure now in force for the appointment of trustees.

Sec. 1-4-65. Same—Successor trustees.

One (1) trustee and the successors of that trustee shall be appointed by the Commission among the Commissioners and shall serve for a term the shorter of four (4) years or until no longer a Commissioner. Appointment of all other successor trustees shall be made by the Commission as hereinafter provided from the names of three (3) persons submitted by the County Hospital Authority to the Commission; however, the name of no person shall be submitted by the Hospital Authority for consideration for appointment to the Board of Trustees unless and except that the person whose name is being submitted for membership shall have been personally consulted with by the Hospital Authority, and has agreed to serve in the event of his appointment; and all shall be residents of the county.

State law references—See O.C.G.A. § 31-7-72(c); 1985 Ga. Laws 3892-3894.

(Ord. No. 6939, § 5, 1-2-07)

Sec. 1-4-66. Same—Advisors and their selection and qualifications.

In addition to the regular members of the Board of Trustees of Hospital Authority, the Volunteer Board of the University Hospital shall have the right to appoint one (1) of its members as an advisor to the Board of Trustees, but such advisor shall not be a member of the Board of Trustees, shall have no voting power in matters handled by such Board and such advisor’s services shall be advisory only in all matters.

(Ord. No. 6939, § 6, 1-2-07)

Sec. 1-4-67. Area of operation.

The area of operation of the hospital authority is hereby defined as including all of the territorial limits and affecting all the citizens within the limits of the boundary of the county.

Sec. 1-4-68. Not to participate in unemployment compensation program.

The hospital authority shall not participate in the unemployment compensation program.

Secs. 1-4-69—1-4-75. Reserved.

ARTICLE 5 HOSPITAL AUTHORITY OF AUGUSTA

Sec. 1-4-76. Purpose.

There has previously been determined and declared by the City Council of Augusta to be an existing and future need for a Hospital Authority (as more fully described and defined in the Hospital Authorities law), to function in Augusta and its environs for the purpose of providing certain additional health care facilities for the residents of Augusta and its environs thereby promoting the general welfare of the citizenry of Augusta.

Sec. 1-4-77. Creation; name change.

The public body corporate and politic known as the Hospital Authority of the City of Augusta which was previously created by the force and effect of the Hospital Authorities Law, and by the
City Council of Augusta, is hereby ratified and confirmed and shall hereafter be named the Hospital Authority of Augusta.

Sec. 1-4-78. Initial members.

The Board of Trustees of the Hospital Authority of Augusta shall be composed of the following named persons, each of whom is a resident of Augusta-Richmond County:

<table>
<thead>
<tr>
<th>Term of Office</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 years</td>
<td>Catherine J. Cato</td>
</tr>
<tr>
<td>2 years</td>
<td>Rev. Clyde Hill, Sr.</td>
</tr>
<tr>
<td>2 years</td>
<td>Pat Blanchard</td>
</tr>
<tr>
<td>4 years</td>
<td>Greg Hodges</td>
</tr>
<tr>
<td>4 years</td>
<td>Rodger Giles</td>
</tr>
</tbody>
</table>

Sec. 1-4-79. Service through term of office.

Each of said persons named as trustees above shall serve in such capacity for the number of years set forth opposite their respective names, and if at the end of any term of office of any trustee, a successor thereto shall not have been elected pursuant to the procedure set forth in the Hospital Authorities Law, then the trustee whose term of office shall have expired shall continue to hold office until his or her successor shall be so elected.

Sec. 1-4-80. Operation of board.

The Board of Trustees hereinabove elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Hospital Authorities Law as it now exists and as it might hereafter be amended and modified.

ARTICLE 6 AUGUSTA-RICHMOND COUNTY PLANNING COMMISSION

Sec. 1-4-81. Creation.

There is hereby created a planning commission with the membership, powers and duties as set forth herein. The commission created herein shall be known as the Augusta-Richmond County Planning Commission.

Sec. 1-4-82. Membership, terms of office and compensation.

(a) The Augusta-Richmond County Planning Commission (hereinafter referred to as the Planning Commission) shall consist of ten (10) members (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be appointed for terms of four (4) years; provided, however, the initial appointments shall be made as follows:

(1) There shall be one (1) member who resides in each of the ten (10) districts of Augusta-Richmond County appointed by the Augusta-Richmond County Commission.

(2) Except as provided herein, members of the Planning Commission of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.

(3) Members of the Planning Commission serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:
Term Expires

a. Patricia Jefferson District 1 2/1/99
c. Nick Dickinson District 3 3/31/98
d. Richard Colclough District 4 4/1/99
e. Frank Knapp, III District 5 3/31/98
f. Appointment TBA District 6 3/31/2000
g. James Randall Hall District 7 3/31/98
h. Hugh Fulcher, Jr. District 8 3/31/2000
i. Margaret Armstrong District 9 3/31/98
j. Ed Dickerson District 10 2/1/98

(4) The successor to the member representing District 1 shall serve until March 31, 2002, or until his successor is appointed and qualified.

(5) The successors to the members representing Districts 4 and 10 shall serve until March 31, 2000, or until their successors are appointed and qualified.

(6) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 3, 4 and 5 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(7) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(8) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(a) The Planning Commission shall elect a Chairman and Vice-Chairman from its members. The terms of office of the Chairman and Vice-Chairman shall be one (1) year with eligibility for reelection to no more than two (2) consecutive terms.

(b) The Planning Commission may appoint a secretary who may be an official or employee of the Planning Commission, or of the Augusta-Richmond County Commission.
(c) The Planning Commission shall make its own rules of procedure in accordance with the general provisions of this ordinance and determine its time and place of meeting. All meetings of the Planning Commission, at which official actions are taken, shall be a public record.

(d) The Planning Commission is empowered to appoint such employees, consultants, legal counsel, and staff as it may deem necessary for its work and may contract with municipal planning and other consultants for such services as it may require for the performance of its work.

(e) The Planning Commission may purchase such equipment and supplies as it may deem necessary.

(f) The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts approved for it by the Augusta-Richmond County Commission.

Sec. 1-4-84. Principal powers and duties.

It shall be the function and duty of the Planning Commission to make such careful and comprehensive surveys and studies of existing conditions and probable future developments and to prepare such plans for physical, social and economic growth as will best promote the public health, safety, morals, convenience, prosperity, or the general welfare as well as efficiency and economy in the development of Augusta-Richmond County. In particular, the Planning Commission shall have the power and duty to:

(a) Prepare a master plan or parts thereof for the development of Augusta-Richmond County.

(b) Prepare and recommend for adoption to the Augusta-Richmond County Commission a zoning ordinance and map or maps.

(c) Prepare and recommend for adoption to the Augusta-Richmond County Commission regulations for the subdivision of land within its political jurisdiction.

Sec. 1-4-85. Miscellaneous powers and duties.

In addition to the principal powers and duties set forth above, the Planning Commission may:

(a) Cooperate with, contract with, or accept funds from Federal, State or local governments, public or semipublic agencies or private individuals or corporations; expend such funds; and carry out such cooperative undertakings and contracts as may be necessary for the performance of its duties and to promote the planning of Augusta-Richmond County, including the authority to enter into agreements with jurisdictions and agencies in adjacent counties and states.

(b) Prepare, publish and distribute maps, plans, reports and recommendations relating to the planning and development of Augusta-Richmond County.

(c) Recommend to the Augusta-Richmond County Commission programs for public improvements and the financing thereof.

(d) Secure, within a reasonable time, from all public officials such available information as it may require for its work.

(e) In the performance of its functions, enter upon land, make examinations and surveys, and place and maintain necessary signs, monuments or markings thereon.

(f) Any other function or duty which may from time to time be delegated to the Planning Commission by order, directive, ordinance or resolution of the Commission of Augusta-Richmond County, or officials thereof.

Sec. 1-4-86. Performance of duties—Master plan.

(a) It shall be the duty of the Planning Commission to make a master plan of Augusta-Richmond County and to perfect it from time to time.
(b) Such master plan may show, among other things, the following:

1. Existing and proposed streets, highways, expressways, bridges, tunnels and viaducts and approaches thereto; routes of railroads and transit lines; terminals, ports and airports.

2. Parks, playgrounds, forests and other public open spaces.

3. Sites for public buildings, structures and facilities.

4. Land areas for residential, business, industrial, recreational, agricultural, forestry, and special purposes and uses.

5. Limited development areas for purposes of conservation, water supply, sanitation, drainage, historic preservation, protection against flooding and similar environmental considerations.

6. Areas for housing development, slum clearance, and urban renewal and redevelopment.

7. Location of public utilities whether publicly or privately owned, including but not limited to sewerage and water supply systems.

8. Zoning districts and other planning features.

9. Time and priority schedules and cost estimates for the accomplishment of the proposals.

(c) The master plan shall be based upon and include appropriate studies of the location and extent of present and anticipated other pertinent data.

(d) Such plan may be adopted, added to and changed from time to time by the Augusta-Richmond County Commission. It shall be a public record, but its purpose and effect shall be solely to aid the Planning Commission in the performance of its duties.

Sec. 1-4-87. Performance of duties—Zoning ordinance and maps.

(a) It shall be the duty of the Planning Commission to prepare and recommend for adoption to the Augusta-Richmond County Commission a zoning ordinance and map or maps. The purpose of such ordinance and map or maps shall be to regulate:

1. The location, height, bulk, number of stories, and size of buildings and other structures.

2. The percentage of lot which may be occupied, the sizes of yards, courts, and other open areas.

3. The density and distribution of population and dwelling units.

4. Land areas designated for business and industrial use, residences, recreation, agriculture, forestry, conservation, historic preservation, water supply, sanitation, protection against floods, governmental activity and other special purposes.

(b) The map or maps shall divide Augusta-Richmond County into districts of such number, shape and size as the Planning Commission may determine; and within such districts it may regulate the erection, construction, reconstruction, alteration, and use of buildings and structures and uses of land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

(c) At such time the Commission of Augusta-Richmond County deems it necessary to enact an entirely new zoning ordinance and map or maps, the governing bodies shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in Augusta-Richmond County. All procedural standards set forth in the Official Code of Georgia shall be complied with.

1. No change or departure from the text or maps, as certified by the Planning Commission, shall be made unless such change
or departure is first submitted to the Planning Commission for review and recommendation.

(2) The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within a thirty-day period, it shall be deemed to have approved the change or departure.

(d) The zoning ordinance, including the map or maps, may be amended from time to time; but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.

(1) The Planning Commission shall conduct, on behalf of the Augusta-Richmond County Commission, all public hearings on proposed amendments to the zoning ordinance and maps.

(2) Policies and procedures as specified by the official Code of Georgia shall be followed by the Planning Commission in considering such public hearings.

Sec. 1-4-88. Zoning board of appeals.

(a) The City Council of Augusta and the Board of Commissioners of Richmond County has heretofore created and appointed a Zoning Board of Appeals for Augusta-Richmond County. Said Board if hereby continued and shall be known as the Augusta-Richmond County Board of Zoning Appeals and is hereinafter referred to as the Appeals Board as is hereinafter provided. At their discretion, the Augusta-Richmond County Commission may, by ordinance, designate the Planning Commission to act as the Appeals Board of Augusta-Richmond County.

(b) If the Planning Commission is designated to act as the Appeals Board of Augusta-Richmond County, then:

(1) Such authority shall be in addition to the powers and duties of the Planning Commission set forth herein and shall be carried out in accordance with the provisions of this Section; and

(2) Section 1-4-82 of this article shall apply to the membership, terms of office and compensation and section 1-4-83 of this article shall apply to the organization, rules, staff, and finances of the Appeals Board in the event that the Planning Commission is designated by ordinance to act as the Board of Zoning Appeals.

(c) If said Appeals Board is separate from the Planning Commission, then said Appeals Board shall consist of ten (10) members (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two (2) members) to be appointed for terms of four (4) years, provided; however, the initial appointments shall be made as follows:

(1) There shall be one (1) member who resides in each of the ten (10) districts of Augusta-Richmond County appointed by the Augusta-Richmond County Commission.

(2) Except as provided herein, members of the Appeals Board of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.

(3) Members of the Appeals Board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:

<table>
<thead>
<tr>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/31/98</td>
</tr>
<tr>
<td>4/4/98</td>
</tr>
<tr>
<td>3/31/98</td>
</tr>
<tr>
<td>3/31/2000</td>
</tr>
</tbody>
</table>

T1:91
Term Expires

<table>
<thead>
<tr>
<th>Name</th>
<th>District</th>
<th>Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>George Mitchell</td>
<td>District 5</td>
<td>3/31/98</td>
</tr>
<tr>
<td>Appointment TBA</td>
<td>District 6</td>
<td>3/31/2000</td>
</tr>
<tr>
<td>K. Glenn Watson</td>
<td>District 7</td>
<td>3/31/98</td>
</tr>
<tr>
<td>Hardie Davis, Jr.</td>
<td>District 8</td>
<td>3/31/2000</td>
</tr>
<tr>
<td>Thelonius Jones</td>
<td>District 9</td>
<td>3/31/98</td>
</tr>
<tr>
<td>Don Grantham</td>
<td>District 10</td>
<td>3/31/2000</td>
</tr>
</tbody>
</table>

(4) The successor to the member representing District 2 shall serve until March 31, 2000, or until his successor is appointed and qualified.

(5) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 3 and 4 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(6) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(7) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(8) Thereafter, members appointed by the Commission of Augusta-Richmond County shall serve a term of four (4) years.

(9) All members shall be eligible for reappointment to said Appeals Board upon expiration of their terms.

(10) Any vacancy in membership shall be filled for the unexpired term by the Augusta-Richmond County Commission.

(11) Any member may be removed for cause, on written charges, after a public hearing by the Augusta-Richmond County Commission.

(12) All members of the Appeals Board shall serve for such compensation as shall be established by the Commission.

(13) None of the members shall hold any other public office or position with Augusta-Richmond County, except that one (1) member may also be a member of the Planning Commission.

(d) The Board of Zoning Appeals shall elect one (1) of its members as chairman, who shall serve a one (1) year term or until reelected or a successor is elected.

(1) The Chairman shall have the power to vote on matters before the Appeals Board only where his vote will change the result.

(2) The Appeals Board shall appoint a secretary who may be an official or employee of Augusta-Richmond County or of the Planning Commission.

(3) The Appeals Board shall adopt rules in accordance with the provisions of this ordinance.

(4) Meetings of the Appeals Board shall be held at the call of the Chairman and at such other times as the Appeals Board may determine.

(5) The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

(6) The Appeals Board shall keep minutes of its proceeding, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be
immediately filed in the office of the secretary of the Appeals Board and shall be a public record.

(e) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any official, department head, board or bureau of Augusta-Richmond County affected by a decision of an administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Appeals Board, by filing with the secretary of the Appeals Board a notice of appeal specifying the grounds thereof.

(1) Upon notice by the secretary of a filing of appeal, the official from whom the appeal is taken shall forthwith transmit to the Appeals Board all papers constituting a record upon which the action appealed was taken.

(2) An appeal stays all legal proceedings in furtherance of action appealed from, unless the official from whom the appeal is taken certifies to the Appeals Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Appeals Board or by a court on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(3) Upon receipt of notice of appeal in a form prescribed by the Appeals Board, the Board of Zoning Appeals shall:

a. Fix a reasonable time for the hearing of the appeal or other matter referred to it.

b. Publish once in a newspaper of general circulation in Augusta-Richmond County a notice of public hearing on the appeal. Such notice shall be published at least fifteen (15) days prior to the date of the hearing and shall indicate the time and place of the hearing and the nature of the appeals to be considered by the Appeals Board.

c. Send postal cards or letters to property owners of record whose property lies within a 300-foot radius of the property subject to the appeal, giving notice of the time, place and nature of appeal.

(f) The Appeals Board shall have the following powers:

(1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance adopted by Augusta-Richmond County pursuant to this division.

(2) To hear and decide special exceptions to the terms of the zoning ordinance upon which the Appeals Board is required to pass under such ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of the zoning ordinance will, in an individual case, result in an unnecessary hardship, so that the spirit of the zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon finding by the Appeals Board that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and

b. The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship; and

c. Such conditions are peculiar to the particular piece of property involved; and

d. Relief, if granted, would not cause substantial detriment to the public
good or impair the purposes and intent of the zoning ordinance; however, no variance may be granted for the use of land or building or structure which is prohibited by the zoning ordinance.

(4) In exercising the above powers, the appeals board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination; and to that end, the board shall have all of the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

(g) Any person or persons severally or jointly aggrieved by any decision of the Appeals Board or with any official charged with the enforcement of any order, requirement or decision of said board may take an appeal to the Superior Court of Richmond County, Georgia. Appeal shall be the same as an appeal to the superior court from any decision made by the probate court, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Appeals Board or of any official charged with the enforcement of any order, requirement or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Appeals Board shall be final.

Sec. 1-4-89. Performance of duties, subdivision regulations.

(a) From and after the time that the Augusta-Richmond County Planning Commission established in accordance with this article shall have prepared and adopted a master plan or at least the major street portion of such master plan and shall have recommended to the governing body of Augusta-Richmond County regulations for the subdivision of land within Augusta-Richmond County, which regulations shall have been adopted by the governing bodies, then no plat of a subdivision of land within Augusta-Richmond County shall be filed or recorded in the office of the clerk of the superior court of the county until it shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the secretary of the Planning Commission. The clerk of the superior court shall not file or record a plat of a subdivision which does not have the approval of the Planning Commission as required by this division.

(b) The Planning Commission shall prepare and recommend to the Augusta-Richmond County Commission for adoption regulations governing the subdivision of land within Augusta-Richmond County. At their discretion, the Commission may readopt such subdivision regulations, along with any amendments, which may have been adopted and in force pursuant to authority which existed prior to and were superseded by the ratification of the home rule provisions of the Constitution of the State of Georgia; however, such regulations shall generally conform to the provisions of this division.

(c) Subdivision regulations prepared by the Planning Commission and recommended to the Augusta-Richmond County Commission for adoption may provide, in whole or in part, for:

1. The harmonious development of Augusta-Richmond County;

2. The coordination of streets within subdivisions with other existing or planned streets;

3. The size of blocks and lots;

4. The dedication or reservation of land for streets, school sites, and recreation areas and easements for utilities and other public services and facilities; and

5. A distribution of population, dwelling units and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare.

(d) Such regulations may include requirements as to the extent to which and the manner in which streets shall be graded, surfaced and improved; and water, sewers, septic tanks and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of a subdivision plat. Such regulations may provide that, in lieu of the completion of such work and installations previous to the final approval of a plat, the Augusta-Richmond County Commission may accept a bond, in
an amount and with surety and conditions satisfactory to it or a valid contract for the performance of the work and installations along with a letter of guarantee for the subdivider, providing for and securing to Augusta-Richmond County the actual construction and installation of improvements and utilities within a period specified by the Planning Commission and expressed in the bond or letter of guarantee.

(e) The subdivision regulations may be amended from time to time; but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.

1. The Planning Commission shall conduct, on behalf of the Augusta-Richmond County Commission all public hearings on proposed amendments to the subdivision regulations.

2. The Planning Commission shall hold such hearings after giving at least fifteen (15) days' notice of the time and place in a newspaper of general circulation in Augusta-Richmond County. The Planning Commission shall have thirty (30) days within which to submit its report; and, if the planning commission fails to submit a report within the thirty (30) day period, it shall have deemed to approve the proposed amendment.

3. The Planning Commission is hereby given the authority to give tentative approval or disapproval to preliminary plats and to approve or disapprove final plats, but in each case their action shall be taken within thirty (30) days after the submission thereof, otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; however, the applicant for the Planning Commission's approval may waive this requirement and consent to the extension of such period. The ground for disapproval of any plat shall be stated upon the records of the Planning Commission.

(f) The approval of a plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by Commission or the public of the dedication of any street or other ground upon the plat.

(g) From and after the time Augusta-Richmond County have adopted subdivision regulations in accordance with this article:

1. Unless provided for by exemption within said regulations, an owner or agent of an owner of any land to be subdivided who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the Planning Commission and recorded in the office of the clerk of Superior Court in Richmond County shall be in violation of this division; and the Augusta-Richmond County Commission, through the Augusta-Richmond County attorney, may enjoin or set aside such transfer, sale or agreement by appropriate action.

2. The Augusta-Richmond County Commission or other public authority shall not accept, lay out, open, improve, grade, pave or light any street or lay or authorize the laying of any water mains, sewers, connections, or other facilities or utilities in any street within Augusta-Richmond County unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to the adoption of said subdivision regulations, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission or on a street plat prepared for and adopted by the Planning Commission.

3. No building permit shall be issued for and no building or other structure shall be erected on any lot within Augusta-Richmond County unless the street giving access to the lot shall be accepted or opened as, or shall otherwise have received the legal status of, a public street.
prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission or on a street plat prepared for and adopted by the Planning Commission or with a street located and accepted by the governing body of Augusta-Richmond County. Any building erected in violation of this division or the duly adopted subdivision regulations shall be deemed an unlawful structure; and the chief building inspection official, Augusta-Richmond County attorney, or other official designated by the governing body may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

Sec. 1-4-90. Cumulative powers.

All powers and authority granted by this division to the Augusta-Richmond County Planning Commission shall be cumulative and in addition to all other powers and authority said Planning Commission now has or may later have under other laws.

Sec. 1-4-91. Amendments to zoning ordinance, map and subdivision regulations.

Any amendments to the Augusta-Richmond County Comprehensive Zoning Ordinance, the zoning maps, and any amendments to the subdivision regulations of land shall only require the approval of the Augusta-Richmond County Commission when the property is located in Augusta-Richmond County and does not lie within the incorporated area of City of Hephzibah or the Town of Blythe. The Commission of Augusta-Richmond County may make amendments to the comprehensive zoning ordinance and subdivision regulations of land when the governing body of Augusta-Richmond County determines that such a change would be in the best interest of their respective political subdivision.

State law reference—Supplementary power of county regarding planning and zoning, Ga. Const., art. IX § IV, II.

Secs. 1-4-92—1-4-94. Reserved.

ARTICLE 7 AUGUSTA-RICHMOND COUNTY BEAUTIFICATION-CLEAN COMMUNITY COMMISSION

Secs. 1-4-95—1-4-102. Reserved.

ARTICLE 8 LIBRARY

Sec. 1-4-103. Name.

The name of the library shall be the Augusta-Richmond County Public Library.

State law reference—Library Const., Art. I.

Sec. 1-4-104. Quarters.

The headquarters of the library shall be in the Augusta-Richmond County Public Library in Augusta-Richmond County.

State law reference—Library Const., Art. II.

Sec. 1-4-105. Purpose.

The purpose of the Augusta-Richmond County Public Library shall be to offer a full program of library service to all citizens of Augusta-Richmond County to meet their informational, educational and recreational needs; to acquire and purchase library materials; to circulate materials to the public through existing service points; to develop existing libraries and to establish and develop branch libraries, and deposits, as appropriate to the needs; to build a reference collection adequate to provide current and reliable information of a reference nature as demanded by the community; and to promote the use of libraries by means of instruction, library centered programs, exhibits and other public relations media.

(Ord. No. 6939, § 7, 1-2-07)

State law reference—Library Const., Art. III.

Sec. 1-4-106. Governing body.

(a) The governing body of the Augusta-Richmond County Public Library shall be a board of trustees composed of ten (10) members, one (1) appointed by each Augusta Commissioner with
the possibility of two (2) additional members appointed by the Richmond County Legislative Delegation.

(1) Members shall be appointed for a four (4) year term beginning on April 1 of the year in which the appointing Commissioner assumes office and until their successors are appointed. If a member of the board resigned or is removed for cause, a new member will be appointed to fill the unexpired term.

(2) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years.

(b) The officers of the board of trustees shall be a president, a vice-president, a secretary, and a treasurer (except, at the discretion of the board, the library Director employed by the board may discharge any of the duties of the secretary and of the treasurer as directed by the board and shall be elected annually from board members. The officers shall be bonded for an amount commensurate with the amount of funds handled, and a copy of the bond filed with the Division of Public Library Services of the Georgia Department of Education. The term of office of the president shall be limited to two (2) successive terms of one (1) year each.

(c) Committees of the board of trustees may be appointed from time to time by the president as needed.

(d) An executive committee, composed of the officers of the board of trustees, shall be entrusted to govern in the name of the board of trustees between meetings of the board.

Sec. 1-4-107. Interlibrary cooperation.

The Augusta-Richmond County Public Library may enter into cooperative endeavors with other library systems, provided that the resulting cooperative endeavor is conducive to the mutual growth and development of the library system.

Sec. 1-4-108. Amendments to constitution.

This constitution may be amended at any regular meeting of the board of trustees by a two-thirds (2/3) vote of the members present, provided that a notice in writing is given at least two (2) weeks prior to the meeting, and provided that a quorum is present.

Sec. 1-4-109. Reserved.

ARTICLE 9 HUMAN RELATIONS COMMISSION

Sec. 1-4-110. Establishment.

The Human Relations Commission for Augusta-Richmond County, (hereinafter ("HRC"), previously established by the Board of Commissioners of Richmond County, Georgia, is hereby amended, revised, continued, and reconfirmed by the Augusta-Richmond County Commissioners, (hereinafter, ("the Commission").

(Ord. No. 6776, § 1, 3-15-05)

Sec. 1-4-111. Composition, appointments, and voting.

The HRC shall be composed of twelve (12) members with each Augusta-Richmond County Commissioner appointing one (1) member to the HRC to represent each Commission District, and the Augusta-Richmond County legislative delegation appointing two (2) members at large. Each member shall be of majority age and reside within Augusta-Richmond County. The Mayor of Augusta-Richmond County (hereinafter "Mayor") or his or her designee, shall be an ex-officio nonvoting member of the HRC. Appointment shall be made in accordance with § 1-4-1 of the Augusta-Richmond County Code (hereinafter "the Code").

*Editor's note—Ord. No. 6776, § 1, adopted 3-15-05, amended Art. 9 in its entirety to read as herein set out. Formerly, said Article pertained to similar subject matter.
The HRC Chairman shall not vote except in the event of a tie vote among the voting HRC Commissioners. 
(Ord. No. 6776, § 1, 3-15-05; Ord. No. 6805, § 1, 6-21-05)

Sec. 1-4-112. Terms of office.

Members of the HRC appointed by Commissioners shall serve terms beginning April 1st of the calendar year in which his or her appointing Commissioner began his or her term on January 1st. The term length of Commission appointed Members shall be the same term length as his or her appointing Commissioner's term length. Members appointed by the Augusta-Richmond County Legislative Delegation shall serve four-year terms beginning April 1st of the calendar year following even-numbered years that are not evenly divisible by four (4). In the event of a vacancy, a successor may be appointed to serve during the unexpired term. Except as provided in this paragraph, a member of the JRC may not be removed from office prior to the expiration of his or her term except for cause as set forth in section 1-4-4 of the Augusta, GA Code. The provisions of Code section 1-4-2(b) and section 1-4-3 shall govern removal actions. The unexcused absence of any member of the HRC from three (3) consecutive regular meetings, or absences from more than four (4) meetings during any twelve (12) month period, shall constitute cause for removal of a member of the HRC. In accordance with August, GA Code section 1-4-1.1, the members of HRC shall determine, by majority vote, whether an excuse for an absence is adequate. The HRC may recommend removal of any member failing to meet attendance requirements. 
(Ord. No. 6776, § 1, 3-15-05; Ord. No. 7105, § 1, 2-3-09)

Sec. 1-4-113. Officers; terms of office, limits thereon.

The HRC shall elect a Chairman, Vice-Chairman and such other officers as it deems necessary from its members. Such officers shall serve in their respective offices for an initial term of one year or until their successors shall be appointed. Officers shall serve for no more than two (2) consecutive one-year terms in the same office. 
(Ord. No. 6776, § 1, 3-15-05)

Sec. 1-4-114. Compensation.

Members of the HRC shall serve without compensation. Subject to budget conditions, and at the discretion of the Augusta-Richmond County Administrator, HRC members may be reimbursed for reasonable personal expenses incurred in the performance of their duties. Request for approval of reasonable personal expenses shall be submitted in writing to the Administrator. Approved requests for reimbursement shall be required before any reimbursement proceeds are paid. 
(Ord. No. 6776, § 1, 3-15-05; Ord. No. 7105, § 1, 2-3-09)

Sec. 1-4-115. Role and function.

The HRC shall serve as an advisory board and may, in an advisory capacity:

(a) Promote amicable relationships among diverse groups of individuals and organizations through non-discriminatory and equal treatment of others; assist in improving the equality of opportunity for employment and advancement in Augusta-Richmond County;

(b) Educate the community through conferences, forums and other methods with respect to human relations and unlawful practices;

(c) Invite and enlist the cooperation of ethnic, racial and religious groups and community organizations in carrying on its role and function in the establishment and maintenance of education programs consistent with this article.

(d) Recommend to the Administrator methods of eliminating unlawful employment practices; recommend to the Administrator such additional ordinances and/or changes to existing ordinances that will aid in the carrying out of the purposes of
this article; recommend to the Administrator such legislative action as HRC may deem appropriate.

(e) Cooperate with the Mayor, Commission, other Augusta-Richmond County agencies, state and federal agencies as appropriate in effectuating the purposes and the objectives of the HRC to promote better human relations.

(Ord. No. 6776, § 1, 3-15-05; Ord. No. 7105, § 1, 2-3-09)

Sec. 1-4-116. Unlawful employment practices.

(a) It shall be an unlawful employment practice for an employer of fifteen (15) or more employees:

(1) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual, with respect to his or her compensation, benefits, terms, conditions or privileges of employment because of such individual's race, color, religion, sex, national origin, age or disability;

(2) To limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities because of race, color, religion, sex, national origin, age or disability.

(b) It shall be an unlawful employment practice for an employment agency to discriminate against any individual because of his/her race, religion, color, national origin, age, sex or disability in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers covered by this article.

(c) It shall be an unlawful employment practice for a labor organization with fifteen (15) or more members to exclude or to expel from its membership any individual or to discriminate in any way against any of its members or against any employer or any individual employee of an employer because of the race, religion, color, national origin, sex, age or disability of any individual.

(d) Exemptions from the jurisdiction of this ordinance: This article shall not apply to religious corporations, religious associations, religious educational institutions or religious societies with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporations, associations, educational institutions or societies of its activities. This article shall not apply to those individuals and organizations otherwise exempted from the provisions of this Article by law.

(e) Age limitations: The prohibitions in this article in reference to age shall be limited to individuals who are at least forty (40) years of age.

(Ord. No. 6776, § 1, 3-15-05; Ord. No. 7105, § 1, 2-3-09)

Sec. 1-4-117. Meetings.

The Human Relations Commission shall regularly meet on the fourth Wednesday of each month at 3:30 p.m. in the Augusta-Richmond County Commission Chambers on the eighth floor of the Augusta-Richmond County Municipal Building, 530 Greene Street, Augusta, Georgia 30911 and may set the time, place and frequency of any special meetings to effectuate the purpose of this article. All such meetings, both regular and special, shall be open to the public and be conducted consistent with the Georgia Open Meetings and Open Records statutes.

(Ord. No. 6776, § 1, 3-15-05; Ord. No. 7105, § 1, 2-3-09)

Sec. 1-4-118. Quorum.

A quorum shall consist of a majority of the total members on the HRC. For purposes of calculating a quorum, vacant seats shall not be considered.

(Ord. No. 6776, § 1, 3-15-05; Ord. No. 7105, § 1, 2-3-09)

Secs. 1-4-119—1-4-139. Reserved.

Editor's note—Ord. No. 7105, § 1, adopted February 3, 2009, repealed §§ 1-4-119—1-4-130. For a more detailed analysis of the repeal see the Code Comparative Table.
Chapter 5

CEMETERIES AND PARKS

ARTICLE 1 GENERALLY

Sec. 1-5-1. Augusta-Richmond County cemeteries enumerated; promulgation of governing rules, etc.

The cemeteries of Augusta-Richmond County shall be the three now existing, namely, Magnolia Cemetery, West View Cemetery and Cedar Grove Cemetery.

It shall be the duty of the Commission, whenever it becomes necessary, to lay out or alter avenues and walks, and to make such rules and regulations as deemed requisite and proper for the management of such cemeteries and those employed therein.

Sec. 1-5-2. Superintendent of cemeteries—Generally; bonds.

The Director of the Trees and Landscape is hereby declared to be the general superintendent of Magnolia, Cedar Grove and West View Cemeteries.

Sec. 1-5-3. Superintendent—Duties—Generally.

The superintendent enumerated in the preceding section shall perform the following duties:

(a) He shall have charge of the cemeteries to which he is assigned and shall report to the Sheriff’s Department all violations of the provisions of this article or other ordinances relative thereto which may come to his knowledge;

(b) He shall superintend the digging of all graves and all interments therein. No grave shall be dug less than three and one-half feet deep; nor shall any grave be dug or corpse interred, except under the direction or superintendence of such superintendent;

(c) He shall keep a book of record of all burials in each cemetery, mentioning the names and ages, and the places where buried, and make a report, at least annually to the Augusta-Richmond County Commission of the same;

(d) He shall record, or cause to be recorded, all burial permits, subject to the inspection of all who may be concerned;

(e) He shall exact prompt payments for all lots, quarter sections, half sections or sections, in such cemeteries, at the time of the sale, and receipt therefor, and make a return monthly of such sums to the comptroller, specifying to whom sold, with a description of the ground sold;

(f) He shall have all sections in the cemeteries requiring it properly cleaned, and the trees and shrubbery therein trimmed, the same to be paid for by the owners of such sections.

Sec. 1-5-4. Authority of cemetery superintendents—Generally.

The superintendent of Augusta-Richmond County cemeteries shall have authority to:

(a) Clean up neglected sections and remove all objects that are obstructions to cemetery equipment;

(b) Remove flowers and stands from sections five (5) days after the undertaker’s canopy is removed;

(c) Fill sunken graves or sections where water stands;

(d) Approve or disapprove the setting of monuments and the bricking of sections, and the privileges granted under section 1-5-12 shall be subject hereto.

Sec. 1-5-5. Assistant superintendent of Cedar Grove Cemetery.

The Superintendent may appoint an employee to be known as the assistant to the superintendent of Cedar Grove Cemetery. Such person shall have charge of such cemetery and shall be subject to the same rules and regulations as the superintendent of Magnolia and Cedar Grove cemeteries, to whom he shall make all necessary reports.
§ 1-5-6. Assumption of care of Rollersville Cemetery; supervision; convict labor to be used.

The Augusta-Richmond County Commission assumes the care of Rollersville Cemetery, using therefor the services of convicts for the purpose of keeping such cemetery in a clean and sanitary condition.

(City of Augusta Code 1952, Ch. 12, § 14)

Sec. 1-5-7. Digging graves and building vaults—By whom performed; supervision.

The digging of graves and the building of vaults in the several cemeteries of Augusta-Richmond County shall be done by the employees of Augusta-Richmond County under the supervision of the superintendents of the several cemeteries, respectively. If this work cannot be performed practically or economically by Augusta-Richmond County employees, then the same may be done by other employees under the direction of the superintendents of the several cemeteries, respectively.

Sec. 1-5-8. Same—Schedule of fees.

The fees for all work described in the two (2) preceding sections shall be collected and paid over to the proper officer and shall be as follows:

(a) For opening and closing of single graves:
Two hundred dollars ($200.00) on weekdays before 4:00 p.m., two hundred fifty dollars ($250.00) on weekdays after 4:00 p.m. and two hundred fifty dollars ($250.00) on weekends and holidays. For opening and closing of double graves (two individuals to a single plot): Four hundred dollars ($400.00) on weekdays, and five hundred dollars ($500.00) on weekends and holidays. For purposes of this subsection, "weekends" includes up to 1:00 p.m. on the following Monday, and "holidays" includes up to 1:00 p.m. on the following business day and includes all national, state and local holidays. For burial of children under twelve (12) years of age, seventy-five dollars ($75.00). For cremations and burial of stillborn babies, fifty dollars ($50.00).

(b) In addition to the foregoing fees, fees for all other and miscellaneous work shall still be collected and paid over to Augusta-Richmond County. Exceptions to the fees shall be approved by the Administrator and Superintendent of Cemeteries.

Sec. 1-5-9. Same—No charge for indigent.

No charge shall be made for digging graves and attending funerals of the indigent.

Sec. 1-5-10. Cemetery employees to work exclusively in cemeteries, etc.

No Augusta-Richmond County cemetery employee shall be permitted to work within Augusta-Richmond County cemeteries during his regular work hours except for Augusta-Richmond County government.

Sec. 1-5-11. Purchase of cemetery materials.

All material used in Augusta-Richmond County cemeteries shall be purchased by Augusta-Richmond County on requisition, and monthly accounts of all transactions shall be kept by the superintendent and reported to the Administrator.

Sec. 1-5-12. Right of lot owners to cultivate trees, grass, etc.; removal when dangerous, etc.

(a) The proprietor of each cemetery lot shall have the right to enclose the same with a wall, fence or railing, except of wood, and to cultivate trees, shrubs and plants in the same, but no tree growing within the wall or lot, shall be cut down or destroyed without the consent of the Superintendent of Cemeteries. If any trees or shrubs situated in any cemetery lot shall, by means of their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to pedestrians, it shall be the duty of the Commission, and it shall have the
right, to enter the lot and have such trees or shrubs, or such parts thereof as are detrimental, dangerous or inconvenient, removed.

(b) The proprietor of each such cemetery lot shall also have the right to plant and cultivate grass thereon, but if any grass, whether planted by the proprietor or growing naturally upon the lot, is neglected by the proprietor and permitted to grow wild, and such grass, weeds or underbrush are allowed to grow unattended or such lot otherwise is not kept clean, the superintendent of the cemetery wherein the lot is located shall mail to the proprietor of the lot ten (10) days written notice at his last known address to remedy the condition, or if the proprietor or his address be unknown or if the proprietor is deceased, then written notice shall be posted upon the lot for ten (10) days requiring the condition to be remedied. If at the expiration of such ten-day period from the mailing or the posting of such written notice the condition has not been remedied, then Augusta-Richmond County shall be authorized to kill and destroy the grass, weeds and underbrush, thoroughly clean the lot and cover the same with sand, gravel, or any accepted chemical in general use which will thereafter prevent vegetation upon such lot.

Sec. 1-5-13. Destruction, etc., of tombs, monuments, trees, etc.; use of firearms, etc.

Any person who shall destroy, mutilate, deface or in anyway injure or remove any tomb, monument, gravestone or other structure or article for the protection or ornament of any Augusta-Richmond County cemetery, or of any lot within any Augusta-Richmond County cemetery or shall willfully destroy, cut, break, remove or injure any tree, shrub, plant, flower or ornament, or shall use firearms of any description, or commit any other trespass, within the limits of such cemeteries, shall be punished as provided in section 1-6-1 hereof. Any such fine, when recovered, may be applied by the Commission, in its discretion, to the reparation and restoration of the property destroyed or injured.

Sec. 1-5-14. Plucking, etc., flowers without permission.

It shall be unlawful for any person to cut, pluck or carry away any flower on or from any cemetery lot, other than his own, except by permission of the owner of such lot.

Sec. 1-5-15. Removal of improper, etc., monuments, etc., use of coping prohibited.

(a) If any monument, effigy or enclosure, or any structure or inscription placed in or upon any cemetery lot shall be determined by the Commission to be offensive, or improper or injurious to the surrounding lots or grounds, the Commission shall have the right to enter upon such lot and have the offensive or improper object removed.

(b) The use of coping in Augusta-Richmond County cemeteries is prohibited.

Sec. 1-5-16. Permission required for burial outside city cemetery.

It shall be unlawful for any person to bury, or cause to be buried, any dead person in any other place within Augusta-Richmond County than a public cemetery without the permission of the county board of health.

Sec. 1-5-17. Permits to bury or move dead bodies required.

No superintendent or other person in charge of any cemetery under the jurisdiction of Augusta-Richmond County shall bury or remove from Augusta-Richmond County the body of any deceased person without first obtaining from the board of health a proper burial permit. No undertaker, or agent of any railroad, or conductor of any railroad train, or agent or employee of any express company, or any other person, shall remove the body of a deceased person who died in Augusta-Richmond County, or may have been brought into Augusta-Richmond County for burial beyond the limits thereof, without such a permit from the board of health, or from a person designated by it.

Sec. 1-5-18. Burial of paupers in family plots.

Where a deceased person has been certified by the department of family and children's services to be a pauper at the time of death and the family owns a plot in one of Augusta-Richmond County cemeteries and agrees for the person to be buried there, such a burial shall be permitted.

Secs. 1-5-19—1-5-25. Reserved.
ARTICLE 2 SALE AND MAINTENANCE OF LOTS

Sec. 1-5-26. Prices.

The prices of single lots and single graves per grave site in the several cemeteries of Augusta-Richmond County shall be two hundred dollars ($200.00), which price includes perpetual care. The two hundred dollars ($200.00) collected, as provided for above, shall be distributed as follows: One hundred dollars ($100.00) to the general fund and one hundred dollars ($100.00) to perpetual care.

Sec. 1-5-27. Maintenance of lots or sections by Augusta-Richmond County; perpetual care agreement.

In consideration of the respective sums of monies stipulated in section 1-5-26 to be paid, Augusta-Richmond County will covenant and agree for the benefit of all persons living or dead, interested therein, to perpetually care for and maintain in neat, orderly and becoming condition such lots or sections.


Upon payment of the charge prescribed in section 1-5-26, the superintendent shall issue to the person paying such charge a contract in accordance with the provisions of this article in which the location of the lot described as section or part of section in accordance with the methods employed by the cemetery where the same is located, the amount paid for the lot or section, the number of graves, the cemetery where located and the name in which recorded shall be designated.

Sec. 1-5-29. Record books containing contracts, etc., required; index.

There shall be kept at the office of the cemetery where any lot referred to in the preceding section is located a substantially bound printed book, printed in the form of the contract issued under the provisions of the preceding section and the superintendent of the cemetery shall, contemporaneously with the execution and delivery of such contract, fill out in such book an exact copy of the contract so delivered, identifying it with his signature, and shall also contemporaneously send a copy of such contract, likewise identified, to the Clerk of Commission, by whom there shall be kept a loose-leaf book wherein he shall promptly and permanently fix such contract copy. There shall be kept by both such superintendent and such Clerk of Commission an accurate index to such books, under the name of the owner of the lot as it appears on the records of the cemetery under the lot number, also under the name of the person paying for such permanent upkeep and maintenance.

Sec. 1-5-30. Record required of condition of municipal-maintained lots; inspections; index.

(a) In addition to the books specified in the preceding section there shall also be kept in the office of the superintendent of the cemetery a book in which shall be provided appropriate spaces for the record of each lot which the Augusta-Richmond County Commission is obligated to keep up and maintain, and spaces opposite thereto for the record each three (3) months of the fact that all necessary work has been done on such lot and that it is in a neat, orderly and becoming condition.

(b) It shall be the duty of the superintendent to personally inspect all of such lots at frequent intervals, in no case longer than three months, and to see to it that the obligations of the Augusta-Richmond County Commission are fully complied with, and to make entries on such book in accordance with the facts revealed by such inspections. He shall promptly after making such entries transmit a certified copy thereof to the Clerk of the Commission who shall promptly and permanently fix such copy in a loose-leaf book provided for such purpose. Such books shall be indexed as provided in the preceding section.

Sec. 1-5-31. Erection of marker upon acceptance of contract.

(a) Upon the acceptance of a cemetery contract as provided in section 1-5-29, a stone marker or monument bearing the letters A.R.C. shall be fixed or erected on the lot designated in the contract.
(b) All monuments erected at the grave sites in the cemeteries owned and operated by Augusta-Richmond County shall be placed upon a concrete foundation as hereinafter set forth.

(c) In order to guarantee that said monuments will be placed on a solid foundation, no tombstone may be placed until Augusta-Richmond County has fixed a proper cement foundation for the support of said monument.

(d) The charges for the laying of said foundation shall be payable in advance and that the charges for laying said foundation shall be in accordance with the base size of the monument and the charges for each size shall be set from time to time by the Commission with a schedule of the charges maintained in the Clerk of the Commission’s office.

(e) The cemetery crews that are employed by Augusta-Richmond County shall see to it that a proper and solid foundation is laid immediately after the payment of the fees.

Sec. 1-5-32. Augusta-Richmond County not responsible for monuments, structures, etc.

Nothing contained in this article shall be construed as imposing any obligation on Augusta-Richmond County with respect to monuments, curbing, mausoleum, ornaments, memorial, structures, headstones or other improvements, whose sole obligation shall be to perpetually care for and maintain in a neat, orderly and becoming condition the lot or section described in the contract.

Secs. 1-5-33—1-5-39. Reserved.

ARTICLE 3 PARKS

Sec. 1-5-40. Commercial vehicles in parks.

The driveways of the parks of Augusta-Richmond County not being public thoroughfares, it shall be unlawful for vehicles engaged in the transportation of goods, etc., to use such driveways.

Sec. 1-5-41. Riding horses, motorcycles and motorbikes in parks, etc., when prohibited and posted.

It shall be unlawful for any person to ride horseback or to operate a motorcycle or motorbike, or to ride thereon, in any public park or playground within Augusta-Richmond County, if the Commission has proscribed such activity, and notice thereof has been posted in such park. Any person violating this section shall be punished as provided in section 1-6-1.

Sec. 1-5-42. Riding motorcycles, etc., on walkways.

It shall be unlawful to ride motorcycles or similar motorized vehicles along the walkways of Augusta-Richmond County parks or greens.

Sec. 1-5-43. Speed limit for vehicles, etc.

It shall be unlawful to drive or run vehicles, or to ride horses or bicycles, along the driveways of Augusta-Richmond County parks at a greater rate of speed than six (6) miles an hour.

Sec. 1-5-44. Defacing, etc., monuments, etc.

It shall be unlawful to deface or injure in any way any public structure or monument located in Augusta-Richmond County parks or greens or to break, cut, bend or injure in any way the trees, shrubs or plants in such parks or greens.

Sec. 1-5-45. Damaging, etc., park property—Generally.

Any person who shall climb upon or otherwise damage the fences around any of the public or private parks in Augusta-Richmond County, or who shall sit, stand or swing on the gates or turnstiles of any such park enclosures, or shall cut, break, deface or in any other way mutilate any of such enclosures, or any tree or shrub planted within any of such parks, or any seat, statue, fountain, work of art or object of adornment placed therein, shall be punished as provided in section 1-6-1.
Sec. 1-5-46. Removing articles from parks.

It shall be unlawful for any person to remove any article of whatever kind from any park of Augusta-Richmond County.

Sec. 1-5-47. Fishing or bathing in lakes, ponds or fountains—Generally.

Except as otherwise provided in this Code, it shall be unlawful for any person to fish, seine or bathe in the lakes, ponds or fountains located in the parks or greens of Augusta-Richmond County.

Sec. 1-5-48. Fishing prohibited in Lake Olmstead except with hook and line; west end of Lake Olmstead to be used for fishing only.

(a) It shall be unlawful for any person to take fish from or out of Lake Olmstead, by fishing or otherwise, in any other manner than by fishing with a hook and line held in the hand. All persons are expressly forbidden to fish in Lake Olmstead by set or trot lines, seining or netting, basketing or trapping, shooting fish with firearms of any description, dynamiting or killing with any explosive, gigging or spearing, liming the water or using any poisonous substance whatever.

(b) The entire west end of Lake Olmstead, that is, the area west of the Lake Olmstead bridge, shall be used for fishing only; except, that boats may use such area for the purpose of permitting the owners thereof to propel the same between docks and boat houses located within such area and the remaining portion of Lake Olmstead east of the Lake Olmstead bridge.

(c) Any person violating the terms of this section shall be punished as provided in section 1-6-1.

Sec. 1-5-49. Parks to be cleared by 11:00 p.m.

It shall be unlawful for any person to remain in any park after 11:00 p.m. It shall be the duty of the Sheriff's Department to clear all parks by 11:00 p.m.

Sec. 1-5-50. Lake Olmstead—Operation of boats.

Boats over ten (10) horsepower shall be permitted to operate on Lake Olmstead on Tuesday, Thursday and Saturday from 3:00 p.m. until dark and at such times on weekends when there exists a bona fide ski tournament being held on said lake. All other times motorboats shall be limited to those with ten (10) horsepower or less. All boats operated on said lake must have underwater exhaust systems or mufflers. Violations of this section shall be subject to penalties as provided in section 1-6-1 of this Code. The Sheriff's Department shall be authorized to issue permits for bona fide water sport functions at times in conflict with this section.

Sec. 1-5-51. Lake Olmstead—Speed—Generally.

It shall be unlawful for any person to operate a boat of any kind on Lake Olmstead at Julian Smith Park at a speed greater than is reasonable and prudent under the conditions then existing, and in no event in excess of twenty-five (25) miles per hour, except as provided in section 1-5-50.

Sec. 1-5-52. Lake Olmstead—Persons under the influence of liquor or drugs.

It shall be unlawful for any person to ride in or operate a boat on Lake Olmstead who is under the influence of intoxicating liquor or narcotic drugs.

Sec. 1-5-53. Police powers of supervisors.

The supervisors of the parks of Augusta-Richmond County are hereby clothed with police powers to enforce the provisions of this article.

Sec. 1-5-54. Riverwalk.

(a) The use of skateboards, roller skates, unicycles, bicycles, tricycles, mopeds, motorcycles, trail bikes, go-carts, and other motor vehicles is prohibited on the Riverwalk; provided, however, that bicycle riding shall be permitted along the brick walkway constructed along the top of the levee.

(b) No person shall play a radio or any sound recording device on the Riverwalk.
(c) No person shall be permitted to bring a dog on the Riverwalk; provided, however, that persons shall be permitted to walk dogs on a leash along the brick walkway constructed along the top of the levee.

(d) No person shall be allowed to fish off the Riverwalk.

(e) The term Riverwalk as used herein is defined as that portion of the Augusta Levee located between 6th Street and 10th Street, including any property between said portion of said Levee and the Savannah River, together with that portion of 8th Street between Reynolds Street and said Levee.

(f) Any person found in violation of any provision of subsections (a) through (d) above shall be punished as provided in section 1-6-1 of this Code.
Chapter 6
COURTS, FINES AND IMPRISONMENT

ARTICLE 1 IN GENERAL

Sec. 1-6-1. General penalty for violation of Code, etc.; continuing violations.

Whenever in this Code or in any ordinance of Augusta-Richmond County or any rule or regulation or order promulgated by any officer or agency of Augusta-Richmond County under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance or rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, rule, regulation or order shall constitute a separate offense.

Sec. 1-6-2. Confinement of drunk and disorderly persons in law enforcement center or stockade.

Any person found drunk or acting in a disorderly manner in any place in Augusta-Richmond County may be committed to the Law Enforcement Center or the Augusta-Richmond County stockade by the Sheriff's Department, until brought before the Municipal Court, and discharged by due course of law.

Sec. 1-6-3. Paroles by judge.

The judge of any court having jurisdiction may parole any person sentenced by such judge to serve part or all of such sentence outside of the Law Enforcement Center of the Augusta-Richmond County Stockade.

Sec. 1-6-4. Judge may require parolees to report, etc.

The judge of any Court having jurisdiction may require any person paroled by them to report to any person designated by them at any time and place and as often as they may require.

Sec. 1-6-5. Paroled person's failure to abide by terms; effect of revocation.

If any paroled person fails to abide by the terms of his parole, such person shall be subject to arrest and without further trial required to serve the remaining part of his sentence in confinement at the place provided for prisoners by the Sheriff's Department. Any person whose parole shall have been revoked shall not have the right to be paroled the second time for and while serving the remainder of the original sentence.

Sec. 1-6-6. Paroled person's ineligibility when convicted again for some offense within six months.

Any person who has been paroled in accordance with this chapter shall not be eligible for parole if convicted again for the same offense within a period of six months from the date of expiration of the last previous sentence or parole.

Sec. 1-6-7. Reserved.

ARTICLE 2 MUNICIPAL COURT

Sec. 1-6-8. Jurisdiction.

The Municipal Court of Augusta-Richmond County shall have concurrent jurisdiction with the State Court of Richmond County to try misdemeanor offenses under the laws of Georgia punishable as set forth in O.C.G.A. §§ 17-10-3 and 17-10-4. The Municipal Court shall have jurisdiction of all violations of the ordinances of the Augusta-Richmond County Commission.

State law references—O.C.G.A. § 36-32-10.2; Act #381, effective 4/21/97; H.B. 1020, effective 6/1/97.
Sec. 1-6-9. General provisions.

(a) Except as otherwise provided herein or by local act, the Municipal Court of Richmond County, and the judges of said Court, shall have the power and authority set forth in Chapter 32 of Title 36 of the Official Code of Georgia Annotated.

(b) The Chief Judge of the Municipal Court shall be responsible for the overseeing and directing of the operation of Municipal Court and for allocating and scheduling cases and other judicial duties so as to distribute the workload equitably among the Judges having misdemeanor jurisdiction in Richmond County.

(c) No Judge of Municipal Court shall be a member of the Augusta-Richmond County Commission during the term of the Commission in effect at the time of appointment, nor be eligible for election to the Commission during such service as Judge of Municipal Court.

Sec. 1-6-10. Sessions of court; judges' failure to attend sessions.

The sessions of the Municipal Court shall be held at such times and hours as the Chief Judge of Municipal Court may from time to time determine. For all failure on the part of any judge in attending said daily sessions over which he is scheduled to preside, a corresponding deduction shall be made from his salary.

Sec. 1-6-11. Removal of judges from office.

Any Judge of Municipal Court, other than the State Court Judge who shall serve as the Chief Judge of Municipal Court, may be removed by the Commission from office for cause by a majority vote of all the members of Commission upon written charges, in accord with the procedures set forth in section 1-4-2(b) and 1-4-3.

ARTICLE 3 SOLICITOR

Sec. 1-6-12. General provisions.

The Solicitor of the State Court of Richmond County shall serve as the prosecuting attorney in the Municipal Court. The Solicitor shall have the power and authority set forth in Chapter 32 of Title 36 of the Official Code of Georgia Annotated.

ARTICLE 4 STOCKADE

Sec. 1-6-13. Operations.

The stockade shall be under the direction and supervision of the Sheriff of Richmond County.
Chapter 7

PERSONNEL

ARTICLE 1 IN GENERAL

Sec. 1-7-1. Payment of claims or judgments against county employees.

The Augusta-Richmond County Commission hereby adopts the following policy establishing the terms and conditions under which it may pay part or all of any claim or civil judgment against any person whose defense the Augusta-Richmond County Commission is authorized to undertake under section 45-9-21 of the Georgia Code Annotated (Georgia Laws 1974, page 702): The Augusta-Richmond County Commission will pay any judgment rendered against a county employee when the Commission feels that the employee was performing his duty as an Augusta-Richmond County employee.

State law reference—Payments of claims or judgments for members of governing bodies of municipalities, counties, etc., O.C.G.A. § 45-9-22.

Sec. 1-7-2. County attorney to defend county employees.

(a) As a part of the compensation and terms of employment of members of the Commission, department heads, other elected and appointed officials, and employees of the Augusta-Richmond County Commission, the county attorney is hereby directed to defend all civil, criminal or quasi-criminal actions brought against such persons described above arising out of the performance of their duties or in any way connected therewith, whether based upon negligence, violation of contract rights, or violation of civil, constitutional, common law or statutory rights; provided, however, the county attorney shall not be authorized to furnish a defense to any person charged with a criminal offense involving theft, embezzlement or other like crime with respect to the property or money of Augusta-Richmond County or any other governmental entity; and provided further, the county attorney shall not be required to furnish a defense where liability insurance has been provided by Augusta-Richmond County to protect outside parties and pay damages by reason of the occurrence or action complained of. It is hereby resolved that Augusta-Richmond County may expend public funds to furnish all costs in connection with the defense of such action, including but not limited to attorney’s fees, court costs, deposition costs, witness fees and compensation.

(b) In addition to the above and apart from the provisions of the above statute of Georgia, the Commission may authorize the payment of any judgment against Augusta-Richmond County and/or its elected officials, department heads or employees where it is determined by the Commission that the occurrence of action complained of resulted from good-faith conduct on the part of Augusta-Richmond County official or employee in carrying out the duties of his or her office and such conduct was not in violation of any rules, regulations or ordinance of Augusta-Richmond County or of state or federal law.

Secs. 1-7-3—1-7-10. Reserved.

ARTICLE 2 PERSONNEL SYSTEM

Sec. 1-7-11. Persons included and excluded—Generally.

All employees of the governing authority of Augusta-Richmond County are hereby placed under the personnel system except the following: director of recreation; director of Daniel Field; director of Human Resources; director of the fire department; director of indigent defense; director of public works; director of utilities (water); director of public transit; director of animal control; director of the Richmond County Correctional Institute; director of Augusta Regional Airport at Bush Field; director of finance; director of housing & neighborhood development; director of Main Street Augusta; Administrator; director of information technology; director of purchasing; tax assessor; director of license and inspections; director of trees and landscape; director of human relations; county attorney; director of emergency management; clerk of commission; and internal auditor. Other department heads and professional positions in county government under the
jurisdiction of the Augusta-Richmond County Commission may also be excluded by said Commission by appropriate resolution.
(Ord. No. 6939, § 2, 1-2-07)

Sec. 1-7-12. Inclusion of present employees.

All those individuals already employed by Augusta-Richmond County and not excluded herein under the provisions of section 1-7-11 and not excluded in the future under the provisions of section 1-7-11 shall be covered under the personnel system without further examination.

Sec. 1-7-13. Personnel board—Established, composition; appointment, terms of office, selection of mayor, filling of vacancies; removal from office; compensation.

(a) There is hereby established by the governing authority of Richmond County a personnel board composed of ten (10) citizens of Augusta-Richmond County of known interest in the improvement of public administration by impartial selection of qualified and efficient personnel (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be appointed for terms of four (4) years; provided, however, the initial appointments shall be made as follows:

(1) Except as provided herein, members of the personnel board of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.

(2) Members of the personnel board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:

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(3) The successor to the member representing District 7 shall serve until March 31, 1998, or until his successor is appointed and qualified.

(4) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 2 and 3 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(5) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(6) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(b) No member of the personnel board may be removed from office prior to the expiration of his term except for cause, as provided in section 1-4-4

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herein, after having been given notice and afforded a hearing before the Augusta-Richmond County Commission pursuant to section 1-4-2(b) and section 1-4-3.

(c) Members of the personnel board shall be paid the sum of twenty dollars ($20.00) per diem for time actually devoted to the business of the board, not exceeding thirty (30) days in any calendar year, and shall be reimbursed for actual and necessary travel expenses.

Sec. 1-7-14. Same—Meetings.

All meetings of the personnel board shall be held in the chambers of the Commission in the Municipal building of Richmond County. Said board shall hold regular meetings at least once each month, and may hold such additional meetings as may be required for the proper discharge of its duties.

Sec. 1-7-15. Same—Purpose; duties and powers.

(a) Purpose. It shall be the duty, function and responsibility of the personnel board to represent the interests of the public in the improvement of personnel administration and the selection of qualified personnel.

(b) Duties and Powers. The duties and functions of the personnel board shall be as follows:

(1) [The personnel board shall have the responsibility to propose rules and regulations and standards of the personnel system, and thereafter recommend to the board of commissioners the adoption of rules and regulations and standards effectuating the personnel system established under this article. Such rules and regulations shall include provisions for the establishment and maintenance of job classification and compensation plans, the conduct of examinations for appointment under the personnel system; the certification of eligible persons, appointments, promotions, transfers, demotions, separations, tenure, service ratings, reinstatements, appeals and such additional regulations as may be deemed to be in the best interest of impartial selection of efficient personnel and improvement of public administration. Such rules and regulations shall prohibit political activity by any employee covered by the personnel system or the personnel board. The rules and regulations may provide for establishment of a register of persons eligible for appointment under the personnel system. Said rules and regulations when proposed by the personnel board as aforesaid and approved and adopted by the board of commissioners shall have the force of law and be binding upon all employees, departments and offices of the county governing authority that are not excluded herein [, provided, however, that] the board of commissioners shall have authority to amend, change or make additions to any rules and regulations adopted hereunder.

(2) [The personnel board shall have responsibility to conduct hearings and render decisions on dismissals and to hear appeals from any employee who claims to have been improperly dismissed. The personnel board shall consider only complaints or grievances of employees as to dismissals. All complaints or grievances of any employees as to transfers or suspensions shall be considered by the county administrator, whose decision shall be final.

(3) The personnel board shall keep and maintain an accurate record of minutes and shall be authorized to hire a clerk to keep and maintain its minutes; the compensation of such clerk is to be in accordance with the pay plan adopted for other employees under the personnel system.

(4) Said personnel board shall be authorized to make recommendations as to amendments, additions to, and changes in said rules and regulations from time to time; and, when said amendments, changes or additions are adopted by the board of commissioners, said amendments shall have the force of law and be binding on all parties affected by said personnel system.
Sec. 1-7-16. Same—Payment of costs from county funds.

All costs for salaries, fees, expenses, personnel and supplies for the operation of the personnel board and its office shall be paid out of county funds with prior approval of the Commission.

Sec. 1-7-17. Director of human resources.

The Augusta-Richmond County Commission shall select and appoint a qualified person as director of human resources and shall fix his compensation.

Sec. 1-7-18. Limitation on employee's right of action.

No employee shall be entitled to any type of action, complaint or grievance procedure as to dismissal until such employee has been in continuous employment for twelve (12) consecutive months. Continuous employment shall mean employment unbroken by discharge or resignation. Reelection or reappointment at the end of the term shall be regarded as continuous employment.

Sec. 1-7-19. Employee dismissal, right to appeal.

No employee of any department or office of Augusta-Richmond County which has been brought under the personnel system pursuant to this article may be dismissed from employment in said department or office except for good cause and in accordance with the rules and regulations adopted by the Commission. Any employee who is dismissed shall have the right of appeal pursuant to the terms of the rules and regulations prescribed for appeal by the personnel board.

Secs. 1-7-20—1-7-30. Reserved.

ARTICLE 3 CLASSIFICATION PLAN

Sec. 1-7-31. Adoption; salary grade allocation incorporated as part by reference.

The position classification as adopted and amended from time to time is hereby adopted as the classification plan for Augusta-Richmond County and its employees under the jurisdiction of the Commission.

Editor's note—Copies of the position classification plan and the salary grade allocation made by reference a part thereof may be found on file in the office of the director of human resources.

Sec. 1-7-32. Coverage.

This classification plan shall include all full-time permanent classes of classified positions in Augusta-Richmond County government under the jurisdiction of the Commission, with the exception of the following: director of recreation; director of Daniel Field; director of Human Resources; director of the fire department; director of indigent defense; director of public works; director of utilities (water); director of public transit; director of animal control; director of the Richmond County Correctional Institute; director of finance; director of housing & neighborhood development; director of Main Street Augusta; Administrator; director of information technology; director of purchasing; director of license and inspections; director of trees and landscape; director of human relations; county attorney; director of emergency management; Equal Opportunity Officer; clerk of commission; and internal auditor. Other department heads and professional positions in county government under the jurisdiction of the Augusta-Richmond County Commission may also be excluded by said Commission by appropriate resolution.

Sec. 1-7-33. Reserved.

Sec. 1-7-34. Administration and maintenance; reallocation, reclassification of positions.

(a) The director of human resources shall be responsible for the administration and maintenance of the position classification plan.

(b) Department heads shall be responsible for bringing to the attention of the director of human resources any material change in the nature of the duties, responsibilities, working conditions and other factors affecting the classification of any position. Following the receipt of such information concerning any position, the director of
human resources shall then restudy the position and determine if the classification of the position should be changed. Authority to reallocate positions to classes on the basis of kind and level of duties and responsibilities is vested in the personnel board subject to the approval of the Augusta-Richmond County Commission. The Director of human resources shall report any recommended reclassifications from the personnel board to the Augusta-Richmond County Commission for their approval. Copies of the reclassification plan, as amended, will be furnished to members of the Augusta-Richmond County Commission, to the personnel board, to the department heads, and shall be on file in the office of the Director of human resources.

Sec. 1-7-35. Establishment, classification of new positions.

The Commission has the authority to determine the need for new positions, and to create and establish any needed position. The Commission has the responsibility to review budget requirements based on their initiative or that of department heads. The Director of human resources shall, before filling any new position not excluded by the Commission under the coverage of this plan, prepare a job description, determine the recommended salary grade thereof, and report same to the personnel board, which shall allocate new positions to the existing classes or to new classes or positions in Augusta-Richmond County's service, subject to the approval of the Commission. The Director of human resources shall report the recommended allocation of the new positions, recommended by the personnel board to the Commission for their approval.

Secs. 1-7-36—1-7-50. Reserved.

ARTICLE 4 PERSONNEL POLICIES AND PROCEDURES

Sec. 1-7-51. Adopted personnel policies and procedures.*

(a) There is hereby adopted the Augusta-Richmond County Personnel Policies and Procedures Manual, also known as the Augusta, Georgia Employee Handbook, designated as Appendix B to the Augusta-Richmond County Code and incorporated herein by reference and which includes all amendments through the date of the recodification of this Code and all amendments thereafter.

(b) The Richmond County Personnel Policies and Procedures heretofore adopted and designated as an appendix to the Augusta-Richmond County Code, and incorporated by reference, are amended by amending Section 11B.8. such that it shall read as follows:

8. Abuse or theft of Augusta-Richmond County property; provided, however, theft of property, constituting an offense under O.C.G.A. Title 16, Chapter 8, Article 1, shall require mandatory dismissal from employment by Augusta-Richmond County. For purposes of this paragraph, an admission of guilt, a plea of nolo contendere, or a plea under the first offender probation statute, O.C.G.A. § 42-8-60, et seq. shall be deemed an admission of the offense.

Further Section 11.C.3.e. is hereby amended such that it shall read as follows:

e. The Administrator shall render a decision on the proposal for dismissal based on all the relevant information; provided, however, any employee who commits a theft of Augusta-Richmond County property shall be dismissed.

(Ord. No. 6199, § 1, 10-5-99)

Editor's note—See Ordinance No. 7152, which amends the nepotism provisions of the Augusta-Richmond County Handbook.

Sec. 1-7-52. Department to certify payroll.

The department head shall certify by signature on each payroll that each person whose name appears on the payroll has been lawfully appointed and that they have actually worked the time for which they are being paid or were authorized leave with pay. Department heads shall
further certify that such leave, if any, has been approved and that it has been reported to the human resources department.

Sects. 1-7-53—1-7-59. Reserved.

ARTICLE 5 AFFIRMATIVE ACTION

Sec. 1-7-60. Policy.

Augusta-Richmond County does hereby reaffirm its policy to insure equal opportunity in employment for all persons and to provide, to the maximum extent possible, the same employment, placement, training, promotion and salary opportunities without regard to race, sex, color, national origin, religion, political affiliation, age, physical handicaps (except where age, sex or physical handicap constitute a bona fide occupational qualification), or any other nonmerit factor, and to promote the full realization of equal employment opportunity through a continuing affirmative action plan applicable to each department of Augusta-Richmond County and to be an integral part of the total personnel management program.

Sects. 1-7-61—1-7-65. Reserved.

ARTICLE 6 RETIREMENT PLAN

Sec. 1-7-66. Adopted by reference.

The retirement plans for the employees of Augusta-Richmond County shall be on file in the office of the Clerk of Commission and are incorporated herein by reference.

Editor's note—The following Ordinances on the retirement plans were amended and restated: Ordinance No. 6983, adopted on June 19, 2007 amends and restates Ordinance Number 6655, the City of Augusta 1977 Retirement Plan for Richmond County employees; Ordinance No. 6989 adopted July 10, 2007, amends and restates Ordinance Number 6656, the City of Augusta 1949 General Retirement Fund; Ordinance No. 6990, adopted on July 10, 2007, amends and restates Ordinance Number 6657, the Richmond Employees 1945 Pension Fund.

Editor's note—A temporary addendum to the Georgia Municipal Employees Benefit System Defined Benefit Plan Adoption Agreement was enacted by the Commission in Ordinance No. 7155 on December 1, 2009.
Chapter 8

RAILROADS

ARTICLE 1 IN GENERAL

Sec. 1-8-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **Locomotive engine.** Any self-propelled steam, electric, Diesel or other railroad engine or car used for moving or hauling railroad cars upon railroad tracks whether such be used to move or haul freight or passengers, and such definition shall extend to and include hand cars whether such be propelled by human or other power.

(b) **Railroad cars.** Any railroad freight or passenger cars or other rolling stock other than a locomotive.

(c) **Train.** Any locomotive engine with one or more railroad cars attached thereto or being propelled thereby.

Sec. 1-8-2. Reserved.

Sec. 1-8-3. Getting on or off moving engines or cars.

It shall be unlawful for any person to get on or off any locomotive engine or railroad car while such is in motion; provided, that this section shall not apply to the officers, agents or employees of any railroad company, nor to passengers getting on or off such cars at the proper street crossings when such is done by permission of the railroad company.

Sec. 1-8-4. Discharging water, etc., From trains; construction of drains.

Any person who shall throw or discharge, or permit to be thrown or discharged, from any locomotive engine or train any water or wet substance of any kind upon any street or crosswalk shall be punished as provided in section 1-6-1. Any railroad corporation that shall fail to construct a proper drain to carry off such water or wet substance when so required by the board of health shall be subject to a similar punishment.

Sec. 1-8-5. Trespassing upon railroad property—Generally.

(a) It shall be unlawful for any person to enter upon the tracks, rights of way, yards, piggyback facilities, agencies, buildings or other properties of any railroad company operating in Augusta-Richmond County.

(b) It shall be unlawful for any person to tamper with any railroad switch, wire line or signal or to place any object on the track that would otherwise obstruct the movement or operation of a train.

(c) It shall be unlawful for any person to get on or off any locomotive engine, railroad car, trailer or container; provided that this section shall not apply to on-duty officers, agents or employees of any railroad company operating in Augusta-Richmond County or those persons conducting bona fide business with the railroad company.

Secs. 1-8-6—1-8-15. Reserved.

ARTICLE 2 CROSSINGS

Sec. 1-8-16. Use prohibited when automatic signal indicates approach of locomotive.

It shall be unlawful for any person to proceed over any railroad crossing when an automatic gong and flashing light signal at such crossing indicates the approach of a locomotive engine or railroad car.

Sec. 1-8-17. Kicking or bumping railroad cars across.

It shall be unlawful for any railroad company to move or attempt to move any railroad cars across any street crossing in Augusta-Richmond County by kicking or bumping such cars.

Secs. 1-8-18—1-8-19. Reserved.
Chapter 9
WATERWAYS AND RELATED STRUCTURES

ARTICLE 1 IN GENERAL

Sec. 1-9-1. Fishing near of canal.

It shall be unlawful for any person to fish with a net, or any other instrument or contrivance, except a hook and line, in the Savannah River opposite Augusta-Richmond County, within one hundred yards of the eastern shore of the canal dam at the head of the canal.

Sec. 1-9-2. Cutting away earth from levee or bank.

It shall be unlawful for any person, upon any pretense, to cut away or carry off any earth from the levee or the bank of the Savannah River or the banks of the canal, without the express approval of the Augusta-Richmond County Commission.

Sec. 1-9-3. Throwing trash, etc., in river.

It shall be unlawful for any person to throw into the Savannah River any slabs, or any vegetable or animal matter, or any oils or lubricants, or any offensive substance, or any trash or other material calculated to obstruct or fill up the channel in any way.

Sec. 1-9-4. Bathing or swimming in the river or canal.

It shall be unlawful for any person to swim or bathe in the canal. Further, it shall be unlawful for any person to swim or bathe in the Savannah River

a. within 100 feet of either side of the city's raw water intake site;

b. within 100 yards of the city's diversion dam; or

c. along Georgia's shoreline between 5th Street and 13th Street.

(Ord. No. 6517, § 1, 6-18-02)

Sec. 1-9-5. Extent of police power on certain bridges.

The police power of Augusta-Richmond County extends over the bridge across the Savannah River at the foot of McKinne Street, known as the North Augusta or Thirteenth Street Bridge, over the Fifth Street Bridge and over the Gordon Highway Bridge, to the South Carolina side of the river.

Sec. 1-9-6. Limited motorized cart access to the Savannah River Esplanade (River Walk).

This section establishes a special use permit which authorizes local businesses limited motorized cart access along the Savannah River Esplanade (River Walk) as part of business operations, for delivery and retrieval of materials relating to that business. Such use is subject to the following guidelines:

(a) It shall be unlawful for any person to operate a motorized cart upon the Savannah River Esplanade (River Walk) or to knowingly participate in any such activity unless and until a permit to access such area has been obtained from the License and Inspection Department of Augusta-Richmond County.

(b) This use permit allows businesses adjacent to the Savannah River Esplanade to use motorized carts to accept, deliver or retrieve displays, exhibits, supplies and/or merchandise relating to that business. Permit holders may load or unload materials as needed, however, all motorized carts must be removed from the Esplanade immediately after they have finished loading or unloading materials.

(c) "Motorized cart" means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less.

(d) Permit holder shall be responsible for ensuring that the bollards i.e. metal posts at all access points, removed to gain ingress and egress to the Esplanade, are properly re-seated to their original pos-

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tion and secured in place when loading or unloading materials is complete. Permit holders shall ensure that bollard post holes are covered at all times when accessing the Esplanade to deliver or retrieve materials.

(e) No motorized carts shall operate on the Savannah River Esplanade except between the hours of thirty (30) minutes following sunrise and thirty (30) minutes prior to sunset, except as otherwise provided in Augusta, Ga. Code Section 3-5-86.

(f) All motorized carts shall be equipped with headlights, brake lights, a yellow caution light mounted on top of such motorized cart, and a caution sign.

(g) No motorized cart shall be operated at a speed greater than 5 miles per hour while on the Savannah River Esplanade (River Walk).

(h) All businesses adjacent to the Savannah River Esplanade seeking to access the area using motorized carts shall be registered with the License & Inspection Department of Augusta-Richmond County for an annual fee of One Hundred Dollars ($100.00).

(i) All permits granted hereunder are privilege licenses and shall expire on December 31st of each year. Permit holders who desire to renew their permits shall file an application therefore, together with the requisite fee with the License and Inspection Department for such renewal upon forms approved by the Director of License and Inspection, on or before December 1st of each year.

(j) All permits to be renewed for the subsequent calendar year shall be submitted by the License and Inspection Director to Commission for approval no later than December 15 of each year. Any permit that has been placed on probation, suspension or have been revoked by the Commission during the year shall be submitted on a separate list by the License and Inspection Department for review and consideration for approval.

(k) No permit shall be grandfathered as to any provision of this section.

(Ord. No. 7151, § 1(exh. A), 10-20-09)


ARTICLE 2 CANAL—GENERALLY

Sec. 1-9-16. Stone, concrete or brick culverts for flumes, etc., in streets.

All flumes, races or other waterways, for the passage of water between the canal and any mill, factory or other works driven by water power, or across or through any of the public streets, shall be covered over and protected in the streets by substantial stone, concrete or brick culverts by the proprietors of such mill, factory or other works, within such time as may be specified by the Commissioner of public works. On failure of such proprietors to construct the required culverts within the time prescribed, the same shall be constructed under the direction of the Commissioner at the expense of the proprietors.

Sec. 1-9-17. Permit for operation of engine-driven boat required.

(a) It shall be unlawful for any person to operate any gasoline or diesel powered boat on the Augusta Canal without first obtaining a written permit from the Executive Director of the Augusta Canal Authority.

(b) It shall be unlawful for any person to operate any motorized vehicle on any public property within the boundaries of the Augusta Canal National Heritage Area, unless such area is designated as a public street or public parking area, without first obtaining a written permit from the Executive Director of the Augusta Canal Authority.

(Ord. no. 6252, § 1, 3-21-00)
Sec. 1-9-18. Washing clothes, animals, etc.; depositing offensive matter; polluting.

It shall be unlawful for any person in any part of any of the levels, flumes or waterworks of the canal to wash any clothes, horse, dog or any other thing therein, or to deposit any offensive matter therein or to do anything by which the water thereof shall be rendered offensive or impure.

Sec. 1-9-19. Depositing sticks, tree trimmings, etc.

It shall be unlawful for any person in any part of the levels, flumes or waterways of the canal to deposit any sticks, trimmings of trees or refuse of gardens therein.

Sec. 1-9-20. Occupation of bank or right of way—Generally.

It shall be unlawful for any person to occupy any unused part of the canal bank or right of way for any purpose, except upon the written consent of the Mayor and upon the payment of such rent as the Commission may require.

Sec. 1-9-21. Same—Camping, etc., on banks.

It shall be unlawful for any person to camp and make a fire on or near the banks of the canal within one hundred yards of any dwelling or other building.

ARTICLE 3 USE FOR WATER POWER—GENERALLY


No person shall be entitled to use the waterpower of the canal except with the consent in writing of the Commission.

Sec. 1-9-23. Terms, conditions, restrictions and limitations—Generally.

(a) The term grantor as used in this section shall mean the Commission, and the term grantees, as used in this section, shall mean the persons using or desiring to use the waterpower of the canal.

(b) In addition to the provisions of sections 1-9-23 to 1-9-32, the waterpower of the canal shall be let and rented only on the following terms, conditions, restrictions and limitations:

(1) Bulkheads. The water shall be drawn through a bulkhead. All bulkheads hereafter constructed or repaired shall be constructed or repaired by the grantees under the direction and control of the Director of Utilities. Such Director shall have the right to appoint inspectors to be present at all times during the progress of such work, which inspectors shall be under his control. The compensation of such inspectors and such other expenses that the Augusta-Richmond County Commission may incur by reason of such work shall be borne by such grantees. Before commencing such work the grantees shall execute to the Augusta-Richmond County Commission a bond with Security acceptable to the Commission in the sum of ten thousand dollars conditioned to perform the work in a substantial and workmanlike manner and to hold the Augusta-Richmond County Commission safe and harmless against any loss or damage occasioned by such work. The Augusta-Richmond County Commission may, in its discretion, at any time, fix such bond at any amount not exceeding fifty thousand dollars.

(2) Ninety-foot strip for towing path. No building of any description shall be erected on the land adjacent to the towing path side of the canal, from the Harrisburg Bridge to Coleman's Branch, within ninety feet of the canal water of the first level. This ninety-foot strip shall be reserved for a highway and towing path. The water granted to the grantees shall be conveyed from the bulkhead aforesaid through a culvert, or as the grantor shall direct, under such ninety-foot strip of land, and the culvert shall be substantially constructed, free from leaks and kept in good repair by the grantees.

(3) Bulkhead gates; leaks. The bulkhead gates aforesaid shall be at all times under the
control of the grantor. There shall be no leaks through any portion of the channel through which the water is conveyed to the water wheels of the grantees. Should any leaks occur in any of the structures through which the water is conveyed, the same shall be stopped by the grantees immediately upon being notified thereof. If the grantees do not proceed immediately, on such notice being given, to stop such leaks, the grantor may close the bulkhead gates and shut off the water from the premises of the grantees.

4) Tail races. The tail races shall be so constructed as to be accessible at all times, in such form and size as will convey the water from the wheels without piling or backing up above the outlet, and shall have at least five one-hundredths of a foot fall in one hundred feet. The bottom and sides of tail races shall be smooth and even, so that the channel will be of uniform width.

5) Right to enter for inspection. The grantor reserves the right to enter at all times upon premises for the purpose of inspecting the bulkhead, cylinders, forbay, flumes, water wheels, water gates, tail race, and every other structure connected with the hydraulic power.

6) Horsepower standard. The power of the water shall be reduced to horsepower. The theoretical power of the water is the standard by which the value of the water used is to be ascertained and paid for. A horsepower is the unit of measure, and is hereby defined to be five hundred and twenty-eight (528) cubic feet of water falling one (1) foot per minute.

7) Measurement of water. The grantor reserves the right to measure at any time the quantity of water used by the grantees in the head races and tail races, in the canal above the bulkhead, by the issues of the turbine wheels and by the gauges, if any are in use. The grantees shall render all needful facilities to accomplish a correct measurement of all the water used and wasted, through leaks and otherwise, by the grantees.

8) Determination of amount of power used. The amount of power used by the grantees shall be ascertained by multiplying the whole fall in feet of the water from the surface of the canal whence it is drawn to the surface of the water in the tail race, as it would be if constructed in accordance with subsection (d) of this section, by the number of cubic feet of water drawn from the canal per minute, and dividing the product by the divisor five hundred and twenty-eight (528) and the quotient will be the number of horsepower.

9) Gauges. If overshot or breast wheels are used by the grantees, cast iron gauges shall be fixed at the water gates to the wheels, and the size of these gauges shall be determined as follows: The quantity of water per second necessary to give the amount of power granted shall be ascertained as provided by subsection (h) of this section; then such quantity shall be divided by the product of the square root of the head of water above the middle of the aperture, the multiplier, 8.0125, and the quotient will be the area of the gauge in square feet, from which the form of the aperture may be fixed to suit the local circumstances. The thickness of such gauge shall not exceed one inch. No plank, or any wood, or any other material, shall be within three inches of the edges of the aperture which forms the gauge. If turbine water wheels are used, the issue of the wheel shall be the gauge, and the aggregate area of such issues shall be fixed according to the head of water above the surface of the water in the tail race as follows: The square root of the head of water shall be multiplied by 8.0125, and the ascertained quantity in cubic feet, according to subsection (h) of this section, divided by the product.

10) Meaning of Head and Fall. When the quantity of water necessary to give the power granted is to be ascertained, the
words head and fall are understood to mean the whole distance from the surface of the water in the canal whence the water is drawn, to the surface of the water in the tail races. In no case shall the head and fall be taken at less than the head and fall named in subsection (h) of this section. When the quantity which the gauges and issues mentioned in the foregoing and succeeding paragraphs and subsections will discharge is to be ascertained, then the word head is the distance from the surface of the water in the canal whence the water is drawn, to the middle line of the gauges and issues or to the surface of the water in the tail races, according to the kind of wheel used.

(11) Construction of grant; maintenance of dam and canal. The grant of power made by the grantor is forever to be subject to all prior grants made by the grantor, and to the natural and providential changes in the river, the grantor not intending to grant anything beyond the capabilities of the dam at the head of the canal and the canal, both of which the grantor is hereby bound to maintain. Should the grantor neglect and refuse to keep the dam and canal in good repair, so that the waters of the river are not conveyed to the premises in quantities fulfilling such capabilities of the dam and canal, then, in that case, the grantees may, after a notice of thirty days, proceed to put the dam and canal in the condition required to give them, the grantees, the water due to them, and may collect from the grantor, by suit at law, all the costs and charges which shall accrue in putting the dam and canal in such condition.

(12) Reservation of water for use of city. The grantor hereby reserves for the use of Augusta-Richmond County water enough from the first and second levels of the canal to drive the pumps of Augusta-Richmond County waterworks, and to supply the reservoir of the waterworks with water at all times. This right shall have precedence over all the grants of water made by the grantor on the first and second levels of such canal. The grantor also reserves the right to supply all needs of Augusta-Richmond County for water for any purpose, from any level of the canal, and this right shall have precedence over all the grants made by the grantor on any level of the canal.

(13) Inspection of wheels; use of wheels discharging more water than, granted; increase in amount of water use. The grantor shall be allowed to inspect all the water wheels used by the grantees, and to prevent, by any lawful means, the grantees from using any wheel that will discharge more water than they are entitled to draw under the grant, except under the circumstances named in subsection (n) of this section; nevertheless, if any applicant for waterpower desires to use a turbine wheel of greater capacity than he, in the commencement of his business, wished to pay for, which wheel will discharge more water than his grant entitles him to draw, he may fix a cast-iron gauge, like that described in subsection (i) of this section for overshot water wheels, at the bottom of, or elsewhere in, his wheel pit, through which all the water he is entitled to draw shall pass to his wheel, which gauge shall be of such size as will discharge no more water than the applicant or grantees agree to pay for. If such applicant shall, after a time, desire to enlarge such gauge and pay for a larger quantity of water and the grantor shall have the water to sell, then such gauge may be enlarged to such a size as may be agreed upon. The grantor shall be allowed to inspect such gauge at all reasonable times and to prevent, by any lawful means, the applicant or grantees from using any gauge that may discharge more water than the grantees are entitled to draw under the grant.

(14) Increase in use of water when the river is high. It shall be lawful for the grantees to use all increased quantity of water when the water from the river is flush and back upon the tail races. Such increase shall
only be sufficient to keep the amount of power up to the number of horsepower granted, but this can only be done by the use of additional wheels, to be used only when the river is higher than the tail races.

(15) **Explosives; nuisances.** No part of the premises bordering on the canal or the ninety-foot strip designated as a towing path shall be used for the storage or manufacture of explosive fluids or mixtures of any kind, or for any purpose that shall be a nuisance.

(16) **Meaning of surface of canal; lowering the established surface water line.** The surface of the canal mentioned in this section is understood to be the established surface water line as hereinafter described. If, at any time, the water shall not be kept up to the established line and it shall be found by the grantor impossible to maintain that line, giving to all the grantees of Augusta-Richmond County the power granted to them, it shall be lawful for the grantor to establish a different surface water line at a lower elevation, and the grantees shall be entitled to draw an increased quantity of water, sufficient to give them the power granted.

(17) **What constitutes the established surface water line.** The established surface water line in the canal is to be an inclined plane, having the spill of the dam across the river for its summit; from thence it is to fall at the rate of one hundredth of a foot in one hundred (100) feet to the lower end of the canal.

(18) **Passing water across premises in Longstreet’s Branch.** The grantor reserves the right to pass water across any of the premises in the creek known as Longstreet’s Branch.

(19) **Drawing water from canal to clear out obstructions, etc.** The grantor hereby reserves the right to draw the water from the canal at any time when it deems it necessary to clear out obstructions in the canal, and when repairs and improvements to any part of the canal are deemed necessary, or at any other time, or for any other purpose, when the grantor deems it necessary to do so to protect the interests of the canal or Augusta-Richmond County, without being liable for damages to the grantees any further than the amount of water rent during the time the water is so drawn off.

(20) **Keeping canal supplied with water.** Subject to any limitation imposed on the Grantor by the Federal Energy Regulatory Commission, the grantor shall keep the canal supplied with water in quantity sufficient to supply all the grantees with all the water granted to them by the grantor, so far as the water in the river above the dam will fill the canal to the established surface water line above mentioned, except when it is cut off for the purposes and under the circumstances named in subsection (19) of this section.

(21) **Contracts required.** No person shall be entitled to the benefits and conditions set out in this section until he shall enter into a contract with Augusta-Richmond County council which contract shall contain the terms herein contained.

(22) **Arbitration of disagreements.** In case of any disagreement arising between the Augusta-Richmond County Commission and any of the grantees with respect to the construction to be given to any of the foregoing subsections or paragraphs of this section, the matter of disagreement may be submitted to the arbitration of experts in the science of hydraulics, each party to select one person known to be an expert in such science, and the two (2) persons thus selected shall select a third person of known attainments in such science, and to such three persons, as arbitrators, the matter in dispute may be submitted for final decision. The award made by such arbitrators shall be final and conclusive on both parties.

**Sec. 1-9-24. Rate per horsepower.**

The rental charge for waterpower in the canal shall be as established by contract between Augusta-Richmond County and such user.
Sec. 1-9-25. When and to whom payable.

The water rent for water from the canal used for waterpower purposes shall be paid quarterly on the first days of January, April, July and October of each year, in advance, to the comptroller.

Sec. 1-9-26. Shutting off water upon failure to pay.

In the event any water rent for water from the canal used for waterpower purposes is not paid within ten (10) days from the date it is due, the Augusta-Richmond County Commission reserves the right to shut off the water from the premises of the person in arrears, and to keep the water shut off until all claims for water rent are paid. This reservation shall in no way interfere with the rights of the Augusta-Richmond County Commission to enforce all its claims for all water rent due at the date of the failure to pay, or to enforce its claims for any water rent which shall accrue in the event Augusta-Richmond County council does not exercise the right to shut off the water from the premises of the person in arrears reserved by this section.

Sec. 1-9-27. Lien for unpaid water rent—Generally.

The claim of the Augusta-Richmond County Commission for unpaid water rent for water from the canal used for waterpower purposes shall constitute a lien, from the date the water is taken, upon the property of the grantee, namely, upon the mill, machinery and real estate, in the nature of a mortgage lien, under the laws of the State.


The lien provided for in the preceding section may be enforced by the Commission as provided by the laws of the State for the foreclosure of mortgages upon real estate, whenever the water rent referred to in such section shall remain unpaid for the space of thirty days from the date it is due and payable.

Sec. 1-9-29. Executions for unpaid water rent.

The Augusta-Richmond County Commission may issue execution for unpaid water rent for water from the canal used for waterpower purposes whenever the same is due and remains unpaid for the space of five days, and sell thereunder.

Sec. 1-9-30. Renewal leases.

The Augusta-Richmond County Commission may enter into renewal leases of waterpower of the canal with the present users of such power at the rates per horsepower per annum as established by the Commission, which leases shall contain the stipulations, terms, restrictions and limitations as provided for in this Article. Prior notice of renewal of any leases, or of any new lease, shall be given to the Augusta Canal Authority.
Chapter 10

PROCUREMENT


ARTICLE 1 GENERAL PROVISIONS AND DEFINITIONS

Sec. 1-10-1. Purpose.

The purpose of this Augusta-Richmond County Procurement Procedures is to provide detailed administrative procedures for implementation of Procurement policies for Augusta-Richmond County. This chapter shall contain all of the administrative rules, regulations, and procedures needed to purchase goods and services and provide other Procurement services for Augusta-Richmond County Government.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-2. Applications of this chapter.

The requirements of this chapter apply to contracts for the Procurement of commodities, services, construction, professions, and consultant service products solicited or entered into by Augusta-Richmond County. It shall apply to every expenditure of public funds irrespective of the source of the funds. It shall also apply to the disposal of Augusta-Richmond County supplies and personal assets. When the Procurement involves the expenditure of State or Federal assistance or contract funds, the Procurement shall be conducted in accordance with applicable State and Federal laws and regulations. Nothing in this chapter shall preclude Augusta-Richmond County from complying with the terms and conditions of any grant, gift, or bequest that are otherwise consistent with State law.

Sec. 1-10-3. Supplementary laws.

The Uniform Commercial Code of Georgia (O.C.G.A. 11-1 thru 11-11 as amended) plus other applicable Federal, State, and local laws shall apply, as appropriate, to the Procurement process. Questions of specific legal applicability may be directed through the Augusta-Richmond County Administrator to the Augusta-Richmond County Attorney.

Sec. 1-10-4. Good faith provision.

All parties involved in the negotiation, performance, or Administration of Augusta-Richmond County contracts shall act in good faith. Good faith means honesty in fact in the conduct or transaction concerned.


Sec. 1-10-5. Public access to Procurement information.

Procurement information shall be a public record to the extent required by the laws of the State of Georgia; except, a request for proposals (RFP) shall not become public record until the final contract is negotiated and awarded. Any financial or commercial data contained in the request for proposals are privileged and confidential and shall not be disclosed.

Sec. 1-10-6. Preference for local suppliers, professional services and contractors.

(a) Augusta-Richmond County encourages the use of local suppliers of goods, services and construction products whenever possible. Augusta-Richmond County also vigorously supports the advantages of an open competitive market place. Nothing in this Section shall be interpreted to mean that the Augusta-Richmond County Administrator or Procurement Director are restricted in any way from seeking formal bids or proposals from outside the Augusta market area.

(b) When the quotation or informal bids selection method is used by the Procurement Director or using agency head to seek firms to quote on Augusta-Richmond County commodity, service and construction products, local firms should be contacted, if possible, first. Then if the Procurement Director or using agency head believes that there may not be at least three (3) qualified informal bidders, quotes shall be sought from outside the Augusta market area.
(c) In the event of a tie bid (see section 1-10-43 (h)), when all other factors are equal, the Augusta-Richmond County Administrator is encouraged to select the bid from within the local market area. The Administrator shall retain the flexibility to make the award of contract to a bidder outside of the local market area if evidence supports collusive bidding in favor of a local source.

(d) The local vendor preference policy shall be applied when the lowest bidder is within 5% or $10,000.00, whichever is less of the lowest nonlocal bidders. The lowest local bidder will be allowed to match the bid of the lowest nonlocal bidder, if matched the lowest local bidder will be awarded the contract.

For the purposes of this section, "local bidder" shall mean a business which:

(1) Has had a fixed office or distribution point in and having a street address within Augusta for at least six months immediately prior to the issuance of the request for competitive bids or request for proposals by Augusta and

(2) Holds any business license required by the Augusta-Richmond County Code and

(3) Employees at least one full time employee, or two part time employees whose primary residence is in Augusta, or if the business has no employees, the business shall be at least fifty (50) percent owned by one or more persons whose primary residence is in Augusta.

(e) The Procurement Director shall develop a program to routinely search out local firms that offer products or services which Augusta-Richmond County may purchase and encourage such firms to place themselves on the bidder's list.

(f) Reserved.

Note—^Article 7, the City's Disadvantaged Business Program is under revision, reference Judge B. Avant Edenfield's Court Order, Enjoining Race-Based Portion of the DBE Program.

(g) Nothing in this section shall be interpreted to mean that the Augusta-Richmond County Administrator may abrogate the provisions of O.C.G.A. §§ 36-10-1 through 36-10-5, Public Works Contracts. This provision of the State Code requires that all County public works contracts of twenty thousand dollars ($20,000.00) or more, as defined therein, be publicly advertised before letting out the contract to the lowest bidder. Further, nothing in this section shall be interpreted to mean the County Administrator may abrogate the provisions of the Augusta-Richmond County Code requiring public advertising before letting certain contracts.

(Ord. No. 6890, § 1, 6-15-06; Ord. No. 6939, § 16, 1-2-07; Ord. No. 7035, § 1, 2-19-08)

Sec. 1-10-7. Value analysis.

(a) Purpose. A significant portion of the Augusta-Richmond County Annual Budget is committed each year to various purchase contracts such as raw materials, equipment, equipment parts or components, general supplies, and professional and nonprofessional services. Therefore, it is essential that maximum value be obtained for every public tax dollar spent. A proven technique for obtaining this goal is value analysis.

(b) Definition of value analysis. Value analysis is the organized and systematic study of every element of cost in a part, material, or service to make certain it fulfills its function at the lowest possible cost. It employs techniques which identify the functions the user wants from a product or service; it establishes by comparison the appropriate cost for each function; then, it causes the required knowledge, creativity; and initiative to be used to provide each function for that cost.

(c) Application of value analysis to the Procurement process. Simply stated, value analysis is a study of function and the value of any service, material, or product is established by the minimum cost of other available alternatives, materials, products, or services that will perform the same function. To achieve high value, emphasis must be placed on obtaining high use value at the lowest possible cost.

Value analysis is a helpful tool in evaluating bids, but the concept is even more effective if applied at the beginning of the process when the need or requirement is being defined. Consequently, the solicitation process can more effectively and accurately reflect and describe Augusta-Richmond County's requirements and
acceptable levels of quality and functionality. As the input of other departments such as Finance is critical to performing a good value analysis, it is advisable for Procurement and the User to seek the cooperation of these disciplines prior to proceeding with major purchases.

Sec. 1-10-8. Compliance with State and Federal requirement.

When a Procurement transaction involves the expenditure of State or Federal funds or financial assistance, the transaction shall be conducted in accordance with any applicable mandatory State or Federal laws and authorized regulations which are not reflected in this chapter. Notwithstanding the foregoing, where State and Federal assistance or contract funds are used in Procurement transaction, any applicable local requirements that are more restrictive than State or Federal requirements but not in conflict therewith shall be followed. (Ord. No. 7035, § 3, 2-19-08)


The terms, phrases, words, and their derivations set forth below shall have the meaning given herein. Words not defined herein or within the Official Code of Georgia Annotated shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The words shall, will, and must are mandatory and not discretionary. The word may is permissive.

(a) Agreement. The bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in O.C.G.A. § 11-1-205 and § 11-2-208. Whether an agreement has legal consequences is determined by the provision of this title, if applicable; otherwise, by the law of contracts (O.C.G.A. § 11-1-103). (O.C.G.A. § 11-2-201)

(b) Bid. An offer by an intending purchaser to pay a designated price for property which is about to be sold at auction, and an offer to perform a contract for work and labor or supplying materials or goods at a specified price. (Black's Law Dictionary, 5th Edition)

(c) Bid Bond. A type of bond required in public construction projects which is filed at the time of the bid and which protects Augusta-Richmond County in the event that the bidder refuses to enter into a contract after the award to him or withdraws his bid before the award. A type of indemnity bond. (Black's Law Dictionary, 5th Edition)

(d) Bidders List. Augusta-Richmond County's official list of qualified persons or vendors to be invited to respond to any type of invitation for bids or requests for proposals which shall be maintained by the Procurement Director.

(e) Bill of Lading. A document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an Airbill. Airbill means a document serving for Air Transportation as a bill of lading does for marine or rail Transportation, and includes an Air consignment note or Air waybill. (O.C.G.A. § 11-1-201)

(f) Blind Trust. An independently managed trust in which the employee-beneficiary has no management rights and in which the employee-beneficiary is not given notice of alterations in, or other disposition of, the property subject to the trust.

(g) Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, firm, or any other private legal entity.

(h) Buyer in ordinary course of business. A person who, in good faith and without knowledge that the sale to him is in violation of the ownership rights or Security interest of a third party in the goods, buys in ordinary course from a person in

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the business of selling goods of that kind but does not include a pawnbroker. Buying may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as Security for or in total a partial satisfaction of money debt. (O.C.G.A. § 11-1-201)

(i) **Change Order.** The formal document effecting a bilateral contract modification that alters the specification, delivery point, rate of delivery, period of performance, price, quantity, or other provision of any contract accomplished by mutual agreement of the parties to the contract.

(j) **Commodities.** Those things that are useful or serviceable, particularly Articles of merchandise moveable in trade. Goods, wares, supplies, and merchandise of any kind; moveables; Articles of trade or commerce are all included within this definition. (Black's Law Dictionary, 5th Edition)

(k) **Construction.** The process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

(l) **Contract.** The total legal obligation which results from the parties' agreement as affected by this title and any other applicable rules of law. (O.C.G.A. § 11-1-201)

(m) **Contract Administration.** All activity necessary after award of a contract to administer a contract and to ensure full compliance with its terms, conditions, and scope of services.

(n) **Contract Directive.** A written order signed and issued by the Augusta-Richmond County Administrator, directing the contractor to make changes which the Changes clause of the contract authorized Augusta-Richmond County to order without the consent of the contractor.

(o) **Contract Documents.** All items which define the scope of the project including plans and specifications, including but not limited to, advertisement for bids, instructions to bidders, bid proposal, proposed contracts, proposed bond form, general conditions, special conditions, and technical specifications.

(p) **Contract Modification.** Any change order, contract price adjustment or contract revision or similar document which modifies an existing contract.

(q) **Contractor and/or Subcontractor.** Any person having a contract with Augusta-Richmond County, a using agency of Augusta-Richmond County, or a contractor thereof.

(r) **Cooperative Procurement.** Acquiring commodities, services, and construction by, or on behalf of, more than one public Procurement unit.

(s) **Cost Analysis.** The evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

(t) **Cost Data.** The factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

(u) **Cost-reimbursement Contract.** A contract under which a contractor is reimbursed for costs which are allowable and in accordance with the contract terms and the provisions of this chapter, and a fee or profit, if any.

(v) **County.** Richmond County, Georgia.

(w) **County Commission.** The Board of Commissioners of Richmond County which is the governing body of Richmond County.
(x) County Commission Mayor. The chief executive officer of Richmond County who is authorized to sign all contracts for the Board of Commissioners.

(y) County Administrator. The chief appointed administrative office of Richmond County.

(z) Creditor. Includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate. (O.C.G.A. § 11-1-201)

(aa) Days. Richmond County working days.

(bb) Debarment. To bar, exclude, or preclude from having or doing something. Exclusion from government contracting and subcontracting. (Black's Law Dictionary, 5th Edition)

(cc) Delivery with respect to instruments, documents of title, chattel paper, or securities. Voluntary transfer of possession.

(dd) Designee. A duly authorized representative of a person holding a superior position.

(ee) Direct or Indirect Participation. Involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(ff) Document of Title. Includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the goods it covers. To be a document title, a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. (O.C.G.A. § 11-1-201)

(gg) Emergency. Any reasonably unforeseen circumstances, i.e. breakdown in major equipment, threatened termination or curtailment of an essential service, or development of a dangerous condition that creates an immediate threat to public health, welfare or safety.

(hh) Employee. An individual drawing a salary or wages from Richmond County, whether elected or not; any non-compensated individual performing personal services for Richmond County or any department, agency, commission, council, board, or any other entity established by the executive, legislative or judicial branch of the County; and any non-compensated individual serving as an elected official of Richmond County.

(ii) Fault. Wrongful act, omission or breach. (O.C.G.A. § 11-1-201)

(jj) Financial Interest. All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is ten (10) percent or more. (O.C.G.A. § 36-67A-1)

(kk) Firm. Any individual, partnership, corporation, association, joint venture, or other legal entity permitted by law to practice or offer professional or consultant services.

(ll) Fungible with respect to goods or securities. Goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purpose of this title to the extent that under a particular agreement or document unlike units are treated as equivalents. (O.C.G.A. § 11-1-201)

(mm) Good Faith. Honesty in fact in the conduct or transaction concerned. (O.C.G.A. § 11-1-201)
(nn) **Gratuity.** A payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

(oo) **Genuine.** Free of forgery or counterfeiting. (O.C.G.A. § 11-1-210)

(pp) **Holder.** A person who is in possession of a document of title or an instrument or an investment security drawn, issued, or endorsed to him or to his order or to bearer or in blank. (O.C.G.A. § 11-1-201)

(qq) **Honor.** To pay or to accept and pay, or where a credit so engages, to purchase or discount a draft complying with the terms of credit. (O.C.G.A. § 11-1-201)

(rr) **Immediate Relative or Immediate Family.** Father, mother, son, daughter, brothers, sisters, grandparents or grandchildren, wife or husband, or the wife or husband of any of the preceding persons.

(ss) **Invitation for Bids.** A type of advertisement used by one who desires bids to be submitted for a particular project and includes all documents, whether attached or incorporated by reference, utilized for soliciting an intelligent bid.

(tt) **Let (contracts).** Award to one of several persons, who have submitted proposals (bids) therefor, the contract for erecting public works or doing some part of the work connected therewith, or rendering some other service to the government for a stipulated compensation. Letting the contract is the choosing of one from among the number of bidders, and the formal making of the contract with him. The letting, or putting out, is a different thing from the invitation to make proposals; the letting is subsequent to the invitation. It is the act of awarding the contract to the proposer, after the proposals have been received and considered. (Black's Law Dictionary, 5th Edition)

(uu) **Lowest and Best Bidder.** The most responsive bidder or offerer as herein defined who has offered the requested goods, services, or construction for the lowest cost.

(vv) **Nominal Value.** Any gift or gratuity of less than twenty-five dollars.

(ww) **Notice.** Knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised diligence. (O.C.G.A. § 11-1-201)

(xx) A person has notice of fact when:

1. He has actual knowledge of it; or
2. He has received a notice or notification or it; or
3. From all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person knows or has knowledge of a fact when he has actual knowledge of it. Discover or learn or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this title. (O.C.G.A. § 11-1-201)

(yy) A person notifies or gives a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person receives a notice or notification when:

1. It comes to his attention; or
2. It is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications. (O.C.G.A. § 11-1-201)
(zz) **Offer.** A proposal or bid submitted in response to a request for proposal or invitation for bids.

A proposal to do a thing or pay an amount, usually accompanied by an expected acceptance, counter-offer, return promise, or act. A manifestation or willingness to enter into a bargain, so made as to justify another person in understanding that his assent to that bargain is invited and will conclude it. (Black's Law Dictionary, 5th Edition)

(aaa) **Organization.** Includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity. (O.C.G.A. § 11-1-201)

(bbb) **Party as distinct from third party.** A person who has engaged in a transaction or made an agreement within this title. (O.C.G.A. § 11-1-201)

(ccc) **Person.** Any business, individual, union, committee, club, other organization, or group of individuals.

(ddd) **Pre-qualification.** The process to determine whether a prospective bidder or proposer satisfies the criteria established for inclusion on the pre-qualified bidders or proposers list.

(eee) **Presumption or Presumed.** The trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence. (O.C.G.A. § 11-1-201)

(ff) **Price Analysis.** The evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

(ggg) **Pricing Data.** The factual information concerning prices for items substantially similar to those being procured. Prices in this definition refer to offered selling prices, historical selling prices, and current selling prices. The definition refers to data relevant to both prime and sub-contract prices.

(hhh) **Procurement.** The buying, procurement, renting, leasing, or otherwise acquiring of any goods, supplies, services, or construction products. It also includes all functions that pertain to the obtaining of any supply, service, professional service or construction product, including description of requirements, selection, and solicitation of sources, preparation, and award of contract.

(iii) **Product.** Something produced by physical labor or intellectual effort or something produced naturally or as a result of natural process as by generation or growth. (Black's Law Dictionary, 5th Edition). As used in this chapter, the term product is a very broad term that could include all types of commodities, supplies, equipment, materials, goods, services and construction.

(jjj) **Product Reference.** A specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance, and other salient characteristics needed to meet County requirements, and which provides for the submission of equivalent products.

(kkk) **Professional Services.** Those licensed and professional services as defined by the laws of the State of Georgia.

(III) **Proposal.** An offer; something proffered. An offer, by one person to another, of the terms and conditions with reference to some work or undertaking, or for the transfer of property, the acceptance whereof will make a contract between them. (Black's Law Dictionary, 5th Edition)

Proposals for professional services received by the County will be evaluated for their comparative level of compliance with the specifications issued for the project. The evaluation of proposals may or may not include proposed price as one of the evaluation criteria.
Public Procurement Unit. Any unit or subunit of any federal, state, or local government, or any non-profit entity which expends public funds for the procurement of commodities, services, or construction products.

Public Sale. A sale:

1. Held at a place reasonably available to persons who might desire to attend and submit bids; and
2. At which those attending shall be given the opportunity to bid on a competitive basis; and
3. At which the sale, if made, shall be made to the highest and best bidder; and
4. Except as otherwise provided in this title for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff’s advertisements are published, in the county where the sale is to be held, and which notice shall state the day and hour between 10:00 a.m. and 4:00 p.m., and the place of sale, and shall briefly identify the goods to be sold.

The provisions of this paragraph shall not be in derogation of any additional requirements relating to notice of any conduct of any such public sale as may be contained in other provisions of this title but shall be supplementary thereto. (O.C.G.A. § 11-1-201)

Public Works Contract. Any contract for a county government public works project valued at twenty thousand dollars ($20,000.00) or more as more fully defined in O.C.G.A. § 36-10 and Article X of this chapter.

Purchase. Includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift, or any other voluntary transaction creating an interest in property. (O.C.G.A. § 11-1-201)

Purchaser. A person who takes by purchase. (O.C.G.A. § 11-1-201)

Purchase Order. A document authorizing a seller to deliver goods with payment to be made later. A written authorization calling on a vendor or supplier to furnish goods to the person ordering such. It constitutes an offer which is accepted when the vendor supplies the quantity and quality ordered. (Black's Law Dictionary, 5th Edition)

Procurement Director. The supervisor of the Procurement Department and as further defined in the Richmond County Code and elsewhere in this chapter.

Qualified Products List. An approved list of commodities described by model or catalog numbers, which, prior to competitive solicitation, the County has determined will meet the applicable product specifications requirements.

Quotations or informal bids selection method. The method for submitting a bid to perform work or offer a commodity to the County on a proposed contract without the formality of a written proposal or sealed bid. See § 505 for additional detail defining the quotations or informal selection method.

Representative. Includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another. (O.C.G.A. § 1-11-201)

Requisition. The document whereby the using agencies request that a purchase be made on their behalf. Requisition includes, but is not limited to, a description of the requested commodity, service or construction product, delivery schedule, transportation data, criteria for evaluation, suggested sources of supply, and information supplied for the working of any written determination required by this chapter.
(xxx) **Request for Proposals (RFP).** All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

(yyy) **Request for Qualifications (RFQ).** A method used to predetermine the capacity of prospective bidders or proposers for a specific project.

(zzz) **Request for Quotations (RFQ).** An informal solicitation for prices.

(aaaa) **Responsible Bidder or Proposer.** A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance. In considering whether a bidder is responsible, the Procurement Director, County Administrator, using agency head, or County Commission may consider the bidder's quality of work, general reputation in the community, financial responsibility, and previous employment or use by the County.

(bbbb) **Responsive Bidder or Proposer.** A person who has submitted a bid or proposal which conforms in all material respects to the requirements set forth in the invitation for bids or request for proposal.

(cccc) **Sealed Bid.** A method for submitting a bid to perform work on a proposed contract. In general, each party interested submits a bid in a sealed envelope, and all such bids are opened at the same time and the most favorable responsible bid is accepted. ([Black's Law Dictionary](#), 5th Edition) See § 502 for additional detail explaining the sealed bid selection method.

(dddd) **Sealed Proposal.** A method for submitting a proposal for services or a combination of services and commodities on a proposed contract. In general, each party interested submits a proposal in two sealed envelopes. One envelope shall contain the price proposal and the second sealed envelope shall contain the technical (non-price data) proposal. The technical proposal shall be opened and reviewed and ranked by the Procurement Director before the price proposal is opened and reviewed. The sealed proposal method is not intended to be done as a public bid opening because of the technical complexities of the proposal which must be reviewed in detail before the proposals can be compared, rated, and ranked.

(eeee) **Security Interest.** An interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer ([O.C.G.A. § 11-2-401](#)) is limited in effect to a reservation of a security interest. The term also includes any interest of a buyer of accounts, or chattel paper which is subject to Article IX of this title. The special property interest of a buyer of goods on identification of such goods to a contract for sale under [O.C.G.A. § 11-2-401](#) is not a security interest, but buyer may also acquire a security interest by complying with Article IX of this title. Unless a lease or consignment is intended as security, reservation of title thereunder is not a security interest but a consignment is in any event subject to the provisions on consignment sale ([O.C.G.A. § 11-2-326](#)). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease, the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration makes the lease one intended for security. ([O.C.G.A. § 11-1-201](#))

(ffff) **Send in connection with any writing or notice.** To deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instru-
ment to an address specified thereon or otherwise agreed, or if there be none, to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending. (O.C.G.A. § 11-1-201)

(gggg) Services. The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

(hhhh) Signed. Includes any symbol executed or adopted by a party with present intention to authenticate a writing. (O.C.G.A. § 11-1-201)

(iiii) Small Business. A United States business which is independently owned and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation.

(ijjj) Sole Source. That there is only one source for the procurement of any goods, supplies, services or construction. Only one source means that there is only one manufacturer or product source and/or only one vendor source for the required commodities, services or construction products.

(kkkk) Specification. Any description of the physical or functional characteristics or of the nature of commodities, services, or construction products. It may include a description of any requirement for inspecting, testing, or preparing a commodity, service, or construction product for delivery.

(llll) Substantial Interest. The direct or indirect ownership of more than twenty-five (25) percent of the assets or stock of any business. (O.C.G.A. § 45-10-20)

(mmmm) Supplies. Those accumulated stores reserved for distribution (Black's Law Dictionary, 5th Edition), and for the purposes of this chapter shall include any goods, equipment, material or other personal property owned by Richmond County and available for use by the personnel of the organization.

(nnnn) Surplus Supplies. Any County supplies no longer needed having any use to Richmond County as determined of official action of the Board of Commissioners.

(oooo) Suspension. A temporary stop, a temporary delay, interruption, or cessation. A temporary cutting off or debarring one, as from the privileges of one's profession. Temporary withdrawal or cessation as distinguished from permanent severance accomplished by debarment. (Black's Law Dictionary, 5th Edition)

(pppp) Term. That portion of an agreement which relates to a particular matter. (O.C.G.A. § 11-1-201)

(qqqq) Transact Business or transact any business. To sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative and means to purchase surplus real or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative. (O.C.G.A. § 45-10-20)

(rrrr) Unauthorized signature or endorsement. One made without actual, implied, or apparent authority and includes a forgery.

(ssss) Using Agency. Any department, commission, board, office, authority, or division of Richmond County requiring commodities, services or construction products or professional or other consultant services.

(tttt) Using Agency Head. The director or head of a using agency who is responsible for the administration or such using agency.

(uuuu) Value. Except as otherwise provided with respect to negotiable instruments and bank collections (O.C.G.A. §§ 11-3-303, 11-4-208, and 11-4-209) a person gives value for rights if he acquires them:

1. In return for a binding commitment to extend credit or for the extension
of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(2) As security for or in total or partial satisfaction of a preexisting claim; or

(3) By accepting delivery pursuant to a preexisting contract for purchase; or

(4) Generally, in return for any consideration sufficient to support a simple contract. (O.C.G.A. § 11-1-201)

(vvvv) Value Analysis. An organized and systemic study of every element of cost in a part, material, or service to make certain it fulfills its function at the lowest possible cost.

(wwww) Warehouse Receipt. A receipt issued by a person engaged in the business of storing goods for hire. (O.C.G.A. § 11-1-201)

(xxxx) Warranty Period. A one-year period following final acceptance of the project during which the contractor is responsible for repair of any work not caused by vandalism or natural disaster.

(Ord. No. 6939, § 16, 1-2-07)

ARTICLE 2 RESERVED*

ARTICLE 3 OFFICE OF THE PROCUREMENT DIRECTOR

Sec. 1-10-23. Authority and responsibility of procurement director.

(a) Authority. The Procurement Director is designated as the principal public procurement official for Augusta-Richmond County, and shall be responsible for the procurement of commodities, services, construction, and professional service products in accordance with the Augusta-Richmond County Code and this chapter.

(b) Duties. In accordance with the Augusta-Richmond County Code, the duties of the Procurement Director are further elaborated upon to include but not be limited to:

(1) Procuring or supervising the procurement of all commodities, services, construction, and professional and consultant service products needed by Augusta-Richmond County;

(2) Acting to procure for Augusta-Richmond County the highest quality in commodities, construction and service products at the least cost to Augusta-Richmond County;

(3) Discouraging uniform bidding and endeavoring to obtain as full and open competition as possible on all purchases and sales;

(4) Keeping informed of current developments in the field of procurement, prices, market conditions and new products, and secure for Augusta-Richmond County the benefits of research conducted in the field of procurement by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses or organizations;

(5) Prescribing and maintaining such forms as needed to operate the procurement program;

(6) Preparing, recommending, and implementing standard procurement nomenclature for using agencies and product suppliers;

(7) Preparing, adopting and properly maintaining a vendors' catalog file and qualified products list, if needed;

(8) Exploring cooperative ventures and possibilities of buying in bulk so as to take full advantage of discounts;

(9) Procuring for Augusta-Richmond County whenever possible all tax exemptions;

(10) Cooperating with using agencies so as to secure for Augusta-Richmond County the maximum efficiency in budgeting and accounting;

*Editor's note—Ord. No. 6239, § 2, adopted Jan. 18, 2000, repealed §§ 1-10-10—1-10-22 in their entirety. See the Code Comparative Table.
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(11) Recommending to the Administrator that product vendors who are irresponsible and non-responsive or default on contracts be disqualified from receiving any business from Augusta-Richmond County for an appropriate period of time;

(12) Exercising general supervision over all other inventories of supplies belonging to Augusta-Richmond County;

(13) Establishing and maintaining programs for specifications development, contract administration, and inspecting, testing and acceptance, in cooperation with the public agencies using the commodities, services and construction products;

(14) Working to ensure equal opportunity for disadvantaged business owners;

(15) Selling, trading, or otherwise disposing or surplus supplies belonging to Augusta-Richmond County;

(16) Prequalifying suppliers;

(17) Prequalifying products, especially janitorial products, through the study of testing data;

(18) Maintaining the official Augusta-Richmond County bidder's list; and

(19) Any other duty assigned by the Administrator that is within the intent and scope of duties set forth in the Augusta-Richmond County Code.

(b) Augusta-Richmond County shall not be legally bound by any purchase order or contract made contrary to the provisions of the Augusta-Richmond County Code and this chapter. Except as may be specifically provided herein, it shall be a violation of this chapter for any officer or employee of Augusta-Richmond County or other person to order the purchase of any commodities, make contracts for any services, or dispose of any property within the purview of this chapter other than through the Augusta-Richmond County Administrator or Procurement Director. Violators shall be subject to penalties provided in Article 8 of this chapter.

(Ord. No. 6939, § 16, 1-2-07)

ARTICLE 4 PRODUCT SPECIFICATIONS

Sec. 1-10-25. Purpose.

The purpose of a specification is to provide a description and statement of the requirements of a product, components of a product, the capability or performance of a product, and/or the service or work to be performed to create a product. The term product is a very broad term that could include commodities, supplies, goods, equipment, materials, construction and services.

Sec. 1-10-26. Types of specifications.

(a) Design. This specification describes and states the required functional, physical and quality characteristics of a product, components of products, or services.

(b) Performance. This specification describes and states the intended use, operating conditions, specific features and characteristics, and performance capability of the product. For construction or services, a performance specification states the methods to be employee and/or standards to be met, specific starting and completion schedule, and frequency of the service to be performed to develop the final product.

(c) Design/performance. This specification is a combination of types (a) and (b) described above. It is a complete description and statement of the required physical makeup, functionality, intended
use, operating conditions, specific features and characteristics, and performance capability of the product.

(d) Service availability. If availability of service is to be a criteria for awarding a contract, the specifications shall clearly state that service availability may be considered in determining the most responsible bid, and the bidders shall be required to submit information concerning their ability to service and maintain the product or equipment.

A specification should be complete in its statement requirements. Other published specifications can be incorporated (e.g., Georgia D.O.T. Specifications, Underwriters Laboratory, etc.); however, original statements are preferable. A specification may also include provisions for testing and inspecting where necessary.

Sec. 1-10-27. Maximum practicable competition.

All specifications shall be drafted so as to promote overall economy for the purpose intended and encourage competition in satisfying Augusta-Richmond County's needs, and shall not be unduly restrictive. The procedures in this Section apply to all specifications including, but not limited to, those prepared for Augusta-Richmond County by architects, engineers, designers, draftsmen, and other consulting persons.

Sec. 1-10-28. Qualified products list.

(a) Augusta-Richmond County shall advertise at least once per fiscal year for vendors to register with the procurement department the products and services they wish to offer Augusta-Richmond County. Augusta-Richmond County shall keep an index of these vendors by name and the list shall be cross referenced for products and services. The vendor's name shall be kept for two (2) years or permanently if the vendor continues to offer bids. Records shall be kept as to the number of times a vendor is contacted for informal quotes and other bids. Upon the request of a vendor, the said vendor shall be added or deleted from the list. The use of such a list is not intended to restrict competition. Any vendor may submit, prior to product solicitation, a commodity, product or service to the Procurement Director for review and possible inclusion on the qualified products list.

(b) Vendors shall be removed from the vendor list for the following reasons:

1. Declining to offer bids for a two-year period.
2. Suspension for the following shall not be for less than three (3) months or more than three (3) years:
   a. Failing to satisfactorily meet terms, agreements, or contracts made with the procurement department or the using agency.
   b. Being convicted of criminal offenses in obtaining contracts or convicted of embezzlement, violation of state or federal anti-trust statutes, or any other crime which indicates a lack of business integrity or honesty.
   c. Violating contract provisions or failing to perform without good cause or any other cause which the Procurement Director deems to be so serious as to affect the responsibility of a contractor, including disbarment or suspension from a vendor list by another governmental entity.
   d. Violating the standards as set forth in Article II hereof for conflicts of interest.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-29. Background information on vendors.

The Department Head and/or the Administrator is directed to provide the bid amount as submitted, information concerning the vendor's previous performance, the service and quality of the products offered, the availability of the goods and services when needed, adherence to delivery schedules, and other criteria pertinent to that particular item, on vendors who have submitted bids, proposals, or contracts for the Commission's consideration. The information is to be included in the backup documents for the Commission's consideration in awarding the contract.
Sec. 1-10-30. Product references in specifications.

(a) Use. Product references may be used in specifications, in conjunction with other descriptive narrative, when:

1. No other design or performance specification or qualified products list is available;

2. Time does not permit the preparation of another form of purchase description;

3. The nature of the product or the nature of Augusta-Richmond County's requirements dictates the use of a brand name or equal reference in the specification; or

4. The use of a brand name or equal specification is in Augusta-Richmond County's best interests.

(b) Designation of several products references. Product reference or equal specifications shall seek to identify as many different product references as are practicable, as or equal references and shall further state that substantially equivalent products to those designated will be considered for award, unless conditions warrant otherwise.

Unless otherwise authorized by the Administrator, product reference or equal specifications shall include a description of the particular design, functional, or performance characteristics which are required.

Where a product reference or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of the product reference is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

(c) In all cases where brand name items are requisitioned by any department, the Procurement Director has the authority to determine whether similar products of equal quality offered for sale to Augusta-Richmond County at a lower price shall be ordered in lieu of the requisitioned brand name items.

(Ord. No. 6939, § 16, 1-2-07)


The responsibility for acquiring specifications data rests primarily with the using agency head concerned. Procurement personnel will assist with this task by providing copies of previously used specifications, brochures, or other reference materials. However, the Procurement office staff's primary responsibility is to develop the data provided by the using agency head into the proper format for the solicitation of bids, proposals, or quotations.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-32. Inspection of purchases.

The procurement agent in conjunction with the using agency or department head shall inspect, or supervise the inspection of, all deliveries of materials, supplies or contractual services to determine their conformance with the specifications set forth in the pertinent purchase order or contract. The procurement agent may require chemical and physical tests of samples submitted with bids and samples of deliveries, which examinations are necessary to determine quality of the samples and conformance with specifications.

(Ord. No. 6939, § 16, 1-2-07)

ARTICLE 5 REQUIREMENTS FOR BIDDING OR PROPOSING ON AUGUSTA-RICHMOND COUNTY CONTRACTS

Sec. 1-10-33. Responsibility of bidders and proposers.

(a) Determination of responsibility. The level of responsibility of the bidder or proposer (offeror) shall be ascertained for each contract awarded by Augusta-Richmond County based upon full disclosure to the Procurement Director concerning the person's capacity to meet the terms of the contract and based upon the person's past record of performance on similar contracts, the bidder's quality of work, general reputation in the community, financial responsibility, and previous employment or use by Augusta-Richmond County.

If an offeror who otherwise would have been awarded a contract is found non-responsible, a
written determination of non-responsibility, setting forth the basis of the finding, shall be prepared by the Procurement Director or using agency. The failure of an offeror to promptly supply information in connection with an inquiry with respect to the level of responsibility may be grounds for a determination of non-responsibility with respect to such bidder or offeror or proposer. A copy of the determination shall be sent promptly to the non-responsible offeror. The final determination shall be made a part of Augusta-Richmond County’s contract file and be made a public record.

(b) Right of nondisclosure. Information furnished by an offeror pursuant to this Section shall not be disclosed outside of the Procurement Department, or using agency, by Augusta-Richmond County staff without prior written consent by the offeror.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-34. Cost or pricing data.

(a) Required submissions relating to the award of contract. A prospective contractor shall submit cost or pricing data when the contract is expected to exceed five thousand dollars ($5,000.00) and is to be awarded by competitive sealed proposals (section 1-10-45; Competitive Sealed Proposals), by sole source procurement authority (section 1-10-49; Sole Source Procurement), or by competitive selection procedures for professional and consultant services (section 1-10-46).

(b) Exceptions. The submission of cost or pricing data relating to the award of a contract is not required when:

(1) The contract price is based on adequate price competition;
(2) The contract price is based on established catalogue prices or market prices;
(3) The contract price is set by law or regulation; or
(4) It is determined by the Procurement Director and approved by the Augusta-Richmond County Administrator, in writing, that the requirements of this Section may be waived, and the determination states the reasons for such waiver.

(c) Required submissions relating to change orders or contract modifications. A contractor shall submit cost or pricing data prior to the approval of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, whether or not cost or pricing data was required in connection with the initial pricing of the contract, whenever the change or modification involves aggregate increases or aggregate decreases of five percent (5%) or more of original bid or proposal price.

(d) Exceptions. The submission of cost or pricing data relating to the pricing of a change order or contract modification is not required when:

(1) Unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience; or
(2) It is determined in a written report by the Procurement Director and approved by the Augusta-Richmond County Administrator that the requirements of subsection (c) hereof (Cost or Pricing Data; Required Submissions Relating to Change Orders or Contract Modifications) may be waived, and the determination states the reasons for such waiver.

(e) Certification required. Any prospective or current contractor required to submit cost or pricing data in accordance with this Section shall certify that to the best of its knowledge and belief the cost or pricing data submitted was accurate, complete, and current, as of a mutually specified date prior to the award of the contract, or the pricing of the change order for contract modification.

(f) Price adjustment provision required in contracts. Augusta-Richmond County contracts shall include a provision stating that when detailed pricing data has been requested by the County and submitted by the offeror/contractor under the terms of the contract which is later found to be in error, that the price of the products charged to Augusta-Richmond County, including profit or fee, shall be appropriately adjusted. Such prices
shall be accurate, complete, and current as of the date agreed upon between Augusta-Richmond County and the contractor.
(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-35. Cost or price analysis.
A cost analysis or a price analysis, including life cycle costing as appropriate, may be conducted prior to award of a contract. If this technique is to be used, notice shall be provided the bidder/offeror in the bid solicitation or request for proposals. A written record of such cost analysis or price analysis shall be made a part of the contract file.

Sec. 1-10-36. Bid and performance bonds when required.
Bid and performance bonds or other security shall be requested for any contract as the Procurement Director, using agency head, and/or Administrator deem advisable to protect Augusta-Richmond County’s interest under circumstances specified herein. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used by the staff as a substitute for an affirmative determination of an offeror’s level of responsibility (see section 1-10-33).
(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-37. Bid bonds.
(a) Requirements. Bid security shall be required, primarily for construction contracts, when the value is estimated to exceed forty thousand dollars ($40,000.00).

Bid security shall be a bond provided by a surety company authorized to do business in the State of Georgia or the equivalent in cashier’s or certified check (Checks shall be made payable to Augusta-Richmond County), or such other security as approved by the Augusta-Richmond County Attorney.

Nothing herein prevents the requirements of such security on construction and other purchases less than forty thousand dollars ($40,000.00) when the circumstances warrant such requirements as determined by the Procurement Director and using agency head.

(b) Amount. Bid security, when required, shall be in an amount equal to at least ten (10 percent of the amount of bid or an amount certain specified in the solicitation.

The bid security of the three (3) lowest bidders shall be held until contract award. Securities posted by others will be returned shortly after receipt of bids.

Upon failure of an offeror to enter into a contract within ten (10) days after the contract is tendered by Augusta-Richmond County, the offeror's security is subject to forfeiture.

(c) Rejection of bids/noncompliance with bid bond requirement. When the Invitation for Bids requires bid security, any bid submitted without such security shall be rejected and returned to the bidder with a written explanation of the action taken.

(d) Withdrawal of bids. If a bidder is permitted to withdraw a bid before award, no action shall be taken against the bidder or bid security.
(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-38. Payment and performance bonds.
(a) Requirement and amount. When a contract for construction services is awarded in excess of forty thousand dollars ($40,000.00) the following bonds shall be delivered to Augusta-Richmond County, and shall become binding on the parties upon the execution of the contract:

(1) A performance bond in the amount of 100% of the price specified in the contract executed by a surety company authorized to do business in the State of Georgia, and in a form and fashion satisfactory to Augusta-Richmond County, and

(2) A payment bond in the amount of 100% of the price specified in the contract executed by a surety company authorized to do business in the State of Georgia, and in a form and fashion satisfactory to Augusta-Richmond County.

A performance bond insures that the contract will be completed in accordance with contract requirements.
A payment bond is for the protection of all persons supplying labor and material to the contractor or subcontractors for the performance of the work specified in the contract.

Nothing in this chapter shall prohibit Augusta-Richmond County from requiring other contractors or suppliers of professional services to comply with one or both bonding requirements if so determined by the Augusta-Richmond County Administrator, and/or using agency head, to be necessary. The same reserved authority applied to requiring other type bonds determined to be necessary and also requiring bonds on purchases for goods and services of any dollar amount less than forty thousand dollars ($40,000.00).

Sec. 1-10-39. Insurance requirements.

Standard ranges and types of coverage shall be determined under the direction of the Augusta-Richmond County Administrator and advice of the Augusta-Richmond County Attorney, Risk Management, Finance Director, Procurement Director and other appropriate staff. General requirements shall be reviewed at least once annually. Insurance will be required within established ranges and for specific purposes on an individual contract basis.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-40. Pre-qualifications of contractors.

(a) When required. The Procurement Director, in consultation with the Administrator and using agency head may determine that it shall be in the best interest of Augusta-Richmond County to pre-qualify suppliers for contracts of a particular type. The imposed standards must be met by any contractor who wishes to bid on the named project. The contractor shall submit required data in order to obtain a fair and impartial determination of whether a contractor has met such pre-qualification standards. When pre-qualification is required, only those contractors who submit the required pre-qualification information and who are actually pre-qualified to submit a bid or proposal on the contract in question, or who are parties to a joint venture formed by suppliers who are herewith pre-qualified, shall be allowed to submit bids or proposals on the contract in question.

(b) Public notice. Public notice of pre-qualification shall be given in the same manner as provided in section 1-10-43(c).

(c) Pre-qualification standards. The Procurement Director and affected using agency heads shall review all information submitted by the suppliers and, if necessary, require additional information. The standards set for pre-qualification shall include but not be limited to factors set forth in section 1-10-43-Sealed Bids; Bid Acceptance and Bid Evaluation and section 1-10-45g)-Sealed Proposals; Evaluation and Selection. If the Procurement Director and Administrator determine that the contractor meets all standards, then the contractor shall be so pre-qualified. The contractor shall be notified in writing.

(d) Failure to pre-qualify. Should a contractor not be pre-qualified, appropriate written notice shall be sent and the contractor is entitled to appeal rights as provided in Article 9.

(Ord. No. 6939, § 16, 1-2-07)

ARTICLE 6 PROCUREMENT SOURCE SELECTION METHODS AND CONTRACT AWARDS

Sec. 1-10-41. Generally.

The following sections provide detailed information concerning the use of the six (6) source selection methods available for use for the procurement of commodities, services and construction products for Augusta-Richmond County. The six methods are: (1) sealed bids, (2) sealed proposals, (3) special services, (4) quotations or informal bids, (5) sole source, and (6) emergency procurement. Lastly, these sections provide certain specific requirements applicable to any or all six methods of source selection.

Sec. 1-10-42. Purchase order.

No officer or employee of Augusta-Richmond County shall request a vendor to deliver goods,
merchandise, materials or supplies to the county except upon a regular purchase order issued by the procurement agent; however, the provisions of this subsection shall not apply to emergency purchases provided for in this section.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-43. Sealed bids selection method.

(a) Conditions for use. All contracts of Augusta-Richmond County shall be awarded by competitive sealed bidding except as otherwise provided elsewhere in this article (see section 1-10-45-Sealed Proposals; 1-10-46-Professional Services; 1-10-47-Quotations; 1-10-49-Sole Source Procurement; and 1-10-50-Emergency Procurements, of this chapter).

(b) Invitation for bids and specifications. An invitation for bids shall be issued by the Procurement Office and shall include specifications prepared in accordance with Article 4 (Product Specifications), and all contractual terms and conditions, applicable to the procurement. All specific requirements contained in the invitation to bid including, but not limited to, the number of copies needed, the timing of the submission, the required financial data, and any other requirements designated by the Procurement Department are considered material conditions of the bid which are not waiveable or modifiable by the Procurement Director. All requests to waive or modify any such material condition shall be submitted through the Procurement Director to the appropriate committee of the Augusta-Richmond County Commission for approval by the Augusta-Richmond County Commission.

(c) Public notice and bidder’s list. Adequate public notice of the invitation for bids shall be given in reasonable time, not less than ten (10) working days prior to the date set forth therein for the receipt of bids.

(1) Public works type contracts (defined per Georgia State Law, Code Section 36, Chapter 10, as contracts necessary to build or repair any courthouse, jail, bridge, causeway, or other public works) with values that equal or exceed twenty thousand dollars ($20,000.00), shall be advertised at least once weekly for at least four (4) weeks prior to opening of bids.

(2) Public notice shall include publication for three day within a ten (10) day period in the legal gazette and in local minority owned newspapers. The public notice minimally shall state the place, date, and time of pre-bid conference and/or bid opening, where specification documents may be obtained, and a brief description of the purchase or sale.

(3) The Procurement Director shall also directly solicit sealed bids from all responsible prospective suppliers whose names appear on the Augusta-Richmond County Bidders’ List which the Procurement Director shall maintain.

(d) Pre-bid conference and addendum. A conference to be conducted by the Procurement Director and using agency head, if appropriate, hearing will be scheduled at least five (5) working days before receipt of bids. While the pre-bid conference is not a requirement, it is strongly recommended and widely used to further acquaint interested bidders with the bid requirements and items to be purchased and vendor input. Any substantive changes to specifications resulting from the pre-bid conference or other vendor/contractor sessions shall be documented in an addendum and communicated to all bidders registered for the procurement action.

(e) Bid opening. Sealed Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the public notice and invitation for bids. The amount of each bid, and such other relevant information as the Procurement Director deems appropriate, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection in accordance with section 1-10-5 (Public Access to Procurement Information).

(f) Bid acceptance and bid evaluation. Provided that the bids are delivered to the Procurement Director at the time, place, and under the
conditions contained in the Invitation for Bids, the bids shall be conditionally accepted without alteration or correction pending evaluation.

Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include bidder responsiveness, capability and past performance, and criteria to determine acceptability such as inspection, testing, quality workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objective and clearly measurable, including but not limited to discounts, transportation costs, and total or life cycle costs. The main advantage of using life-cycle costing is that both initial costs and related costs for the life of the item are considered. When the criterion for awarding the contract is based on lowest responsible bidder, it may mean that the contract specifications are just minimally complied with. Selecting of the lowest bidder could result in a higher incidence of maintenance, and down-time could eat up any savings made if the procurement process considers only the initial cost.

(g) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after bid opening may be permitted under the circumstances described below:

(1) Mistakes discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the invitation for bids prior to the time set for bid opening.

(2) After the bid opening, corrections to bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a non-judgmental character was made, the nature of the mistake, and the bid price actually intended. Otherwise, no changes in bid prices or other provisions of bids prejudicial to the interest of Augusta-Richmond County or fair competition shall be permitted.

(3) In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
   a. the mistake is clearly evident in the bid document but the intended correct bid is not similarly evident; or
   b. the bidder submits evidence which clearly and convincingly demonstrates that a mistake was made.

(4) All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported in a written report made by the Procurement Director.

(5) Withdrawal after receipt of bids is cause to forfeit bid security unless substantial evidence was presented clearly evidencing the mistake and hardship that would occur to either the County or the bidder in the event of award.

(h) Tie bids. In the event two or more bidders are tied in price while otherwise meeting all of the required conditions, the bid shall be awarded to the business which is located within Augusta-Richmond County, or if not within the above, within the State of Georgia. Where no bidder is located in Augusta-Richmond County or in the State of Georgia, the Procurement Director shall call a public forum, cause each bidder or stand-in to write the name of the bidder on paper and placed in a container, the winner to be determined by drawing lots.

(i) Letting the contract. The contract shall be awarded or let in accordance with procedures set forth herein. Award shall occur with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

In addition to price and other material factors, the Procurement Director, in consultation with the using agency, shall consider the following in the context of award recommendations:

(1) The ability, capacity, and skill of the bidder to perform, the contract or provide the services required,

(2) The capability of the bidder to perform the contract or provide the service promptly, or within the time specified, without delay or interference,
(3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder,

(4) The quality of performance on previous contracts,

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services,

(6) The sufficiency of the financial resources of the bidder relating to his ability to perform the contract,

(7) The quality, availability, and adaptability of the supplies or services to the particular use required, and

(8) The number and scope of conditions attached to the bid by the bidder.

(j) Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the purchase order or other contract elsewhere shall be prepared and signed by the Procurement Director and/or Administrator and made part of the record file for audit proposes.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-44. Request for proposals.

Request for proposals shall be handled in the same manner as the bid process as described above for solicitation and awarding of contracts for goods or services with the following exceptions:

(a) Only the names of the vendors making offers shall be disclosed at the proposal opening.

(b) Content of the proposals submitted by competing persons shall not be disclosed during the process of the negotiations.

(c) Proposals shall be open for public inspection after the award is made.

(d) Proprietary or confidential information, marked as such in each proposal, shall not be disclosed without the written consent of the offeror.

(e) Discussions may be conducted with responsible persons submitting a proposal determined to have a reasonable chance of being selected for the award. These discussions will only be for the purpose of clarification to assure a full understanding of the solicitation requirement and responsiveness thereto.

(f) Nonmonetary revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers.

(g) In conducting discussions with the persons submitting the proposals, there shall be no disclosure of any information derived from the other persons submitting proposals.

Sec. 1-10-45. Sealed proposals.

(a) Conditions for use. The competitive sealed proposals method may be utilized when the Augusta-Richmond County Administrator approves the written justification of the Procurement Director or using agency head that the sealed bid method is not in the best interest of Augusta-Richmond County. Generally, this method may be used when competitive bidding (involving the preparation of detailed and specific specifications) is either not practicable or not advantageous to Augusta-Richmond County. In the case of procurement computer software, for example, it is in the best interest of Augusta-Richmond County to specify functional requirements and outputs, and allow the bidders to propose based on the closest available product(s) and software or software development services meeting our needs.

(b) Request for proposals. Competitive sealed proposals shall be solicited through a request for proposals (RFP).

(c) Public notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in section 1-10-43(c)(Public Notice and Bidder’s List); provided the normal period of time between notice and receipt of proposals minimally shall be fifteen (15) calendar days.

(d) Pre-proposal conference. A pre-proposal conference is not required but recommended for purposes of expounding on the requirements and

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soliciting vendor/contractor input. Such conferences should be scheduled at least five (5) days prior to the date set for receipt of proposals, and notice shall be handled in a manner similar to section 1-10-44(c)-Public Notice and Bidder's List.

(e) Receipt of proposals. Proposals will be received at the time and place designated in the request for proposals, complete with bidder qualification and technical information. Price information shall be separated from the proposal in a sealed envelope and opened only after the proposals have been reviewed and ranked.

The names of the respondents will be identified at the proposal opening; however, no proposal will be handled so as to permit disclosure of the detailed contents of the response until after award of contract. A record of all responses shall be prepared and maintained for the files and audit purposes.

(f) Public inspection. The responses will be open for public inspection only after contract award. Proprietary or confidential information marked as such in each proposal will not be disclosed without written consent of the offeror.

(g) Evaluation and selection. The request for proposals shall state the relative importance of price and other evaluation factors that will be used in the context of proposal evaluation and contract award. (Pricing proposals will not be opened until the proposals have been reviewed and ranked).

(1) Selection committee. A selection committee, minimally consisting of representatives of the procurement office, the using agency, and the Administrator's office or their choice shall convene for the purpose of evaluating the proposals.

(2) Preliminary negotiations. Discussions with the offerors and technical revisions to the proposals may occur. Discussions may be conducted with the responsible offerors who submit proposals for the purpose of clarification and to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revision of proposals and such revisions may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of information derived from proposals submitted by competing offerors.

(h) Final negotiations and letting the contract. The Committee shall rank the technical proposals, open and consider the pricing proposals submitted by each offeror, and request final and best offers from the top ranked three firms if available. Award shall be made or recommended for award through the Augusta-Richmond County Administrator, to the responsible offeror whose proposal is determined to be the most advantageous to Augusta-Richmond County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain a written report of the basis on which the award is made/recommended. The contract shall be awarded or let in accordance with the procedures set forth in this Section and Article 10, section 1-10-71 of this chapter.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-46. Authority to contract for special services.

As used in this section, special services are those professional services, such as those provided by physicians, architects, ministers, engineers, accountants and attorneys, which are normally obtained on a fee basis. In the procuring of professional services those departments which normally utilize such services may contract on their behalf for such service in accordance with this article provided that the following requirements are met:

(a) The department must solicit the best possible contract with the person providing the professional service.

(b) Negotiation with the person providing professional services shall include the department head and the Augusta-Richmond County Administrator.

(c) The department shall obtain the approval of the Commission.
(d) On those special services in Augusta-Richmond County, where another department head's expertise and recommendations can be of special use, the department procuring such service shall seek the advice of such department head.

(e) The Commission shall have the authority to continue a contract for professional services from year to year when it is in the best interest of Augusta-Richmond County.

(f) Depending on the type of the service that is involved, Augusta-Richmond County should look beyond price estimates or bids, to qualifications of the bidder. Cost of the work to be performed should not be given primary and dominant weighing in selecting the professional bidder. The technical factors and qualifications of the staff and firm should be also considered.

Section 1-10-47. Quotations or informal bids selection method (Standard and small purchases).

(a) Conditions for use. Any standard or small purchase contract or purchase order for supplies, services, and construction not exceeding five thousand dollars ($5,000.00) in total value may be made in accordance with the purchase procedures authorized in this Section and other applicable provisions of this Article. Contract requirements shall not be artificially divided so as to constitute a purchase to be made by this method.

(b) Request for quotations and specifications. Requests for quotations may be issued in writing or by telephone for purchases less than five thousand dollars ($5,000.00). In either case, specifications shall be prepared describing the item or service in a form suitable for an appropriate vendor response.

(1) Informal oral bid quotations. Quotes from a minimum of three (3) sources shall be obtained, at least one of which shall be from a DBE as provided in section 1-10-52 hereof. Maximum purchase under this system is to be one thousand five hundred dollars ($1,500.00), including sales tax. Vendor quotes are to be noted on the requisition for retention. The procurement requirement shall not be artificially divided so as to constitute a purchase to be made by this method.

(2) Informal written bid quotations. Solicitation for written bid quotes shall be obtained from three (3) sources, if available, from the vendor list, at least one of which shall be from a DBE as provided in section 1-10-52 hereof. The maximum purchase under this system is to be ten thousand dollars ($10,000.00), including sales tax.

(c) Public notice. Notice in the form of advertisements is not required. However, no less than three (3) vendors/contractors shall be directly solicited, if available, to submit quotations.

(d) Receipt of quotations. Quotations shall be scheduled for receipt at a date, time and place certain. The amount of each quote and such other relevant information as the Procurement Director deems appropriate, together with the name of each offeror shall be recorded. The record of each quote shall be open to public inspection in accordance with section 1-10-5 (Public Access to Procurement Information).

(e) Evaluation. Quotations shall be evaluated based on the requirements set forth in the request for quotations, which may include bidder responsiveness, capability and past performance, and criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the quoted price and be considered in evaluation forward shall be objective and clearly measurable, including but not limited to discounts, transportation costs, and total or life cycle cost.
costs. No criteria may be used in the evaluation process that are not set forth in the request for quotations or other notice.

(f) **Correction or withdrawal of quotes.** Correction or withdrawal of inadvertently erroneous quotes before or after the evaluation of the quotes may be permitted under the circumstances described in section 1-10-43(g) (Correction or Withdrawal of Bids).

(g) **Tie bids.** Shall be handled in the manner described in section 1-10-43(h) (Tie Bids).

(h) **Award.** Award shall be made to the most responsible and responsive bidder offering the lowest acceptable quotation. The names of the person submitting quotations and the date and amount of each quotation shall be recorded and maintained as a public record. Written quotations are advisable but not expressly required.

(i) **Agency purchases under one hundred dollars ($100.00) / authority of using agency.** Procurement of an item or article which does not exceed one hundred dollars ($100.00), including any sales tax, shall be exempt from the bid process except that, where applicable, contract vendors shall be used unless substitution is approved in writing and in advance by the Procurement Director. Further, the procurement requirements shall not be artificially divided so as to constitute a small purchase. A reasonable effort shall be made to negotiate price agreements that will cover much of the small purchase volume.

For purchases of one hundred dollars ($100.00) or less in value the using agency head may issue a Purchase Order to acquire commodity and service products. The using agency shall obtain adequate and reasonable competition for the supply, service, or construction being purchased. Further, the using agency head shall require the preparation and maintenance of written records adequate to document the competition obtained, properly account for the funds expended, and facilitate an audit of the small purchase made.

Small purchases under one hundred dollars ($100.00) may be made by the elected official or using agency head of all using agencies as follows:

1. Where the purchase does not exceed one hundred dollars ($100.00) and a Using Agency Purchase Order is prepared and presented to the vendor.

2. A copy of the purchase order shall be forwarded to Finance and Procurement notifying the Director of Finance and Procurement of the purchase and requesting payment to be made from funds previously allocated to such using agency.

(j) **Limitations on small purchases made by using agencies.** When small purchases are made by the using agency head pursuant to Subsection (i), the following requirements shall be met:

1. Such purchases are limited to goods and minor services where no contract exists or goods are not stocked by the County. No equipment and furniture purchases are authorized under subsection (i);

2. The Using Agency Purchase Orders and original invoices shall be prepared and signed by an authorized party at the using agency level and forwarded to Finance for further processing;

3. Purchases shall not be divided artificially to constitute a small purchase; and

4. Using agencies are responsible for checking the availability of funds prior to making any small purchase.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-48. Banking services.

(a) **Vendor and payroll accounts.** Requests for Proposals shall be solicited as provided in section 1-10-44 of this chapter for each of these accounts. The Request shall specify that the award shall be for a period of twenty-four (24) months, as the Commission has determined that such period of contracting will best serve the interest of Augusta-Richmond County by encouraging effective competition and promoting economies in Augusta-Richmond County's administration of these services.

(b) **Accounts other than vendor and payroll accounts.**

1. Requests for Proposals shall be solicited as provided in section 1-10-44 of this chapter for each such account. The Request shall specify that the award shall be for a period of twenty-four (24) months, as
the Commission has determined that such period of contracting will best serve the interest of Augusta-Richmond County by encouraging effective competition and promoting economies in Augusta-Richmond County's administration of these services.

(2) As provided in section 1-10-6, local banks shall be contacted first. For purposes of this section, local banks shall be defined as those banking institutions with a full service banking location in Augusta-Richmond County. Further, as provided in Article 7, a banking institution having not more than $500,000,000.00 in total assets in the State of Georgia shall be considered a DBE.

Sec. 1-10-49. Sole source procurement.

(a) Notwithstanding other provisions in this Article, whenever it shall be made to appear that by reason of design, capacity, compatibility with other equipment or with machinery, purpose, function or other characteristics an item of procurement required by Augusta-Richmond County or one of its departments is obtainable only from one source, the item may be procured by the Procurement Department through negotiation from the source from which it is available without the necessity of bids.

(b) Before any item may be obtained under the provisions of this section, however, the requisitioning agency must accompany its requisition for the order with a statement specifying in reasonable detail the reasons why the item should be procured by negotiation. This specification of reasons shall be in writing and shall be attached to the requisition at the time it is transmitted to the procurement officer.

(c) If the Augusta-Richmond County Administrator, upon considering the requisition and the substantiation therefor, determines that the item should be purchased by sole source procurement and the cost thereof does not exceed ten thousand dollars ($10,000.00), the Administrator may approve such procurement. If the item exceeds ten thousand dollars ($10,000.00) in cost, and the Administrator determines that sole source procurement is appropriate, the requisition shall be referred to the Commission for action.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-50. Emergency procurement selection method.

Notwithstanding any other provisions of this chapter, the Procurement Director, Augusta-Richmond County Administrator or constitutional officer may make or authorize others to make emergency procurement of equipment, supplies, services, general construction, or public works type construction services when there exists a threat to public health, welfare, or safety, or where daily operations are affected; provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item(s) procured under the contract, and the identification number of the contract file. A written report explaining the determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file, and a copy of same provided the Augusta-Richmond County Commission at their next regular meeting in the case of public works contracts as defined by Georgia State Law or other Augusta-Richmond County purchases when the value of the purchase exceeds ten thousand dollars ($10,000.00).

In the event an emergency should arise after office hours or on holidays or weekends which requires immediate action on the part of the using agency involved and where it is not possible or convenient to reach the Procurement Director, constitutional officer, or Administrator, the using agency head is authorized to make purchases. Such purchases shall be well documented, packaged for payment, and forwarded to the Procurement Director within twenty-four (24) hours, if possible, after occurrence.

Emergency purchases by the Augusta-Richmond County Commission shall be made as provided in 1975 Ga. Laws p. 4334, as amended.

(Ord. No. 6939, § 16, 1-2-07)
Sec. 1-10-51. Specific requirements/options for source selection method.

(a) Encumbrance of funds. The Procurement Director shall not execute any contracts or purchase orders, except in the case of certain emergency purchases, until the Finance Department staff certifies, after pre-audit, that there is to the credit of the using agency concerned a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of the order.

(b) Cancellation of bids or request for proposals. A bid(s) may be canceled at any time prior to opening the bid upon determining that mistakes occurred in the preparation of the bid to warrant such action, Augusta-Richmond County's requirements changed to the extent that the goods or services are no longer needed, or due to insufficient funds. The Procurement Director shall document for the files the specific reason(s) for cancellation and promptly notify the vendor(s) in writing of Augusta-Richmond County's decision.

(c) Multi-step proposals/sealed bids. When it is considered impractical to initially prepare a product purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined by the Procurement Director and using agency head to be technically acceptable under the criteria set forth in the first solicitation.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-52. Rejecting bids; negotiating; re-advertisement.

(a) Conditions for use. An invitation for bids/quotes, a request for proposals, or other solicitation may be canceled, or any or all bids may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interest of Augusta-Richmond County. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future Procurement of similar items.

(b) Authority to reject/cancel. If the value of the bid is $10,000 or greater, the Augusta-Richmond County Commission shall have the authority to reject/cancel any and all bids. If the bid/quote is less than $10,000, the administrator shall have the authority to reject/cancel any and all bids, quotes and proposals.

(c) Negotiating. If the low responsive and responsible bid for the project exceeds available funds as certified by the Finance Department staff, and such bid does not exceed such funds by more than twenty percent (20%), the Augusta-Richmond County Administrator and the Procurement Director are authorized, when time permits, or economic considerations preclude further resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsive bidder, in order to bring the bid within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the invitation for bids.

(d) Readvertisement. In the event that the negotiating process set forth in subparagraph (c), above, is unsuccessful, the Procurement Director may, in the alternative, readvertise for the purpose of receiving a new set of bids. Therefore, if the lowest and best bid exceeds the budgeted amount and the Augusta-Richmond County Commission does not appropriate additional funds, the Procurement Director may readvertise for bids after making sufficient changes in the specifications to bring the project within budget.

(Ord. No. 6706, § 1, 7-1-04; Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-53. Multi-term contract.

(a) Maximum period. A contract for services or supplies may be entered into for a period up to five (5) years, provided that the term of the contract and the conditions for renewal or extension, if any, are included in the solicitation and
funds are available for the balance of the then current Fiscal Year. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds. All multi-year contracts shall contain a clause which terminates the contract at the beginning of a Fiscal Year when funds are not appropriated by the Commission for continuation of the contract for that Fiscal Year.

(b) Determination prior to use. Prior to the utilization of a multi-term contract, it shall be determined in writing:

(1) that estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(2) that such a contract will serve the best interest of Augusta-Richmond County by encouraging effective competition or otherwise promoting economies in Procurement.

(c) Cancellation due to unavailability of funds in succeeding fiscal periods. All multi-term contracts shall include provisions providing that when funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled with appropriate notice.

(d) Renewal of contract. At least ninety (90) days prior to the expiration of any term of a multi-term contract, the using agency shall submit to the Augusta-Richmond County Administrator, a report of the performance of the contract and the agency’s recommendation as to the renewal of the contract. The Administrator, after consultation with the using agency and review of the report, and upon appropriate approval, shall renew the contract if renewal is in the best interest of Augusta-Richmond County. All other requirements of this Section must be met in order to consummate a renewal.

(e) Expiration and extension. Contracts being considered for renewal or re-bid may be extended by the Administrator for a period of time not exceeding ninety (90) days. Any extensions are subject to the availability of funds and mutual agreement of the vendor/contractor and Augusta-Richmond County.

Sec. 1-10-54. Right to inspect facilities.

Official representatives of Augusta-Richmond County shall have the right to inspect facilities of a vendor at any reasonable time which is related to the performance of any contract award, bid on or to be awarded by Augusta-Richmond County.

Sec. 1-10-55. Right to audit records.

Official representatives of Augusta-Richmond County may, at reasonable times and upon reasonable written notice to vendor, inspect the official records of the person or firm pertaining to a contract, change order, or purchase order with Augusta-Richmond County when such inspection is required by law, or is authorized by the Administrator in writing as being in the public interest.

Sec. 1-10-56. Use of State contracts.

The Procurement Director may, independent of the requirements of bid process of this Article, procure supplies, services or construction items through the contract established by the Procurement Division of the State of Georgia.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-57. Rebilling or cancellation of existing contract.

In the event a vendor is unwilling or unable to perform a contract or the vendor gives written notice of cancellation of an existing contract, the Procurement Director may immediately pursue a replacement of said contract either by formal or informal bid procedure as is appropriate, with the approval of the Augusta-Richmond County Administrator. The Procurement Director may accept a next lowest bidder. The options selected shall be the most advantageous to Augusta-Richmond County.

(Ord. No. 6939, § 16, 1-2-07)
ARTICLE 7. LOCAL SMALL BUSINESS OPPORTUNITIES PROGRAM*

DIVISION 1. GENERAL PRINCIPLES

Sec. 1-10-58. Short title.

This Ordinance and the codification hereof may be referred to as the "Augusta-Richmond County Local Small Business Opportunities Program Ordinance" ("LSBOP").
(Ord. No. 7035, § 2, § 2-19-08)

Sec. 1-10-59. Objective.

Augusta-Richmond County is firmly committed to the principles of equal opportunity and in keeping with these principles, hereby sets forth a program and establishes a mechanism for developing, approving, and implementing procedures by which Local Small Business enterprises shall be identified, informed and educated regarding opportunities for supplying goods, general services, and construction services required by Augusta-Richmond County; and providing for objectives for bidders to incorporate the use of Local Small Businesses as commercially useful subcontractors, thereby promoting balanced economic and community growth throughout Augusta-Richmond County. The LSBOP is a race and gender-neutral program.
(Ord. No. 7035, § 2, § 2-19-08)

Sec. 1-10-60. Policy.

It is the policy of Augusta-Richmond County that all necessary and reasonable steps shall be taken to ensure that Local Small Business enterprises have the maximum opportunity to compete for and participate in all contracts and subcontracts funded by or through Augusta-Richmond County Government. Further, the Augusta-Richmond County Commission has determined as a means to ensure full economic participation by small local business that a mechanism for developing, approving and implementing a LSBOP is required.

Augusta-Richmond County has established the LSBOP to promote opportunities for certified Local Small Business to participate in Augusta-Richmond County's contracting and Procurement activities by requiring contractors to utilize certified Local Small Businesses to perform commercially useful functions to the maximum extent possible and as economically feasible, as partners or subcontractors for service delivery or as suppliers of various goods required in the performance of a contract. This LSBOP is in addition to and shall not supplant the Local Preference Ordinance, Code § 1-10-6.

Augusta's Local Small Business Opportunities Program shall comply with Federal and State requirements applicable to small or disadvantaged business, including but not limited to those requirements set forth by regulation by the Federal Aviation Administration, U.S. Department of Defense, U.S. Department of Housing and Urban Development, and the Georgia Department of Transportation. It is expressly recognized that such Federal and State regulations preempt Augusta's regulations regarding this subject.
(Ord. No. 7035, § 2, § 2-19-08)

Sec. 1-10-61. Definitions.

(a) Generally. Those definitions set forth in chapter 10 of the Code of Ordinances shall also apply to this Article, except as provided in this section.

(b) Specifically.

(1) Bidder: Any person or entity that submits a bid to provide labor, goods or services to Augusta-Richmond County by contract in response to a bid or other solicitation by Augusta-Richmond County.

(2) Certified Local Small Business: Any business entity certified by the DBE Coordinator, providing goods or services, which has its principal office and place of doing business in Augusta-Richmond County; with gross annual receipts being less than $500,000; and whose owners meet the

*Editor's note—Ord. No. 7035, § 1, adopted February 19, 2008, repealed the former Art. 7., §§ 1-10-58—1-10-62, and enacted a new Art. 7 as set out herein. The former Art. 7 pertained to disadvantaged business enterprises. For a more detailed analysis of this inclusion, see also the Code Comparison Table.
personal net worth threshold, all as defined herein. The term Local Small Business shall also include a manufacturer with seventy-five (75) employees or less or wholesaler with fifty (50) employees or less without regard to gross Revenues.

(3) Citizen’s Small Business Advisory Board (CSBAB): Is a council to advise the Commission and DBE Coordinator of matters pertaining to this section, and to meet with small businesses to review and advise as to the issues in program Administration. See Consolidation Act, Ga. Laws 1995, p. 3648, § 1-40. Members are appointed by the Mayor, Commission and the Richmond County Legislative Delegation to the Georgia General Assembly. A list of the appointees is maintained in the Clerk of Commission's Office and is incorporated herein by reference.

(4) Competitive Bidding: Process used by Augusta-Richmond County to request and receive sealed bids for labor, goods and services wherein the winning Bidder selected present the lowest qualified bid using any of the methods authorized by Article 6 of this chapter.

(5) Commercially Useful Function: For the purpose of determining whether a registered Local Small Business is performing a commercially useful function, DBE Coordinator shall consider all of the facts in the record, viewed as a whole, including without limitation the following:

A. A Local Small Business performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

B. To perform a commercially useful function, the Local Small Business must be responsible, with respect to material and supplies used on the contract or subcontract for which it is engaged, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

C. A Local Small Business does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of Local Small Business participation. In determining whether a Local Small Business is such an extra participant, the DBE Coordinator will examine similar transactions, particularly those in which Local Small Businesses do not participate.

(6) Contract: Total legal obligation that results from the parties' agreement as affected by this Code of Ordinances and any other applicable rules of law.

State law reference—O.C.G.A. §11-1-201

(7) Good faith efforts: Techniques used by a bidder/proposer to seek Local Small Businesses to participate as a subcontractor or supplier required to fulfill the bid/proposal request for participation. Such Good Faith Efforts of a bidder/proposer include, but are not necessarily limited to, the following actions:

A. Including qualified Local Small Businesses (LSBs) in the prime contractor's solicitations for subcontractors and suppliers.

B. Assuring that LSBs are solicited whenever such business enterprises can perform a commercially useful function.

C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation of LSBs.

D. Establishing delivery schedules, where the requirements of the prime contract permit, which encourage participation of LSBs.
E. Using the services and the assistance of the DBE Coordinator in the identification of qualified LSBs and negotiating subcontracts and supply contracts with such enterprises.

F. Requiring each first tier subcontractor to take the affirmative steps outlined in subparagraphs 1 through 5 above with respect to the identification and usage of second or third tier subcontractors.

G. Placing notices of opportunities for qualified LSBs to perform subcontracting work on the eligible project in newspapers, trade journals, and other relevant publications, including publications specifically targeted to Local Small Businesses, or communicating such notices of opportunities via the Internet or by other available media or means.

H. Designating portions of the work for LSB subcontracting in trades with available LSB subcontractors.

I. Providing a minimum of five (5) days' notice to LSBs when requesting bids or proposals for furnishing material or services as a subcontractor or supplier.

(8) **Gross receipts:** Total income or, in the case of sole proprietorship gross income, plus "cost of goods sold" as these terms are defined or reported on Internal Revenue Service (IRS) Federal tax return forms; Form 1120 for corporations; Form 1120S for Subchapter S corporations; Form 1065 for partnerships; and Form 1040, Schedule F for farm or Schedule C for sole proprietorships.

(9) **Joint venture:** An association of two (2) or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge.

(10) **Local small business or LSB:** A corporation, sole proprietorship, partnership or other business organization that meets the requirements for registration as such with Augusta-Richmond County in accordance with section 1-10-64 of this Code.

(11) **Monthly utilization report or MUR:** A memorialization by a prime contractor of all subcontracting and Local Small Business participation utilized on a contract. Contractors/vendors are required to submit the monthly utilization reports on all subcontracting participation to the DBE Coordinator.

(12) **Nondiscrimination statement:** Written affirmation made by a bidder relating to the bidder's conduct prior to submission of a bid as well as after award of a contract that the bidder agrees to:

A. Follow the policies of Augusta-Richmond County relating to the participation of LSBs.

B. Undertake certain measures to ensure the maximum practicable participation by LSBs; and

C. Not engage in discriminatory conduct against LSBs inconsistent with the policy.

(13) **Personal net worth:** Net value of the assets of an individual owner, after total liabilities are deducted must not exceed seven hundred fifty thousand dollars ($750,000). An individual's personal net worth does not include the individual's ownership interest and the individual's equity in his or her primary place of residence. An individual's personal net worth includes his or her share of assets held jointly with the individual's spouse. Property held by the entireties is deemed to be owned equally by the spouse.

(14) **Prime contractor:** A person or firm who is awarded a contract from Augusta-Richmond County for provision of goods or services and has the primary responsibility for performance of the contract. The prime contractor may subcontract portions of the work required to subcontractors, as indicated in the bid or solicitation documents.
(15) **Proponent:** Any person or entity that submits a proposal to provide labor, goods, or services to Augusta-Richmond County by contract in response to a request for proposal, request for qualifications or request for competitive, sealed proposal.

(16) **Schedule of LSB participation:** Written data sheet which is a required submittal for a bid or proposal that lists proposed LSB subcontractors and the estimated value of proposed subcontracts.

(Ord. No. 7035, § 2, 2-19-08)

**Sec. 1-10-62. Application; effective date.**

This ordinance shall apply to all bids, proposals, contracts, expenditures and purchases commenced by Augusta-Richmond County on and after March 3, 2008, as further described below, except sole source or emergency Procurement.

(Ord. No. 7035, § 2, 2-19-08)

**Sec. 1-10-63. Program administration.**

A. **Services to be provided by the Local Small Business Opportunities Program (LSBOP).** The DBE Coordinator shall have the primary responsibility to assure that the LSBOP is effectively and equitably carried out in Augusta-Richmond County. The DBE Coordinator shall direct the LSBOP so as to work in partnership with the Procurement Program set forth in chapter 10 of ARC Code. Other Augusta-Richmond County officials and management personnel shall give their full cooperation towards the implementation of the program.

B. **Program.** The Local Small Business opportunities program Administration consists of performing vendor certification, education and outreach, and review of bid and proposal documents. Specifically, the program shall consist of:

1. Developing and administering LSB registration criteria and procedures.
2. Establishing and maintaining a Directory available to the public or registered LSBs capable of supplying the type and quality of equipment, supplies, general services, construction, and professional services required by Augusta-Richmond County.
3. Regularly seeking out and registering new LSBs to bid on Augusta-Richmond County purchases and solicitations.
4. Notifying vendors of their registration status and advising nonregistered parties of their right to appeal which shall be filed with the County Administrator within seven (7) days of receipt of such notice.
5. Developing annual forecasts and periodically updating same based on a review of anticipated purchases and certified LSBs.
6. Monitoring and reporting on legislative and judicial actions relevant to local, small business interests.
7. Reviewing specifications and bid documents with the Procurement Department to ensure maximum opportunities for registered LSBs to compete on an equal basis for contracting opportunities and to perform commercially useful functions.
8. Convening and/or participating in information seminars with LSBs regarding bid requirements and contract performance.
9. Providing technical assistance, conducting seminars, visiting vendors, and performing other outreach services to encourage and increase participation in Augusta-Richmond County’s bidding process by LSBs.
10. Exploring and developing other means of expanding the program, and attracting increasing LSB participation including joint efforts with other governmental agencies and authorities.
11. Refer LSBs to third party development assistance providers when appropriate for bonding, financial and technical assistance.
12. Attend pre-bid, pre-qualification or pre-proposal conferences to provide information on the LSBOP.
13. Preparing and presenting an annual LSBOP report to the Augusta-Richmond County Commission.
(14) Assist prime contractors and other potential bidders in identifying and contacting LSBS.

(15) Develop outreach programs specifically targeted to educate LSBS about the link deposit program.

C. Procurement Department responsibilities.

(1) Notify all registered vendors of formal bid opportunities through direct solicitation or public advertisement, including information on the LSBOP.

(2) Work with project managers or user agencies to divide larger projects into smaller projects or contracts when commercially appropriate, in order to create more opportunities for LSBS to participate in contracts let by Augusta-Richmond County.

(3) Provide data and technical assistance to support the outreach efforts of the LSBOP as necessary and appropriate.

(4) Develop and utilize specifications that are open and competitive.

(5) The Procurement Director, in consultation the DBE Coordinator, the using agency and the Finance Director, may make special provision for progress payments as deemed reasonable to assist LSBS to carry out the terms of a contract.

(6) When a LSB is awarded a contract with Augusta-Richmond County, the Procurement Director may furnish written confirmation of the same, providing the terms of the contract which may be used by the LSB in negotiating lines of credit with lending institutions.

D. Evaluation of the Local Small Business opportunity program by Augusta-Richmond County Commission.

The Local Small Business Opportunities Assistance Program shall be evaluated on an annual basis. Each annual report shall be compiled by the DBE Coordinator and shall compare the Fiscal Year ending with the previous Fiscal Year. Evaluation of the program may include:

(1) Number of LSB firms certified or registered.

(2) Training and technical assistance offered to LSBS.

(3) Dissemination of LSBOP information at pre-bid conferences.

(4) Evaluation of the effectiveness of the LSB in relation to the achievement of Augusta-Richmond County's goals set forth under this policy, including the utilization of LSBS on contracts.

(Ord. No. 7035, § 2, 2-19-08)

Sec. 1-10-64. Registration and certification procedures.

A. Registration criteria; acceptance of certification by other governmental agencies.

The Augusta-Richmond County's Local Small Business Opportunities Program requires prior registration or evidence of current certification of a Local Small Business in order to count the participation of that Local Small Business toward program goals. Eligibility requirements for registration are:

(1) Certification as to small business status may be accepted from other local government, State or Federal agencies that apply criteria substantially similar to that imposed by this Ordinance.

(2) Applicant firm must complete an appropriate application form obtained from the DBE Coordinator and must qualify as a Local Small Business, as the term is defined in this Article as to principle place of business, gross annual receipts and personal net worth thresholds.

(3) Representations as to a business entity's gross annual Revenues, payroll, and personal net worth of individual applicants, shall be subject to audit by the DBE Coordinator. A location utilized solely as a post office box, mailbox, mail drop, virtual office, telephone message center, or any
combination thereof, with no substantial work function, shall not be deemed to be a significant local presence sufficient to qualify as a Local Small Business.

(4) Applicant firm must possess a valid Augusta-Richmond County business license for six (6) months prior to submitting their LSBOP registration application;

(5) The firm's three-year average annual gross receipts, as defined herein, must not exceed $500,000 in annual gross receipts;

(6) Applicant firm owner must be a citizen or lawfully admitted permanent resident of the United States;

(7) Applicant firm must be a business, including a sole proprietorship, partnership, corporations, limited liability company, or any other business or professional entity:
   (a) Which is at least fifty-one (51) percent owned by one (1) or more of the applicant individuals identified, and the ownership must have been in existence for one (1) year or more, and the applicant individual must have maintained such fifty-one (51) percent ownership for at least one (1) year; and
   (b) In the case of a publicly-owned business, at least fifty-one (51) percent of all classes of stock which is owned by one (1) or more of such persons, each of whom meets the net worth criteria as defined herein.

(8) No individual owner of an applicant firm, or if a sole proprietorship or partnership the individuals themselves, may have a personal net worth that exceeds $750,000, as that term is defined in this Article.

(9) No LSB shall be registered solely on the basis of the race or gender of its ownership regime.

B. Renewal of registration.

LSB registration is valid for a two-year period beginning on the date Augusta-Richmond County registers the business. To reapply, a Local Small Business must submit a new application and evidence of continuing eligibility.

It is the responsibility of the LSB to notify DBE Coordinator of any change in its circumstances affecting its continued eligibility for the program. Failure to do so may result in the firm's de-registration and preclusion from future participation in the LSBOP.

(a) A Local Small Business that no longer meets registration criteria shall not be re-registered by the DBE Coordinator;

(b) Firms that have been denied registration or re-registration may protest the denial as follows:
   i. Within seven (7) days of receipt of denial of registration or re-registration, the firm may protest such action in writing to the DBE Coordinator;
   ii. A hearing shall be held by the County Administrator at which time the firm may present additional facts and evidence in support of its eligibility. The County Administrator shall control all aspects of the hearing, including scheduling, conduct, witnesses, and evidence, and may request the attendance of witnesses and production of particular documents;
   iii. The County Administrator shall send written notice of the decision to the firm within 30 days of the hearing.
   iv. A firm found to be ineligible cannot apply for registration or re-registration for a period of one (1) year after the effective date of the final decision.

C. Limitations.

Notwithstanding any other provision of this program except on a finding of good cause by Augusta-Richmond County, a registered LSB is no longer eligible to participate in the LSBOP after being enrolled for ten (10) consecutive years regardless of whether the firm received contracts or prime contracts under the program. If a firm
has been released from the program before graduation as a result of exceeding the LSBOP thresholds, it will still be eligible to receive contracts from ARC, but such participation will not be counted toward the LSBOP goal of identifying and employing Local Small Businesses to the greatest extent possible.

In determining whether a good cause exists for a firm to continue participation beyond ten (10) consecutive years, ARC may review all relevant factors such as amount of business previously received by the firm, and capability of other small firms to provide goods and services, impact on a potential contract opportunity for other local businesses to compete. In no event shall a firm's participation in the program extend beyond fifteen (15) years.

Participation or registration as a LSB in the LSBOP shall not preclude a registered firm from competing for a prime contract with Augusta-Richmond County on the same basis as other prime contractors or suppliers.

D. Graduation.

Augusta-Richmond County shall graduate an LSB business from eligibility as an LSB. The LSB business will be graduated from LSB if any one of the following occurs:

1. The LSB's gross Revenues in each of the previous consecutive three (3) years exceeds an average of $500,000.00;

2. The net worth of any owner of an LSB exceeds an average of $750,000.00 for each of the previous consecutive three (3) years, exclusive of principal residence and the value of the LSB; or

3. The LSB business has participated in the LSB for ten (10) years and ARC has not approved an extension of participation based on good cause.

(Ord. No. 7035, § 2, 2-19-08)

Sec. 1-10-65. Local Small Business Opportunities Program participation.

A. Sealed bids, sealed proposals, professional services and other major purchasing.

The following procedures and contract requirements will be used to insure that LSBs are encouraged to participate in Augusta-Richmond County contracts, including but not limited to construction contracts, requests for professional services and the performance of public works contracts:

1. Bid conditions, requests for proposals, and all other specifications for contracts awarded by Augusta-Richmond County will require that, where subcontracting is utilized in performing the contract, the bidder or proponent, will make Good Faith Efforts to subcontract with or purchase supplies from LSBs. Bid specifications will require the bidder or proponent to keep records of such efforts that are adequate to permit a determination of compliance with this requirement.

2. With the bid, each bidder will be required to state if it intends to subcontract any part of the work. Prior to award of contract where the apparent low bidder indicated plans to subcontract, the bidder shall be required to provide documentation of Good Faith Efforts to engage LSBs as subcontractors or suppliers, the names of LSBs and other subcontractors to whom it intends to award subcontracts, the dollar value of the subcontracts, and the scope of the work to be performed.

3. For all such contracts, the Procurement Department will provide the DBE Coordinator with a copy of the invitation to bid or bid specifications, including the scope of work. The DBE Coordinator will identify the existence of certified LSBs which are qualified to submit bids as prime contractors.

4. The DBE Coordinator shall identify subcontracting opportunities and shall make available trade-specific lists of certified LSBs to potential prime contractors. Prime contractors are encouraged to form Joint Ventures with LSBs to perform major contracts, particularly in the areas of construction and professional services.
§ 1-10-65  AUGUSTA-RICHMOND COUNTY CODE, RE-ADOPTED 7-10-2007

(5) Within thirty (30) days of the adoption of this Article, the Procurement Department will include a copy of this Ordinance in each bid or proposal.

(6) All bid documents shall require bidders or proponents to submit with their bid in a separate sealed envelope the following:

(a) Nondiscrimination statement which shall affirm the bidder’s: (i) adherence to the policies of Augusta-Richmond County relating to equal opportunity in contracting; (ii) agreement to undertake certain measures as provided in this policy to ensure maximum practicable participation of Local Small Businesses; and (iii) agreement not to engage in discriminatory conduct of any type against LSBs.

(b) Proposed schedule of Local Small Business participation.

(c) Documentation of Good Faith Efforts to use LSBs.

Failure to submit the above documentation shall result in the bid or proposal being declared nonresponsive.

(7) All Augusta-Richmond County contracts shall require that during the term of the contract, the contractor will:

(a) Fulfill the LSB participation commitments that were submitted in connection with the bids or proposal;

(b) Continue to make Good Faith Efforts to utilize LSBs for the performance of the contract;

(c) Maintain records necessary for monitoring Good Faith Efforts.

(8) Before advertising and soliciting bids, the DBE Coordinator and using department will assess if large contracts can be segmented into multiple contracts. Methods to be considered include:

i. The term of a contract may be shortened that results in a dual effect; the reduction of quantity required, and the risk inherent in guaranteeing prices over a longer period of time.

ii. Work to be performed may be grouped according to geographic location within Augusta-Richmond County.

B. Departmental purchase requirements (small purchases, quotations, or informal bids).

Subject to the dollar limits set forth under Augusta-Richmond County Ordinance, departments are authorized to make small purchases using Agency Purchase Orders. Departments shall be directed by the County Administrator to utilize LSBs on small purchases whenever possible and appropriate.

(1) The DBE Coordinator shall make available to every Augusta-Richmond County department a Directory of registered LSBs and encourage their use by departments.

(2) The DBE Coordinator shall provide annual training to all Augusta-Richmond County departments on the Local Small Business Opportunities Program.

(3) The DBE Coordinator shall track LSB purchases by department and provide feedback to department heads and the DBE Coordinator on use of LSBs for small purchases.

(4) The Procurement Director shall ensure that all Augusta-Richmond County specifications for goods and services do not contain any unnecessary impediment to LSB participation in the bid process. The DBE Coordinator will make recommendations to the Procurement Director when a specification appears to impede LSBs from competitively participating in a bid.

(5) For small purchases, quotations or informal bids, the using department will solicit bids from registered LSBs to supply the required materials, equipment, supplies or services using the LSB Registry created and maintained by the DBE Coordinator.
(6) The DBE Coordinator will notify the Procurement Director whenever there are no registered LSBs available for utilization on a project-by-project basis. The DBE Coordinator will attempt to identify qualified LSBs, and if successful, will notify the Procurement Director of their registration and availability. The Procurement Director will include such LSBs in bid/quote solicitation lists.

C. Procurement Department buyer’s responsibilities.

(1) For all purchases on which written bids are sought, registered LSBs which are ready, willing and able to perform the required services or provide the required commodity will be solicited for a written quotation or bid.

(2) Purchases from LSBs shall be tracked by the buyer.

D. Maintenance of records.

(1) The DBE Coordinator, with the assistance of the Department of Information Technology, shall compile data on LSB participation. Information on prime contract awards and subcontractor utilization will be maintained by the DBE Coordinator who will gather information from all user departments on a quarterly basis.

(2) LSB utilization statistics shall be maintained in the following manner:

(a) Contracts and purchases shall be grouped into four (4) categories: construction, professional services, general services and materials/equipment/supplies.

(b) Statistics shall measure overall awards to LSBs by category of purchase (i.e. construction, professional services, general services, and materials/equipment/supplies).

(3) The following statistics shall be reported not less than annually to the Augusta-Richmond County Commission by the DBE Coordinator.

(a) Regarding purchases of professional services, general services and mate-

rial/equipment/supplies made through the competitive bid and quotation process:

Total value of purchases.

Total value of purchases from LSBs.

(b) Regarding small purchases by operating department using Agency Purchase Orders:

Total value of small purchases by Augusta-Richmond County Department.

Total value of small purchases from LSBs by department.

(c) Regarding construction purchases:

Total value of construction contract awards.

Total value of construction contracts awarded to LSBs as prime contractors.

Total value of subcontracts awarded to LSBs.

E. Compliance.

(1) It will be the duty of the Procurement Director to ensure that bids or proposals issued from the Procurement Department adhere to the provisions set forth in this Policy.

(2) The Procurement Director, and all Department Directors will assume responsibility for evaluating compliance with this program in their respective contract areas and will review, on a continuing basis, all aspects of the program’s operations to assure that the purpose is being attained and reporting same to the DBE Coordinator for tracking and annual report purposes.

(3) Each Augusta-Richmond County contract will contain a provision requiring compliance with this policy including maintenance of records, Good Faith Efforts, and maintenance of information necessary to document compliance, and include the right of the DBE Coordinator or Procurement Director, or their respective desig-
nees to inspect such records. The record will be a part of the official files located in the Procurement Office.

(4) The DBE Coordinator shall be responsible for evaluating Good Faith Efforts documentation and subcontractor information submitted by bidders in conformance with this policy, Augusta-Richmond County Code and any State and Federal laws applicable to any bid specifications for competitive sealed bid or competitive sealed proposal projects prior to award of the contract.

(5) Each Augusta-Richmond County contract will contain a provision prohibiting any agreements between a contractor and an LSB in which the LSB promises not to provide subcontracting quotations to other bidders or potential bidders.

F. Competitive bids.

Nothing in this policy is to be construed to require Augusta-Richmond County to award a bid contract to other than the lowest responsible bidder, or to require contractors to award to subcontractors, or to make significant material purchases from LSBs who do not submit the best overall pricing to Augusta-Richmond County.

G. Outreach.

To maximize the identification, certification and utilization of LSBs, the following efforts will be undertaken by the DBE Coordinator:

A. Increase efforts to locate and register additional vendors, service providers, and construction contractors that can provide goods and services for Augusta-Richmond County through media, vendor fairs, and electronic message boards.

B. As GDOT, DOD and FAA certified construction contractors are located, invite local firms to register with Augusta-Richmond County in accordance with the requirements of this Article in order to create an enhanced resource to using departments, buyers and prime contractors to locate registered LSBs for projects that can utilize LSBs for a commercially useful function.

C. Supply information to the Board of Commissioners regarding the Ordinance and offer opportunities for ways in which the Board of Commissioners can be an advocate of the LSBOP.

(Ord. No. 7035, § 2, 2-19-08)

Sec. 1-10-66. Exceptions—Federally funded projects.

In accordance with section 1-10-8, this chapter shall not apply to any bid or Procurement to which Federal or State laws, regulations or guidelines regarding the use of disadvantaged businesses or other requirements apply.

(Ord. No. 7035, § 2, 2-19-08)


Local Small Business Opportunities Program, Citizen's Small Business Advisory Board (CSBAB) shall be constituted to advise the Commission and DBE Coordinator on matters related to this Ordinance, and to meet with Local Small Businesses, to review and provide input as to the issues in program Administration. See Consolidation Act, Ga. Laws 1995, p. 3648, § 1-40. Members are appointed by the Mayor, Commission and the Richmond County Legislative Delegation. A list of the appointees is maintained in the clerk of Commission's office and is incorporated herein by reference.

(Ord. No. 7035, § 2, 2-19-08)

ARTICLE 8 RESERVED.

Editor's note—Ord. No. 7035, § 4, adopted February 19, 2008, set out provisions requiring Art. 8, §§ 1-10-63—1-10-66 be renumbered as §§ 1-10-96—1-10-99. The classification of these sections as a new Art. 14 was at the discretion of the editor for the purposes of classification and numbering.

ARTICLE 9 APPEALS AND REMEDIES

Sec. 1-10-67. Procurement protests.

(a) Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a
contract may protest to Augusta-Richmond County. Protestors shall seek resolution of their complaints initially with the Procurement Director. All protests must be submitted in writing to the Procurement Director.

(b) Protests concerning invitations to bid. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the opening of bids or the closing date of proposals. If not done by that time, the complaint or protest is lost.

(c) Stay of Procurement during protests. In the event of a timely protest under subsection (b) of this Section, the Procurement Director shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or until the Augusta-Richmond County Administrator or Commission makes a determination on the record that the award of the contract without delay is necessary to protect the interests of Augusta-Richmond County.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-68. Contract claims.

(a) Decision of the County Administrator. All claims by a contractor against Augusta-Richmond County relating to a contract shall be submitted in writing to the Augusta-Richmond County Administrator through the officially designated Augusta-Richmond County Project Manager for a decision. The contractor may request a conference on the claims. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.

Sec. 1-10-69. Authority of the Augusta-Richmond County Administrator to settle bid protests and contract claims.

The Augusta-Richmond County Administrator is authorized to settle any protest regarding the solicitation or award of a County contract, or any claim arising out of the performance of an Augusta-Richmond County contract, prior to an appeal to the Augusta-Richmond County Commission.

Sec. 1-10-70. County's right to amend bid solicitations or awards that are in violation of law.

(a) Prior to bid opening or closing date for receipt of proposals. If prior to the bid opening or the closing date for receipt of proposals, the Procurement Director, after consultation with the Augusta-Richmond County Administrator, and the Augusta-Richmond County Attorney, determines that a solicitation is in violation of Federal, State, or local law or Ordinance, then the solicitation shall be canceled or revised to comply with applicable laws.

(b) Prior to award. If after bid opening or the closing date for receipt of proposals, the Procurement Director, after consultation with the Administrator or his designee, and the Augusta-Richmond County Attorney determine that a solicitation or proposed award is in violation of Federal, State or municipal law, then the solicitation or proposed award shall be canceled.

(c) After award. If, after an award, the Procurement Director, after consultation with the Administrator and the Augusta-Richmond County Attorney determines that a solicitation or award of a contract was in violation of applicable law, then the contract shall be revised to comply with applicable law. If Augusta-Richmond County is unable to revise the contract to comply therewith, the contract shall be terminated and declared null and void by the Augusta-Richmond County Commission.

(Ord. No. 6939, § 16, 1-2-07)

ARTICLE 10 TYPES OF CONTRACTS

Sec. 1-10-71. Authority to approve, sign and execute contracts by type.

(a) Generally. The following section establishes five (5) types of purchases: (1) major purchases, (2) standard purchases, (3) small purchase, (4) using agency purchase, and (5) emergency purchases.

Each type of purchase has its parameters involving: (1) value of purchase, (2) level of approval required within the organization for the purchase, (3) level of budget authorization given
for the purchase, (4) level of authority required for the source selection process, and (5) person within the organization charged with the responsibility to sign the purchase contract document.

(b) **Major purchase contracts.** Capital equipment, construction and all services purchase contracts with a value of twenty thousand dollars ($20,000.00) or more must have:

1. Specific project concept approval by the Commission;
2. Specific budget approval (listed in budget) or special funding authorization by the Commission;
3. Commission approval of the source selection method and award of contract; and
4. Contract to be signed by the Mayor.

(c) **Standard purchase contracts.** Goods and services purchase contracts with a value less than twenty thousand dollars ($20,000.00) but more than one thousand five hundred dollars ($1,500.00) must have:

1. General project concept approval by the Commission and/or Augusta-Richmond County Administrator;
2. General budget approval (e.g. could be unspecified within a larger account) by the Commission and specific budget approval of the Administrator, or special funding authorization by the Commission or the Administrator (if the transfer of funds is necessary and general project concept not previously approved by the Commission or Administrator);
3. Commission approval of the source selection method and award of contract; and
4. Contract to be signed by the Mayor.

(d) **Small purchase contracts.** Small purchases of less than $1,500 but more than one hundred dollars ($100.00) must have:

1. General project concept approval by the Commission or Augusta-Richmond County Administrator;
2. General budget approval by the Commission (e.g. could be specified within a larger account) and specific budget approval of using agency head as designee of the Administrator, or special funding authorization by the Administrator (when transfer of funds is necessary and general project concept not previously approved by the Commission or Administrator);
3. Using agency head approval of source selection method and Administrator award of contract; and
4. Small purchase orders to be signed by the Procurement Director or designee.

(e) **Using agency purchase contracts.** Using agency purchases (as defined elsewhere) of less than one hundred dollars ($100.00) must have:

1. Specific project concept approval by the Commission;
2. General budget approval by the Commission (e.g. could be specified within a larger account) and specific budget approval of using agency head as designee of the Augusta-Richmond County Administrator;
3. Using agency head approval of the source selection method and award of contract; and
4. Purchase order to be signed by the Procurement Director.

(f) **Emergency purchase contracts.** Emergency purchases (as defined elsewhere) regardless of the amount of the purchase must have:

1. Specific project concept approval by the Commission;
2. General budget approval by the Commission (e.g. could be unspecified within a larger account) and specific budget approval of using agency head as designee of the Administrator's designee;
3. Using agency head approval of the source selection method and award of contract if during non-standard working hours, or by the Administrator during normal working hours; and


ARTICLE 11 COOPERATIVE PROCUREMENT

Sec. 1-10-72. Definitions.

(a) Cooperative procurement. Procurement conducted by, or on behalf of, more than one public procurement unit.

(b) Public procurement unit. The United States Government, any department, agency or division thereof, any county, city, town, and any subdivision of the State of Georgia or public agency of any such subdivision, public authority, educational, health, or other institution, any other non-profit entity which expends public funds for procurement or supplies, services, or construction.

Sec. 1-10-73. Cooperative procurement agreement.

Cooperative procurement may be agreed to between Augusta-Richmond County and other public procurement units. Written agreements are encouraged so as to clearly document the requirements and any special conditions of purchase should a public solicitation be utilized.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-74. Sale, acquisition, or use of supplies.

Augusta-Richmond County may sell to, acquire from, or use any supplies belonging to another public procurement unit independent of the requirements of Article 6 (Procurement Source Selection Methods and Contract Awards) and Article 13 (Supplies and Fixed Assets Management Programs).

Sec. 1-10-75. Cooperative use of supplies or services.

Augusta-Richmond County may enter into an agreement with any public procurement unit for the cooperative use of supplies or services under the terms agreed upon between the parties.

Sec. 1-10-76. Joint use of facilities.

Augusta-Richmond County may enter into agreements for the common or joint use or lease of warehousing facilities, capital equipment, and other facilities with any public procurement unit under the terms agreed upon between the parties.

Sec. 1-10-77. Use of state contracts.

Augusta-Richmond County may procure supplies, services or construction items through contracts established by the Procurement Division of the State of Georgia where such contracts and contractors substantially meet the requirements of the Augusta-Richmond County Code and this chapter governing procurement procedures.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-78. Purchase of surplus and excess property.

Augusta-Richmond County may purchase surplus and excess personal and real property from the United States Government or any other public procurement unit upon verification of need, fund availability, and approval by the appropriate level of authority within Augusta-Richmond County as detailed in Article 10, section 1-10-1001 of this chapter.

Sec. 1-10-79. Waiver.

Any use of cooperative procurement as described above is independent of the requirements for source selection and contract award as described in Article 6 of this chapter.

ARTICLE 12 CONTRACT ADMINISTRATION AND MANAGEMENT

Sec. 1-10-80. Purpose.

A contract administration system, designed to insure that a contractor is performing in accordance with the solicitation under which the contract was awarded, shall be maintained by the Procurement Director with assistance from the using agency. Effective administration therefore includes the development of concise and competitive specifications, well developed terms and conditions of contract, and prompt, efficient day-to-
day administration. Contract administration generally shall be the responsibility of the using agency requesting the commodity, general or construction service, except that certain specialized contracts may be administered by selected trade professionals, e.g., architects, engineers, construction managers, etc.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-81. Augusta-Richmond County contracts and contract clauses.

(a) Use of model (standard) contracts and clauses. The Procurement Director, after consultation with the Augusta-Richmond County Administrator, using agency head, and Augusta-Richmond County Attorney, may establish standard contract clauses for use in County contracts for various commodities, services and construction products. Such contracts shall include provisions necessary to clearly define the responsibilities and rights of the parties to the contract.

(b) Provisions of Augusta-Richmond County contracts. Whether designed as a model or standard contract provision or specifically tailored for a particular contract, all Augusta-Richmond County contracts should include provisions for:

1. The unilateral right of Augusta-Richmond County to order in writing a temporary stopping of work, or scope, of the contract;
2. The unilateral right of Augusta-Richmond County to order in writing a temporary stopping of the work, or delaying performance that does not alter the scope, of the contract;
3. Variations, occurring between estimated quantities of work in contract and actual quantities;
4. Defective pricing;
5. Liquidated damages;
6. Specified excuses for delay or non-performance;
7. Termination of the contract for default;
8. Termination of the contract in whole or in part for the convenience of Augusta-Richmond County;
9. Payment procedures;
10. Hold harmless provisions;
11. Prohibition against contingent fees;
12. Suspension of work on a construction project ordered by Augusta-Richmond County;
13. Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:
   a. When the contract is negotiated,
   b. When the contractor provides the site or design, or
   c. When the parties have otherwise agreed with respect to the risk of differing site conditions, and
15. Contractor’s consent to venue in the Superior Court of Richmond County, Georgia; and

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-82. Contract modification.

Every modification to a contract with Augusta-Richmond County, which has not been previously approved by the Augusta-Richmond County Commission, shall be subject to prior approval by the Commission. A contract modification does not require Commission action if a contingency amount has been approved and the contract modification is within that amount and provided the Augusta-Richmond County Administrator has been contractually or otherwise specifically designated by the Commission for such purpose.

In instances where the procurement Director, architect/engineer, or project manager, with the approval of the using agency head, and Administrator, determine that the contract modification or change order cannot be delayed without substantial delay and cost to Augusta-Richmond
County and funds are available and the appropriate budget transfer is made, the Administrator may authorize the appropriate action.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-83. Bid security and performance bonds.

(a) Requirement for bid security. Bid security shall be required for all competitive sealed bids for construction contracts when the price is estimated by the Procurement Director to exceed forty thousand dollars ($40,000.00). Bid security shall be a bid bond provided by a surety company authorized to do business in the State of Georgia, or the equivalent in a cashier’s or certified check made payable to Augusta-Richmond County. Nothing herein shall prevent the requirement of such bonds on construction contracts under $40,000 when the circumstances warrant.

(b) Amount of bid security. Bid security shall be in an amount equal to at least ten (10) percent of the amount of the bid. Except for the three (3) lowest bidders, unsuccessful bidders shall be entitled to the return of the bid security. Upon failure of a successful bidder to enter into a contract within an established time frame after Augusta-Richmond County tenders the proposed contract, the bidder shall forfeit the bid security. Upon approval of the contract by the Commission, the remaining bid securities shall be returned.

(c) Rejection of sealed bids for noncompliance with bid security and authority. If required, and the bid security is not included with the bid, the Procurement Director shall recommend to the Commission that the bid be rejected.

(d) Withdrawal of bids. If a bidder is permitted to withdraw its bid before award as provided in section 1-10-42(g) (Sealed Bidding; Correction or Withdrawal of Bids) no action shall be taken against the bidder or the bid security. (Bidder entitled to return of bid security).

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-84. Contract performance and payment bonds.

(a) When required—Amounts. When a construction contract is awarded in excess of forty thousand dollars ($40,000.00), the following bonds or security shall be delivered to Augusta-Richmond County and shall become binding on the parties upon the execution of the contract:

(1) A performance bond satisfactory to Augusta-Richmond County, executed by a surety company authorized to do business in the State of Georgia or otherwise secured in a manner satisfactory to Augusta-Richmond County, in an amount equal to 100% of the price specified in the contract; and

(2) A payment bond satisfactory to Augusta-Richmond County, executed by a surety company authorized to do business in the State of Georgia or otherwise secured in a manner satisfactory to Augusta-Richmond County, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred (100) percent of the price specified in the contract.

(b) Reduction of bond amounts. Prior to the taking of bids, the Procurement Director and architect/engineer or project manager, upon approval of the Administrator, may reduce the amount of performance and payment bonds when a written determination is made that it is in the best interest of Augusta-Richmond County to do so, provided Georgia law does not mandate the amount of such bond.

(c) Authority to require additional bonds. Nothing in this Section shall be construed to limit the authority of Augusta-Richmond County to require other security in addition to those bonds if warranted by the circumstances and other than specified in Subsection (1) of this Section.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-85. Bond forms and copies.

The form of payment and performance bonds and other required bonds shall be prescribed by the Augusta-Richmond County Attorney.

Any person may request and obtain from Augusta-Richmond County a certified copy of a bond upon payment of the cost of reproduction of the
bond and postage, if any. A certified copy of a bond shall be prima facie evidence of the contents, execution, and delivery of the original.

Sec. 1-10-86. Retainage.

(a) Maximum amount to be withheld. In any contract or subcontract for construction which provides for progress payments in installments based upon an estimated percentage of completion with a percentage of the contract’s proceeds to be retained by Augusta-Richmond County pending completion of the contract or subcontract, the retained amount of each progress payment or installment shall be no more than ten (10) percent. The retainage may be reduced to five (5) percent after fifty (50) percent of the work is complete if Augusta-Richmond County desires.

(b) When used. Retainage may be applied to any construction contract, regardless of the dollar amount. Its use shall be so decided prior to release of the project for bid. Its use is recommended on projects of less than twenty thousand dollars ($20,000.00) value when the bonds have been waived.

(c) Release of retainage. Funds held by Augusta-Richmond County as retainage under the contract shall be released upon completion and acceptance of work except as described herein.

(d) No interest on retainage. No interest shall be due to any contractor on any sum held as retainage pursuant to any construction contract.

Sec. 1-10-87. Wage and requirements for federally funded projects.

When a project has federal funds, the prevailing wages paid shall correspond as nearly as practicable to those prescribed in the Federal Davis Bacon Act when required. The wage scale shall be posted by the contractor in a prominent and easily accessible place at the site of work in accordance with Federal Government requirements.

Sec. 1-10-88. Approval of accounting system.

Except with respect to firm fixed-price contracts, no contract type shall be used unless it has been determined in writing by Augusta-Richmond County that:

(a) The proposed contractor’s accounting system will permit timely development of all necessary cost data in the form required by the specific contract type completed; and

(b) The proposed contractor’s accounting system is adequate to allocate costs in accordance with generally accepted cost accounting principles.

Sec. 1-10-89. Contractual provisions for worksite inspections.

All contracts shall provide that Augusta-Richmond County may, at reasonable times, inspect the part of the plant, place of business, or worksite of a contractor or subcontractor or subunit thereof which is pertinent to the performance of any contract awarded or to be awarded by Augusta-Richmond County.

Sec. 1-10-90. Contractual provisions for auditing records.

(a) Audit of costs or pricing data. All contracts shall provide that Augusta-Richmond County may at reasonable times and places, audit the books and records of any contractor who has submitted cost or pricing data pursuant to section 1-10-502 (Cost or Pricing Data) to the extent that such books, documents, papers, and records are pertinent to such cost or pricing data. Any person who received a contract, change order, or contract modification for which cost or pricing data is required, shall maintain such books, documents, papers, and records that are pertinent to such cost or pricing data for three (3) years from the date of final payment under the contract.

(b) Contract audit. All contracts shall provide that Augusta-Richmond County shall be entitled to audit the books and records of a contractor or subcontractor at any time under any negotiated contract or subcontract other than a firm fixed-
price contract to the extent that such books, documents, papers, and records are pertinent to the performance of such contract or subcontract. Such books and records shall be maintained by the contractor for a period of three years from the date of final payment under the prime contract and by the subcontractor for a period of three years from the date of final payment under the subcontract.

**Sec. 1-10-91. Reporting of anti-competitive practices to state.**

When for any reason collusion or other anti-competitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the State Attorney General by the Augusta-Richmond County Attorney.

## ARTICLE 13 SUPPLIES AND FIXED ASSETS MANAGEMENT PROGRAMS

**Sec. 1-10-92. Surplus supplies.**

(a) Supplies. Goods, equipment, material and other personal property owned by Augusta-Richmond County.

(b) Surplus supplies. Any goods, equipment, materials and personal property no longer having any use to Augusta-Richmond County as determined by official action of the Commission.

(c) Generally, salvageable surplus supplies are divided into categories as described below:

1. **Scrap.** Any ferrous supplies that can be used for remelting to produce iron, steel, or its alloys.

2. **Waste.** All non-metallic refuse which has market value, e.g. paper.

3. **Worn or damaged.** Either scrap or waste supplies that may be sold or used as trade-in.

4. **Obsolete and surplus.** Any supplies that are of no use by Augusta-Richmond County.

5. **Excess.** Any supply that does not have a useful purpose for a particular department or agency. The supply may have value, within other departments or Augusta-Richmond County agencies and may be transferred.

(Nothing herein refers to the sale, lease or disposal of real property.)

**Sec. 1-10-93. Fixed asset management.**

The Fixed Assets Management function in Augusta-Richmond County was implemented for the purpose of surveying and documenting all County owned personal assets, performing regular audits of County assets, centralizing the administration and control of excess supplies and determining whether excess supplies are suitable for other uses prior to disposition and prior to procuring new items of similar quality and functionality. Also, the Procurement Director shall regularly check with agencies regarding the use and availability of excess or potentially surplus items.

With respect to surplus supplies, all using agencies shall submit to the Procurement Director, at such times and in such forms as prescribed, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped. The Fixed Assets Manager shall determine whether the item (s) can be relocated for further use by other departments or agencies prior to disposition. If the item (s) has no further use to Augusta-Richmond County, the Procurement Director shall prepare a report to the Augusta-Richmond County Administrator advising that office of the item (s) available for disposition.

(Ord. No. 6939, § 16, 1-2-07)

**Sec. 1-10-94. Supplies management.**

(a) **Responsibility.** The Procurement Director has responsibility for the sale, lease, or disposal of surplus supplies. No employee or official of Augusta-Richmond County nor their agent shall be entitled to purchase such supplies.

1. The Procurement Director is responsible for the sale, or disposal of supplies via means described below; except that it shall first be determined that the item (s) has no further use by Augusta-Richmond County.
(2) The Procurement Director shall handle the Procurement of auction facilities and professional auction services, and the advertisement process, or coordinate the sealed bidding process.

(3) The Augusta-Richmond County Commission shall authorize the sale, lease, or disposal of surplus supply items when necessary and appropriate.

(b) Surplus supplies—How disposed.

(1) Auction or sealed bids.

(2) Transfer to other using agency or public entity.

(3) Trade-in on new supplies or equipment.

(c) Award. Award shall be made in accordance with the invitation for bids or public outcry to the highest bidder if the price is reasonable and acceptable to Augusta-Richmond County.

(d) Payment. U.S. currency, U.S. Postal Money Orders, local personal checks, certified checks, or cashier's checks are acceptable methods of payment.

(Ord. No. 6939, § 16, 1-2-07)

Sec. 1-10-95. Reserved.

ARTICLE 14. SUSPENSION OR DEBARMENT OF BIDDER OR PROPOSER

Sec. 1-10-96. Authority to suspend or debar from qualified bidder/proposer list.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Augusta-Richmond County Commission is authorized to suspend or debar a person for cause from consideration for award of contracts. The suspension may be for a period of not more than three (3) months. The debarment shall be for a period of not more than three (3) years. The Augusta-Richmond County Administrator is authorized to suspend a person from consideration for award of contracts if there is any activity which might lead to debarment. The administrator's suspension shall be for a period not to exceed thirty (30) days.

(Ord. No. 7035, § 4, 2-19-08)

Sec. 1-10-97. Causes for suspension and debarment.

The causes for suspension or debarment may include but are not limited to:

(a) Conviction for the Commission of a criminal offense as an incident to obtaining or attempting to obtain any public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction under State or Federal statutes of embezzlement, theft, forgery, bribery, indicating a lack of business integrity or business honesty;

(c) Conviction under State or Federal anti-trust statutes arising out of the submission of any bids or proposals;

(d) Violation of prior Augusta-Richmond County contract provisions, as set forth below, of a character which is regarded by Augusta-Richmond County to be so serious as to justify suspension or debarment action, such as a deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in any prior Augusta-Richmond County contract; or a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more Augusta-Richmond contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be basis for debarment.

(e) Any other cause determined to be so serious and compelling that would materially affect or has materially affected the responsibility of a contractor in the performance of his duties under any contract, including debarment by another governmental entity for any cause listed in this chapter; and
(f) For violation of any ethical standards set forth in Article 2 (Ethics in Public Contracting) of this chapter.

(Ord. No. 7035, § 4, 2-19-08)

Sec. 1-10-98. Decision to suspend or debar.

Any decision to suspend or debar a person may be made by the Augusta-Richmond County Administrator or to recommend suspension or debarment to the Commission shall be in writing and shall state the reasons for the action or recommended action and inform the suspended person of their rights to an administrative appeal to the Commission. Any decision by the Commission to suspend or debar any person from the Procurement Process shall be on the record and in writing and shall state the reasons for the action taken.

(Ord. No. 7035, § 4, 2-19-08)

Sec. 1-10-99. Notice of decision.

A copy of the written decision required by section 1-10-98 (Decision to suspend or debar) shall be mailed by certified mail, return receipt requested, to the suspended or debarred person.

(Ord. No. 7035, § 4, 2-19-08)
TITLE 2
FINANCE AND TAXATION

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Chapter 1

BUSINESS TAX CERTIFICATE

ARTICLE 1 IN GENERAL

Sec. 2-1-1. Occupation tax required; occupation tax required for business dealings in Richmond County, City of Augusta, and Augusta-Richmond County.

For the year 1996 and succeeding years thereafter, each person engaged in any business, trade, profession, or occupation in Augusta-Richmond County, Georgia, other than within the unincorporated limits of the City of Hephzibah or the Town of Blythe, or in the case of an out-of-state business with no location in Georgia exerting substantial efforts within the state pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax for said business, trade, profession, or occupation; which tax and any applicable Business Tax Certificate shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in Augusta-Richmond County, Georgia. If the taxpayer has no permanent business location in Augusta-Richmond County, Georgia, such Business Tax Certificate shall be shown to the License and Inspection Department or this office's deputies or to any Sheriff's deputy of Augusta-Richmond County, Georgia, upon request.

Sec. 2-1-2. Construction of terms; definitions.

(a) Wherever the term Augusta-Richmond County is used herein, such term shall be construed to mean the consolidated governments of Richmond County and the City of Augusta, Georgia.

(b) As used in this chapter, the following terms have the meanings ascribed to them:

(1) Administrative fee. A component of an occupation tax which approximates the reasonable cost of handling and processing the occupation tax.

(2) Augusta-Richmond County Commission or Commission. The successor to the Richmond County Board of Commissioners and the City Council of Augusta.

(3) Director of License & Inspection. The person named as Director of the Richmond County License and Inspection Department.

(4) Gross receipts. The total revenue of the business or practitioner for the period, including without limitation the following:

a. Total income without deduction for the cost of goods or expenses incurred;

b. Gain from trading in stocks, bonds, capital assets, or instruments of indebtedness;

c. Proceeds from commissions on the sale of property, goods, or services;

d. Proceeds from fees for services rendered; and

e. Proceeds from rent, interest, royalty, or dividend income.

f. Proceeds from sales of goods or services which are delivered to or received by customers who are outside the State of Georgia at the time of delivery or receipt.

(5) Gross receipts shall not include the following:

a. Sales, use, or excise tax;

b. Sales returns, allowances, and discounts;

c. Interorganizational sales or transfers between or among the units of a parent-subsidiary controlled group of corporations as defined by 26 U.S.C. § 1563(a)(1), or between or among the units of a brother-sister controlled group of corporations as defined by 26 U.S.C. § 1563(a)(2);

d. Payments made to a subcontractor or an independent agent; and
e. Governmental and foundation grants, charitable contributions, or the interest income derived from such funds received by a nonprofit organization which employs salaried practitioners otherwise covered by this article, if such funds constitute 80 percent or more of the organization's receipts.

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

(7) **Occupation tax.** A tax levied on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business for revenue raising purposes.

(8) **Regulatory fees.** Payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by Augusta-Richmond County. A regulatory fee may not include an administrative fee. Development impact fees as defined by paragraph 8 of O.C.G.A. § 36-71-2 or other costs or conditions of zoning or land development are not regulatory fees.

(9) **Dominant line.** The type of business, within a multiple-line business, that the greatest amount of income is derived from.

(10) **Person.** Includes sole proprietors, corporations, partnerships, nonprofits, or any other form of business organization, but specifically excludes charitable nonprofit organizations which utilize at least 50 percent of their proceeds for charitable purposes.

(11) **Practitioner of profession or occupation.** One who by state law requires state licensure regulating such profession or occupation.

   a. Practitioners of professions and occupations shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

(12) **Business Tax Certificate.** The document issued by the Richmond County, City of Augusta, or Augusta-Richmond County License and Inspection Department to a business, corporation, or profession which gives evidence of compliance with the requirements of this article and payment of a business tax for the year.

(13) **Employee.**

   a. Except as otherwise provided in subparagraph (b), "employee" means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2 but not a form I.R.S. 1099.
(b) An individual who performs work under the direction and supervision of one (1) business or practitioner in accordance with the terms of a contract or agreement with another business which recruits such individual is an employee of the business or practitioner which issues to such individual for purposes of document compensation a form I.R.S. W-2. (Ord. No. 6243, §§ 1-3, 1-18-00)

Sec. 2-1-3. Administrative and regulatory fee structure; occupation tax structure.

(a) A nonprorated, nonrefundable administrative fee of $80.00 shall be required on all business and occupation tax accounts for the initial startup, renewal, or reopening of those accounts.

(b) A regulatory fee will be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee may not include an administrative fee.

(c) The regulatory fee schedule for persons in occupations and professions shall be as set below, as may be amended from time to time:

```
<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Entertainment Establishments</td>
<td>$2,750.00 per year</td>
</tr>
<tr>
<td>Adult Entertainment (live)</td>
<td>110.00 per day</td>
</tr>
<tr>
<td>Amusement Parks</td>
<td>550.00 per year</td>
</tr>
<tr>
<td>Arcades</td>
<td>275.00 per year</td>
</tr>
<tr>
<td>Dance Halls</td>
<td>110.00 per year</td>
</tr>
<tr>
<td>Craft Show Promoters</td>
<td>330.00 per year</td>
</tr>
<tr>
<td>Entertainment Venues</td>
<td>$275.00 per year</td>
</tr>
<tr>
<td>Flea Markets:</td>
<td></td>
</tr>
<tr>
<td>1 through 10 rental spaces</td>
<td>330.00 per year</td>
</tr>
<tr>
<td>11 or more rental spaces</td>
<td>550.00 per year</td>
</tr>
<tr>
<td>Fortune Tellers</td>
<td>550.00 per year</td>
</tr>
<tr>
<td>Going Out of Business Sales</td>
<td>110.00 per 90 days</td>
</tr>
<tr>
<td>(May be renewed for 60 days)</td>
<td>100.00</td>
</tr>
<tr>
<td>Second Hand Goods</td>
<td>110.00 per year</td>
</tr>
<tr>
<td>Street Vendors</td>
<td>39.00 per day</td>
</tr>
<tr>
<td>Temporary and Transient Vendors</td>
<td>138.00 per day</td>
</tr>
<tr>
<td>Vehicles for Hire (per vehicle):</td>
<td></td>
</tr>
<tr>
<td>Wreckers</td>
<td>28.00 per year</td>
</tr>
<tr>
<td>Taxicabs</td>
<td>28.00 per year</td>
</tr>
</tbody>
</table>
```
Limousines ................................................................. 28.00 per year
Vending Machines (per machine) ................................. 6.00 per year

(Ord. No. 5962, 10-9-97; Ord. No. 6598, § 1, 2-4-03; Ord. No. 6581, § 1, 12-17-03; Ord. No. 6726, § 1, 9-21-04; Ord. No. 6931, § 1, 12-11-06)

Note—Massage therapists are regulated by State Law. See O.C.G.A. § 43-24A-1 et seq.

Sec. 2-1-4. Occupation tax levied; restrictions.

(a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one (1) or more locations or offices in Augusta-Richmond County and/or upon the applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based upon the following criteria:

(1) Gross receipts of the business or practitioner in combination with the profitability ratio for the type of business, profession, or occupation as measured by nationwide averages derived from statistics, classifications, or other information published by the U.S. Office of Management and Budget, the U.S. Internal Revenue Service, or successor agencies of the United States.

(b) The occupational tax schedule shall be as follows:

(1) Classification.
   a. Augusta-Richmond County. Each business and profession operating within Augusta-Richmond County, other than within the incorporated limits of the City of Hephzibah or the Town of Blythe, shall be required to be classified as herein provided.
   b. Dominant business activity. Each business and profession operating within Augusta-Richmond County shall be classified by dominant business activity into six (6) occupation groups according to the classification structure set forth in North American Industry Classification System published by the U.S. Government, Executive Office of the President, Office of Management and Budget. [An alphabetical listing of the Business Classification (NAIC) and Tax Classes for each is set forth in Appendix D to this Code.]

(2) Profitability ratios in combination with gross receipts.

   a. The tax rate determined by profitability ratios in combination with gross receipts for each business, trade, profession, or occupation in Augusta-Richmond County shall be as follows and will be developed and updated from time to time by the Director of License and Inspection:

<table>
<thead>
<tr>
<th>Profitability Ratio/Tax Class;</th>
<th>Tax Rate Per $1,000.00 Gross Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td>$0.100</td>
</tr>
<tr>
<td>Class 2</td>
<td>$0.133</td>
</tr>
<tr>
<td>Class 3</td>
<td>$0.167</td>
</tr>
<tr>
<td>Class 4</td>
<td>$0.200</td>
</tr>
<tr>
<td>Class 5</td>
<td>$0.233</td>
</tr>
<tr>
<td>Class 6</td>
<td>$0.267</td>
</tr>
</tbody>
</table>

   b. The business tax amounts, exclusive of regulatory fees, for the various gross receipt brackets or ranges by tax class are shown below:
### Bracket Gross Receipts

<table>
<thead>
<tr>
<th>Bracket Gross Receipts</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1—$30,000</td>
<td>$81</td>
<td>$81</td>
<td>$83</td>
<td>$83</td>
<td>$84</td>
<td>$84</td>
</tr>
<tr>
<td>$30,001—$100,000</td>
<td>$87</td>
<td>$89</td>
<td>$92</td>
<td>$95</td>
<td>$97</td>
<td>$99</td>
</tr>
<tr>
<td>$100,001—$300,000</td>
<td>$97</td>
<td>$103</td>
<td>$109</td>
<td>$116</td>
<td>$121</td>
<td>$128</td>
</tr>
<tr>
<td>$300,001—$500,000</td>
<td>$109</td>
<td>$119</td>
<td>$130</td>
<td>$140</td>
<td>$149</td>
<td>$160</td>
</tr>
<tr>
<td>$500,001—$750,000</td>
<td>$128</td>
<td>$143</td>
<td>$160</td>
<td>$176</td>
<td>$191</td>
<td>$208</td>
</tr>
<tr>
<td>$750,001—$1,000,000</td>
<td>$155</td>
<td>$179</td>
<td>$205</td>
<td>$230</td>
<td>$255</td>
<td>$281</td>
</tr>
<tr>
<td>$1,000,001—$2,000,000</td>
<td>$185</td>
<td>$220</td>
<td>$255</td>
<td>$290</td>
<td>$326</td>
<td>$361</td>
</tr>
<tr>
<td>$2,000,001—$4,000,000</td>
<td>$261</td>
<td>$321</td>
<td>$382</td>
<td>$442</td>
<td>$503</td>
<td>$563</td>
</tr>
<tr>
<td>$4,000,001—$6,000,000</td>
<td>$442</td>
<td>$563</td>
<td>$684</td>
<td>$805</td>
<td>$926</td>
<td>$1,047</td>
</tr>
<tr>
<td>$6,000,001—$8,000,000</td>
<td>$684</td>
<td>$886</td>
<td>$1,087</td>
<td>$1,289</td>
<td>$1,491</td>
<td>$1,692</td>
</tr>
<tr>
<td>$8,000,001—$10,000,000</td>
<td>$938</td>
<td>$1,208</td>
<td>$1,491</td>
<td>$1,773</td>
<td>$2,055</td>
<td>$2,338</td>
</tr>
<tr>
<td>$10,000,001—$12,000,000</td>
<td>$1,168</td>
<td>$1,531</td>
<td>$1,894</td>
<td>$2,257</td>
<td>$2,620</td>
<td>$2,983</td>
</tr>
<tr>
<td>$12,000,001—$15,000,000</td>
<td>$1,4103</td>
<td>$1,853</td>
<td>$2,297</td>
<td>$2,741</td>
<td>$3,185</td>
<td>$3,628</td>
</tr>
<tr>
<td>$15,000,001—$20,000,000</td>
<td>$1,713</td>
<td>$2,257</td>
<td>$2,802</td>
<td>$3,346</td>
<td>$3,891</td>
<td>$4,435</td>
</tr>
<tr>
<td>$20,000,001—$30,000,000</td>
<td>$2,197</td>
<td>$2,902</td>
<td>$3,608</td>
<td>$4,314</td>
<td>$5,019</td>
<td>$5,726</td>
</tr>
<tr>
<td>$30,000,001—AND OVER</td>
<td>$3,104</td>
<td>$4,112</td>
<td>$5,121</td>
<td>$6,129</td>
<td>$7,137</td>
<td>$8,146</td>
</tr>
</tbody>
</table>

(c) **Business Tax Restrictions** shall be as follows:

1. No business or practitioner shall be required to pay more than one (1) Occupation Tax for each of its locations.

2. No Occupation Tax will be required upon more than one hundred (100) percent of a business's gross receipts.

3. No Occupation Tax will be required on receipts on which such Tax has been levied in other localities or states.

4. An Occupation Tax shall be required from real estate brokers, agents, or companies whose offices are located outside the Taxing jurisdiction and who sell property inside the Taxing jurisdiction.

5. An Occupation Tax shall not be levied in any other manner except as described in this Section.

6. Occupation Taxes are limited to the gross receipts earned in the Taxing jurisdiction or in the State of Georgia.

7. Out-of-state businesses with no location in Georgia shall be assessed Occupation Taxes based on the gross receipts of the business as defined in O.C.G.A. § 14-13-7 (see subsections 2-2-7(2)(a) and (b) of this Chapter) which are reasonably attributed to sales or services in the State of Georgia.

(Ord. No. 6243, §§ 1, 5, 1-18-00; Ord. No. 6931, § 2, 12-11-06)

### Sec. 2-1-5. Allocation of gross receipts of business with multiple intrastate or interstate locations.

For those businesses that have multiple locations inside and outside of Augusta-Richmond County the gross receipts used to determine the Occupation Tax assessed will be those gross receipts attributed to each Augusta-Richmond County location. Where the business or practitioner cannot reasonably allocate the dollar amount of gross receipts among multiple locations or offices, the business or practitioner shall divide the gross receipts reported to all local governments in the State of Georgia by the number of locations or offices of the business or practitioner which contributed to the gross receipts reported to any local government in this State, and shall allocate an equal percentage of such gross receipts of the business or practitioner to each location or office. Upon request, the business or practitioner with a
location or office situated in more than one (1) 
jurisdiction shall provide to Augusta-Richmond 
County the following:

(a) Financial information necessary to allo-
cate the gross receipts of the business or 
practitioner; and

(b) Information relating to the allocation of 
the business's or practitioner's gross re-
ceipts by other local governments. 
(Ord. No. 6243, § 6, 1-18-00; Ord. No. 6243, § 6, 1-18-00)

Sec. 2-1-6. Paying Occupation Tax of busi-
ness with no location in Georgia.

Registration and assessment of an Occupation 
Tax is hereby imposed on those businesses and 
practitioners of professions with no location or 
office in the state of Georgia if the business's 
largest dollar volume of business in Georgia is in 
Augusta-Richmond County and the business or 
practitioner:

(a) Has one (1) or more employees or agents 
who exert substantial efforts within the 
jurisdiction of Augusta-Richmond County 
for the purpose of soliciting business or 
serving customers or clients; or

(b) Owns personal or real property which 
generates income and which is located 
within the jurisdiction of Augusta-Rich-
mond County.

Sec. 2-1-7. Each line of business to be iden-
tified on business Tax certificate.

The Business Tax Certificate of each business 
operated in the local government's jurisdiction 
shall identify the line or lines of business that the 
business conducts. No business shall conduct any 
line of business without first having that line of 
business registered with the License and Inspec-
tion Department and that line of business being 
noted by the License and Inspection Department 
upon the Business Tax Certificate which is to be 
displayed by the business owner.

Sec. 2-1-8. The number of businesses consid-
ered to be operating in Rich-
mond County, City of Augusta, or 
Augusta-Richmond County. 

Where a person conducts business at more 
than one (1) fixed location, each location or place 
shall be considered a separate business for the 
purpose of the Occupation Tax.

Sec. 2-1-9. Professionals as classified in 
O.C.G.A. § 48-13-9(c), paragraphs 1 through 18.

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

(a) The Occupation Tax based on gross receipts 
combined with profitability ratios as set forth in 
section 2-1-4 of this chapter; or

(b) A fee of three hundred thirty ($365.00) per 
practitioner who is licensed to provide the service, 
such Tax to be paid at the practitioner's office or 
location; provided, however, that a practitioner 
paying according to this paragraph shall not be 
required to provide information to the local gov-
ernment relating to the gross receipts of the 
business or practitioner. The per-practitioner fee 
applies to each person in the business who qual-
ifies as a practitioner under the state's regulatory 
guidelines and framework.

(c) This election is to be made on an annual 
basis and provided to the License and Inspection 
Department no later than November 15 of each 
year.

(d) A practitioner of a profession or occupation 
who elects the Occupation Tax in this section, 
shall receive no reduction in such amount. 
(Ord. No. 6243, § 7, 1-18-00; Ord. of 12-9-00, § 2; 
Ord. No. 6931, § 3, 12-11-06)

Sec. 2-1-10. Practitioners exclusively prac-
ticing for a government. 

Any practitioner whose office is maintained by 
and who is employed in practice exclusively by
the United States, the state, a municipality or county of the state, instrumentalities of the United
States, the state, or a municipality or county of the state shall not be required to obtain a Business Tax Certificate or pay an occupation tax for that practice.

Section 2-1-11. Businesses not covered by this ordinance.

The following businesses are not covered by the provisions of this article but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the State of Georgia or by local law:

(a) Those businesses regulated by the Georgia Public Service Commission.
(b) Those electrical service businesses organized under Chapter 3 of Title 46 of the Official Code of Georgia Annotated.
(c) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
(d) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.
(e) Insurance companies governed by O.C.G.A. § 33-8-8, et seq.
(f) Motor common carriers governed by O.C.G.A. § 46-7-15.
(g) Those businesses governed by O.C.G.A. § 48-5-355. (Businesses that purchase carload lots of guano, meats, meal, flour, bran, cottonseed, or cottonseed meal and hulls.)
(h) Agricultural products and livestock raised in the State of Georgia governed by O.C.G.A. § 48-5-356.
(i) Depository financial institutions governed by O.C.G.A. § 48-6-93.

Section 2-1-12. Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.

An occupation tax shall not apply to the gross receipts of any part of a business where such levy is prohibited or exempted by the laws of Georgia or of the United States.

Section 2-1-13. Purpose and scope of tax.

The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade, or calling. The occupation tax only applies to those businesses and occupations which are covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.

Section 2-1-14. When tax due and payable; effect of transacting business when tax delinquent.

(a) Each such occupation tax shall be for the calendar year 1996 and succeeding calendar years thereafter unless otherwise specifically provided. Said occupation tax, together with the applicable administrative and regulatory fee, shall be payable January 1 of each year. If said amounts are not paid within thirty (30) days from the due date, a penalty of ten (10) percent of the tax or fee due will be imposed and interest will be charged on the delinquent tax, regulatory fee and/or administrative fee at the rate of 1.5 (one and ½) percent per month, until paid in full. In the event that any person commences business in Augusta-Richmond County on any date after January 1, the Business Tax Certificate and tax shall be due and payable thirty (30) days following the commencement of business, after which time the penalties as described above shall be imposed. Regulatory fees shall be paid before commencing business or the practice of a profession as a condition precedent to transacting business, or practicing a profession. Regulatory fees may be paid after commencing business or the practice of a profession when:

1. The work done or services provided are necessary for the health or safety of one (1) or more individuals;
2. The work done or services provided have no adverse effect on any other person; and
3. Regulatory fees are tendered to Augusta-Richmond County within two (2) business days after commencing business or the practice of a profession.
The Business Tax Certificate herein provided shall be issued by the Director of License and Inspection and if any person, firm, or corporation whose duty it is to obtain a Certificate shall, after said Certificate or occupation tax becomes delinquent, transact or offer to transact, in Augusta-Richmond County, any kind of professions, trades, or callings subject to this section without having first obtained said certificate, such offender shall also be subject to penalties provided herein at section 2-1-19.

(b) In addition to the above remedies, the marshal may proceed to collect in the same manner as provided by law for tax executions.

(c) Attorneys who fail to pay the occupation tax due shall not have their occupation tax certificate revoked; however, the amount of tax due, plus penalties and interest, shall constitute a lien as provided by law.

(Ord. No. 6243, § 8, 1-18-00)

Sec. 2-1-15. Exemption on grounds that business is operated for charitable purpose.

No business on which a business registration or occupation tax is levied by this article shall be exempt from said registration or tax on the ground that such business is operated for a charitable purpose, unless fifty (50) percent or more of the entire proceeds from said business are devoted to such purpose.

Sec. 2-1-16. Evidence of state registration required if applicable; state registration to be displayed.

(a) Each person who is licensed by the Secretary of State pursuant to Title 43 of the Official Code of Georgia Annotated shall provide evidence of proper and current state licensure before a Richmond County, City of Augusta, or Augusta-Richmond County Business Tax Certificate may be issued.

(b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee’s place of business and shall keep the license there at all times while the license remains valid.

Sec. 2-1-17. Evidence of qualification required if applicable.

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency, or any other regulatory matter shall first, before the issuance of an Richmond County, City of Augusta, or Augusta-Richmond County Business Tax Certificate, show evidence that such requirements have been met.

Sec. 2-1-18. Liability of officers and agents; registration required; failure to obtain.

All persons subject to the occupation tax levy pursuant to this article shall be required to obtain the necessary certificate for said business as described in this article, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a certificate. Every person commencing business in Augusta-Richmond County after January 1 of each year shall likewise obtain the certificate herein provided for before commencing the same; and any person transacting, or offering to transact in Augusta-Richmond County, any of the kinds of businesses, trades, professions, or occupations without first having so obtained said certificate, shall be subject to penalties provided herein.

Sec. 2-1-19. Penalties for violation.

Upon violation of any provision of this chapter, and except as provided in section 2-1-14 above, the Business Tax Certificate of the violator shall be subject to suspension or revocation. In addition to penalties and interest imposed by section 2-1-14(a) above, a court of competent jurisdiction for the enforcement of this article, may impose a civil fine for failure to pay the occupation tax or regulatory fee which shall not exceed five hundred dollars ($500.00), and may be enforced by the contempt power of the court.

(Ord. No. 6243, § 9, 1-18-00)

Sec. 2-1-20. Duties of the director of license and inspection.

(a) The Director of License and Inspection shall have the direct authority to do the following:

1. Administer and enforce the provisions of this article for the levy, assessment, and collection of the taxes, penalties, and fees imposed herein.
(2) Make and publish reasonable rules and regulations not inconsistent with this article or other laws of Augusta-Richmond County, Georgia and the State of Georgia, or the Constitution of this State or United States, for the administration and enforcement of the provisions of this article and the collection of the fees, taxes and penalties hereunder.

(b) The Director, his deputy, or authorized representative shall have, among others, the following duties:

(1) To prepare and provide the necessary forms for the registration and application for a Business Tax Certificate for a business, and for the submission of required information as may be necessary to properly administer and enforce the provisions of this article.

(2) To issue to each person a Business Tax Certificate within a reasonable time after the payment of the fees and taxes assessed and levied in this article, however, where under other ordinances of Augusta-Richmond County, permits, certifications, and compliance with the enumerated conditions are required for the operation of a business, the director shall not issue a Business Tax Certificate until the applicant exhibits to the director such obtained permits, certifications, and compliances.

(3) To determine if the accounting method used by a business for which a Business Tax Certificate is required under this article accurately reflects the taxable gross revenue of the business for the applicable calendar year, and to make whatever adjustments may be necessary in order to arrive at the accurate amount of the taxable gross revenue for the applicable period.

(4) To audit periodically and when deemed necessary by the director, the books and records of the business subject to the provisions of this article and to require the submission of such additional information as may be necessary in order to correctly determine the amount of the taxes and fees due and to ensure the collection of same.

(5) To issue in any year, without charge, a Business Tax Certificate when the applicant exhibits to the director such permits, certifications, and compliances which, under the laws of the State of Georgia or of the United States of America would entitle the applicant to same.

Sec. 2-1-21. Occupation taxes levied on business to be transacted during current calendar year; filing of returns showing gross receipts during preceding calendar year.

(a) All occupation taxes levied under this article are levied on the amount of business to be transacted during the current calendar year. However, for convenience of both Augusta-Richmond County and the taxpayer, each business subject to the occupation tax levied in section 2-2-4 hereof shall, on or before the dates hereinafter set forth, file with the License and Inspection Department the return hereinafter specifically provided for, showing the gross receipts of that business during the preceding year from October 1 through September 30. This return shall be used as the basis for making estimated payments on the occupation tax for the current calendar year. The actual and final amount of tax levied for business transacted in the current calendar year shall be paid in accordance with a final return to be made after the end of the year, in accordance with the procedure set forth herein.

(b) The owner, proprietor, manager, or secretary officer of the business subject to said occupation tax of the current calendar year shall, by November 15 of the current calendar year, file with the License and Inspection Department of Augusta-Richmond County, on a form furnished by said officer, a signed return setting forth the amount of gross receipts of such business for the entire twelve (12) months from October 1 of the preceding calendar year through September 30 of the current year. This return will be used to determine the final tax for the calendar year just completed and as an estimate of the gross receipts and occupation tax for the current year.
(c) Where a business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the amount of gross receipts for such part shall be reported in said return. Said return shall also show a figure putting the receipts for such part of a year on an annual basis with the part-year receipts bearing the same ratio to the whole-year gross receipts as the part year bears to the whole year. Said figure shall be used as the estimate of the gross receipts of the business for the current calendar year in establishing the business tax liability.

Sec. 2-1-22. Filing of return showing actual gross receipts during calendar year; procedure where taxes overpaid or underpaid.

(a) On or before November 15 of each year, the owner, proprietor, manager, or executive officer of the business liable for said occupation tax levied for the year shall file with the License and Inspection Department of Augusta-Richmond County, on a form furnished by License and Inspection Department, a signed return setting forth the actual amount of the gross receipts of such business during the preceding year as provided in section 2-2-22.

(b) If the amount of the occupation tax for the preceding year based on the return provided for in this section and on the rate of said tax provided for in this chapter, is less than the amount of occupation tax theretofore paid by said business based on the estimate filed pursuant to section 2-2-22 hereof, the difference in said amount shall be due and payable by the taxpayer to Augusta-Richmond County on July 1 of the current year and delinquent if not paid within ninety (90) days thereof.

(c) If the amount of the occupation tax for the preceding year based on the return provided for in this section and on the rate of said tax provided for in this chapter, exceeds the amount of occupation tax theretofore paid by said business based on the estimate filed pursuant to section 2-2-22 hereof, the difference in said amount shall be refundable by Augusta-Richmond County to the taxpayer; or, if said business continues to be conducted in said Augusta-Richmond County during the current year, such difference in amount may be credited by Augusta-Richmond County on the amount of occupation tax to be paid to Augusta-Richmond County by said business for the current year. This election is to be taken by Richmond County, City of Augusta, or Augusta-Richmond County.

Sec. 2-1-23. When occupation tax due and payable.

The amount of occupation tax shall be payable to Augusta-Richmond County, at the office of the License and Inspection Department, on January 1 each year and shall be delinquent if not paid within ninety (90) days thereof.

Sec. 2-1-24. Payment of occupation tax by newly established businesses.

In the case of a business subject to occupation tax for a calendar year, which was not conducted for any period of time in the corporate limits of Augusta-Richmond County in the preceding year, the owner, proprietor, manager, or executive officer of the business liable for occupation tax shall estimate the gross volume of revenue from commencing date to the end of the calendar year and such tax based on said estimated gross receipts shall be due and payable before beginning business and before the issuance of a Business Tax Certificate.

Sec. 2-1-25. More than one place or line of business.

Where a business is operated at more than one (1) place or where the business includes more than one (1) line, said business shall be required to obtain the necessary certificate for each location and line and pay an occupation tax in accordance with the prevailing taxing method and tax rate for each location and line.

Sec. 2-1-26. Confidentiality of returns.

(a) Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent, or clerk of Augusta-Richmond County, or any other person to divulge or make known in any manner the amount of
gross receipts or any particulars set forth or disclosed in any occupation tax return required under this article. All contents of said return shall be confidential and open only to the officials, employees, agents, or clerks of Augusta-Richmond County using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by Augusta-Richmond County shall be classed as "employees" for this purpose. Nothing herein shall be construed to prohibit the publication by Augusta-Richmond County officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof; or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia, the United States, and other local governments.

(b) In the event a taxpayer completes one (1) or more forms in order to comply with an ordinance or resolution imposing either an occupation tax or a regulatory fee and any such form fails to disclose the social security number or the appropriate federal or state taxpayer identification number, or other identification numbers, if required, such omission shall be reported in a timely manner to the state revenue commissioner.

(Ord. No. 6243, § 10, 1-18-00

Sec. 2-1-27. Inspections of books and records.

In any case, the Director of License and Inspection of Richmond County, City of Augusta, or Augusta-Richmond County, through his officers, agents, employees, or representatives, may inspect the books of the business for which returns are made under this Article. The Director of License and Inspection shall have the right to inspect the books or records for the business of which return was made in Augusta-Richmond County, Georgia, and upon demand of the Director of License and Inspection Department such books or records shall be submitted for inspection by a representative of Augusta-Richmond County within thirty (30) days. Failure to submit such books or records within thirty (30) days shall be grounds for revocation of the tax certificate currently existing to do business in Augusta-Richmond County. Adequate records shall be kept in Augusta-Richmond County, Georgia, for examination by the Director of License and Inspection at that officer’s discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty will be assessed in the amount of ten (10) percent on all tax due over ninety (90) days, and interest on said tax due will accrue at the rate of one and one-half (1.5) percent per month pursuant to O.C.G.A. § 48-2-40 through 48-2-43, 48-13-6; and 48-13-21.

Sec. 2-1-28. Business tax certificate to be revoked for failure to pay tax, file returns, permit inspection of books.

Except as provided in section 2-1-14(c) herein, upon the failure of any business to pay said occupation tax or any part thereof after it becomes delinquent, or upon failure to make any of said returns within the time required herein, or upon failure to make a true return, or upon failure to amend a return to set forth the truth, or upon failure to permit inspection of its books as above provided, any Business Tax Certificate granted by Augusta-Richmond County under any previous Ordinance or this chapter permitting the owner of said business to do business for the current year shall be, ipso facto, revoked. No new Business Tax Certificate shall be granted by Augusta-Richmond County for the operation of a business for which any part of the occupation tax herein provided for is at that time unpaid, or to an individual, firm, or corporation who has failed to submit adequate records as requested by the License and Inspection Department in accordance with provisions found in section 2-2-23. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the local government in the case of delinquent occupation tax.

Sec. 2-1-29. Business tax certificate required.

(a) Any construction related business or practice whose primary function is performed offsite shall be required to display on each vehicle used offsite in the performance of such business a decal issued by the Li-
license and Inspection Department, as evidence of proof of payment of the occupation tax.

(1) At the time of application for payment of the occupation tax, the business or practice shall be required to provide the number of vehicles for which a decal is requested. The License and Inspection Department is hereby authorized to request registration of any vehicle for verification purposes.

(2) Decals shall be displayed on the back window of each vehicle used by the business. The fee for each decal is one dollar ($1.00). Any business that fails to obtain and display decals shall be subject to penalties and costs as set forth in § 1-6-1.

(Ord. No. 6573, § 1, 12-3-02)

Sec. 2-1-30. Duration of certificate.

The Business Tax Certificate referred to in this article shall automatically expire on December 31 of the year of its issuance.

Sec. 2-1-31. Certificate to be displayed.

All persons shall exhibit and display the certificate issued to them in some conspicuous place in their business establishment at which address the certificate was issued. Any transient or non-resident person, firm, or corporation doing business within Augusta-Richmond County shall carry such certificate either upon his person or in any vehicle or conveyance which is used in such business; and such person shall exhibit the same to any authorized enforcement officer in Augusta-Richmond County, when so required.

Sec. 2-1-32. Certificate not transferable.

A certificate shall not be transferable and a transfer of ownership shall be considered in the same light as the termination of such business and the establishment of a new business. Therefore, a new Business Tax Certificate shall be required for the new owner of the business.

Sec. 2-1-33. Change of address.

Any person moving from one (1) location to another shall notify the director of such move and the new address in writing on the form provided by the Director of License and Inspection no later than the day of the moving. The same Business Tax Certificate will be valid at the new location if said new location conforms to the zoning regulations of Augusta-Richmond County. This section is inapplicable to any license for the sale of malt beverages, wine, and spirituous liquors.

Sec. 2-1-34. Refunds.

If a business ceases operation within a year for which a Business Tax Certificate has been issued and the fees and taxes for same have been paid in full, the fees and taxes paid shall be refundable in proportion to the number of months remaining in the year.

Sec. 2-1-35. Administration of article.

The Director of License and Inspection shall administer and enforce the provisions of this article for the levy, assessment, and collection of the fees, taxes and penalties imposed herein.

Sec. 2-1-36. Rules and regulations.

The director shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of Augusta-Richmond County and the State of Georgia, or the Constitution of the State of Georgia or the United States of America, for the administration and enforcement of the provisions of this article and the collection of the fees, taxes and penalties imposed hereunder.

Sec. 2-1-37. Occupation tax appeals board.

(a) Established; membership; terms. There is hereby created an Occupation Tax Appeals Board of ten (10) members (plus an additional two (2) members should the Richmond County Legislative Delegation choose to appoint two (2) mem-
bers) to be appointed for terms of four (4) years; provided, however, the initial appointments shall be made as follows:

(1) Members of the Occupation Tax Appeals Board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective district and qualified and are to represent the districts as herein set forth, to wit:

a. 

b. 

c. 

d. 

e. 

f. 

g. 

h. 

i. 

j. 

(2) The successors to the members representing Districts 1, 3, 5, 7 and 9 shall serve until March 31, 1998 or until their successors are appointed and qualified.

(3) The successors to the members representing Districts 2, 4, 6 and 8 shall serve until March 31, 2000 or until their successors are appointed and qualified.

(4) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections (2) and (3) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(5) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointing authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(6) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(b) Vacancies. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Commissioner, render any such member subject to immediate removal from office.

(c) Quorum and conflicts of interest. Six (6) members of the Board shall constitute a quorum. A Board member shall not act in a case in which he has a personal interest.

(d) Record of proceedings. The secretary of the Board shall make a detailed record of all its proceedings, which shall set forth a reason for its decision, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(e) Organization and frequency of meetings. The Board shall elect a chairman and a vice-chairman for one (1) year terms at the first meeting of each year. The Board shall establish rules and regulations for conducting business. The Board shall meet at regular intervals to be determined by the Chairman; or in any event the Board shall meet within ten (10) days after notice of appeal has been received.

(f) Duties—Generally; compensation of members. The Board shall advise and consult with the Director of License and Inspection and hear appeals. The Board members and secretary shall be compensated twenty dollars ($20.00) for attending meetings and hearing appeals.

(g) Notice of appeal. Notice of Appeal from a complaining Taxpayer shall be in writing and filed with the Director of License and Inspection. A fee of twenty dollars ($20.00) shall accompany such notice of appeal.

(h) Decisions on appeals. Every decision of the Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon decision. Every decision shall be promptly filed in the office of the director.
and shall be open to public inspection; a copy shall be sent by mail or otherwise to the applicant. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay.

Sec. 2-1-38. Probation, suspension, revocation or denial of a business tax certificate.

(a) Any business having a business tax certificate issued under this Ordinance may be placed on probation, and the business tax certificate may be suspended, revoked and/or denied by the Augusta-Richmond County Commission after a finding of due cause. Due cause for the probation of a business, or the suspension, revocation or denial of a business tax certificate shall include but shall not be limited to the following:

(1) The applicant or holder of the certificate has failed to obtain any paper or documents necessary in pursuance of its business as may be required by any office, agency or department of Augusta-Richmond County, State of Georgia, or the United States under authority of any law, ordinance or resolution of Augusta-Richmond County, State of Georgia or United States.

(2) The applicant or holder of the certificate has supplied false information to any employee of the business license office.

(3) The applicant or holder of the certificate intends to violate or has violated any federal or state law, or local ordinance or any ordinance or resolution regulating such business or intends to violate any regulation made pursuant to authority granted for the purpose of regulating such business.

(4) The applicant or holder of the certificate has failed to pay any fee required under this chapter, has failed to make a return or pay a tax due to the tax commissioner, the State of Georgia, the Federal Government or has otherwise failed to comply with the provisions of this chapter.

(5) The applicant or holder of the certificate during the twelve (12) preceding months has engaged in misrepresentation of facts, whether through advertisement or through any form of direct communication, oral or written, which is intended to mislead the public or any party with whom the holder of the certificate deals in pursuance of the registered business. The term misrepresentation of fact as used herein shall embrace not only express misrepresentations, but also misrepresentations arising by virtue of the conduct of the holder of this certificate, including acts of omissions. By way of illustration only, and without limiting the scope of this subsection, due cause as herein defined shall consist of any act or practice designated as unlawful in sections 393(b)(1) through (b)(29) of the Fair Business Practices Act found in O.C.G.A. § 10-1-390 et seq.

(6) The applicant or holder of the certificate fails to adequately supervise and monitor the conduct of the employees, patrons and others on the subject premises, or on any property owned or leased by the applicant or holder, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of the establishment of the applicant or holder, in order to protect the safety and well-being of the general public and of those using the premises.

(7) When it shall be proven before the License & Inspection Department that there is a violation of a nuisance law pursuant to O.C.G.A. §§ 41-2-7 through 41-2-17 and Augusta, Ga. Code § 7-2-1 et seq.; or license-holders have been charged or convicted of a crime or of moral turpitude; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate.

(b) Anything to the contrary notwithstanding, if a health certificate is required for the operation of the business, a conditional Business Tax Certificate may be issued for a period of sixty (60) days, so as to allow compliance with the rules and regulations of the Augusta-Richmond County
Health Department; however, the applicant may not commence operations of any food service establishment, as that term is defined by O.C.G.A. § 26-2-370, unless and until it receives a health permit from the county health department pursuant to O.C.G.A. § 26-2-371. Upon issuance of a valid health permit by the Augusta-Richmond County Health Department, the conditional Business Tax Certificate shall automatically, by virtue of this subsection, be converted into an annual Business Tax Certificate under the terms of this chapter, effective as of the date of its issuance.

(c) The Commission shall provide notice and hearing before the probation, suspension or revocation any Business Tax Certificate.

(d) Where a Business Tax Certificate is revoked for cause by the Commission, no certificate shall be thereafter issued to such holder for a period of twelve (12) months from the date of said revocation to engage in the type of business for which said certificate was issued and revoked and shall not be issued to any person, firm or corporation or other entity which has an agent, employee, officer or stockholder of the firm whose certificate was revoked for cause employed in a position of management or control of operations of an integral part of its enterprise, or who aided and abetted in the violation of the law or other practices resulting in said revocation for cause of a Business Tax Certificate. The period of twelve (12) months shall run from the date of the revocation of the certificate of the firm or entity with whom such agent, employee, officer or stockholder was associated. A stockholder shall be defined to own or having the control of at least twenty (20) percent of the issued stock in the corporation whose certificate was revoked for cause.

(e) A Business Tax Certificate or an application for a Business Tax Certificate under this chapter may be denied, suspended, revoked or placed on probation only for due cause as defined in subsections (a) and (f) hereof. A Business Tax Certificate may be denied, suspended or revoked only after a hearing before the Commission upon prior written notice to the applicant or holder of the certificate of the time, place and purpose of such hearing and a statement of the reason why the application would be denied, suspended revoked or placed on probation. Three (3) days notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the Augusta-Richmond County Commission may deem the circumstances justify. Unless the circumstances otherwise justify, the hearing shall be held no later than thirty (30) days after the application is filed with any supervisor of the business license office, or notice given of probation, suspension or revocation hearing.

(f) Due cause for denial, suspension, probation or revocation of a Business Tax Certificate shall consist of the violation by the holder of same of any laws or ordinances of Augusta-Richmond County, including the provisions herein, or violation of any state or federal law, other than traffic laws.

(g) A Business Tax Certificate issued under this Ordinance may be suspended by the Augusta-Richmond County Commission if the certificate-holder has been placed on any term of probation, under Title Two, twice within a twelve (12) month period.

(Ord. No. 7113, § 1(exh. A), 3-3-09)

Editor's note—Ord. No. 7113, § 1(exh. A), adopted Mar. 3, 2009, repealed the former § 2-1-38, and enacted a new § 2-1-38 as set out herein. The § 2-1-38 was entitled "Right to deny, suspend, or revoke a business Tax certificate".

Sec. 2-1-39. Amendment, repeal of provision.

This chapter shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the Augusta-Richmond County Commission to assess and collect any of the Taxes or other charges prescribed. Said amendment may increase or lower the amounts and Tax rates of any occupation and may change the classification thereof. The payment of any Occupation Tax provided for shall not be construed as prohibiting the levy or collection by the jurisdiction of additional Occupation Taxes upon the same person, property, or business.

Sec. 2-1-40. Option to establish exemption or reduction in Occupation Tax.

The Augusta-Richmond County Commission may by subsequent ordinance or resolution pro-
vide for an exemption or reduction in Occupation Tax to one (1) or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in Occupation Tax shall not be arbitrary or capricious, and the reasons shall be set forth in the minutes of the governing authority.

Sec. 2-1-41. Conflicts between specific and general provisions.

Where there is an apparent conflict in this chapter between specific and general provisions, it is the intention hereof that the specific shall control.

Sec. 2-1-42. Requirement of public hearing before Tax increase.

After January 1, 1996, the Augusta-Richmond County Commission shall conduct at least one (1) public hearing before adopting any ordinance or resolution which will increase the rate of Occupation Tax as set forth in this chapter.

Sec. 2-1-43. Severability.

If any section, provision, or clause of any part of this chapter shall be declared invalid or unconstitutional, or if the provisions of any part of this chapter as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this chapter not so held to be invalid, or the application of this chapter to other circumstances not so held to be invalid. It is hereby declared as the intent that this chapter would have been adopted had such invalid portion not been included herein.
ARTICLE 1 IN GENERAL

Sec. 2-2-1. Payment of taxes—Generally; discount for prompt payment; penalties for delinquency.

(a) State, county and school taxes for the urban and suburban districts of Augusta-Richmond County, Georgia shall be due each tax year on November fifteen or on such other date as may be established by resolution of the Augusta-Richmond County Commission.

(b) Tax statements for state, county and school taxes in Richmond County, Georgia shall be mailed and postmarked each year at least sixty (60) days prior to the due date.

(c) A discount of one (1) percent will be applied where taxes are paid in full within twenty (20) days of the billing date.

(d) All delinquent ad valorem taxes levied by the taxing jurisdiction in Augusta-Richmond County, Georgia, shall be charged a rate of interest of twelve (12) percent per annum.

(e) All delinquent ad valorem taxes levied by the taxing jurisdiction in Augusta-Richmond County, Georgia, shall be charged a rate of penalty of ten (10) percent of the amount of the delinquency.

Sec. 2-2-2. "Free port" tax exemption.

One hundred (100) percent of the value of that tangible property defined in subparagraphs (1), (2) and (3) of Article VII, Section I, paragraph IV of the Constitution of the State of Georgia shall be exempt from ad valorem taxation, including all taxes levied for educational and state purposes, said exemption to commence January 1, 1982.

Sec. 2-2-3. Effect of sections 2-2-1 and 2-2-2.

All provisions of this Code and other ordinances and parts of ordinances levying any tax or prescribing the mode of returning or paying the same or any other regulation thereto are continued in full force and effect, except the tax on property contained or included in the new tax digest, until the new rates of taxation are fixed and declared by the Commission to be of force and effect in accordance with provisions of this article, except as far as the same may be in conflict with any of its present requirements and conditions.

Sec. 2-2-4. Central business district of urban services district to be special assessment district; property tax; funds.

(a) There is hereby created within the Urban Services District a special tax district which shall be known as the Central Business District, and which shall be composed of all that territory embraced within the following description:

All that portion of the Urban Services District, which constitutes the central area of the business district of such Urban Services District, and which is bounded on its northernmost boundary by the Savannah River, on its easternmost boundary by Sixth Street, on its southernmost boundary by Greene Street, and on its westernmost boundary by Tenth Street.

(b) Augusta-Richmond County shall be authorized to levy upon all real property subject to taxation by Augusta-Richmond County within the Central Business District in the year 1976, and for each year thereafter, a tax not to exceed ten (10) mills upon the assessed value of all such real property, according to the assessed value of such property for ad valorem tax purposes for Augusta-Richmond County; provided, however, that this section shall not apply to any real property being used exclusively for residential purposes as hereinafter defined. All taxes levied by Augusta-Richmond County pursuant to this section shall become due and payable at the same time as ad valorem taxes levied by Augusta-Richmond County. Delinquent taxes shall bear the same interest and penalties as the ad valorem taxes for Augusta-Richmond County. The term "residential property" as used herein shall mean property being used for residential purposes which would meet the definition of a "condominium" or "dwelling, one-family" or "dwelling two-family" as set forth in the Comprehensive Zoning Ordinance applicable to Augusta-Richmond County.
(c) All funds raised pursuant to the Central Business District created herein shall be used for such purposes as Augusta-Richmond County deems beneficial to said district, including, but not limited to, the construction and maintenance of roads and streets, including curbs, sidewalks, street lights, and devices to control the flow of traffic, parks, recreational areas, programs and facilities, parking facilities and urban redevelopment and revitalization programs, and the administration thereof. Further, Augusta-Richmond County is specifically empowered to contract with the Augusta-Savannah River Parking and Urban Redevelopment Authority, or any successor thereof, to provide the above referenced services in return for the funds generated by the Central Business District herein created.

ARTICLE 2 TAX VERIFICATION PERMITS

Sec. 2-2-5. Defined.

As used in this article, the term mobile home means a mobile home or a relocatable home as such term are defined in subsections (a) and (b) of section 2 of the act known as The Uniform Standards Code for Factory-Manufactured Movable Homes Act, approved March 26, 1968 (Georgia Laws 1968, page 415); provided, however, that those mobile homes which qualify the taxpayer for homestead exemption under Georgia law shall not be considered mobile homes and subject to the provisions of this chapter.

Sec. 2-2-6. Persons owning or having mobile home located within Augusta-Richmond County required to obtain.

No person shall own or have located within the limits of Augusta-Richmond County any mobile home unless application for a tax verification permit shall have been made and a permit received as provided by this article.

Sec. 2-2-7. Occupancy of mobile home without valid permit prohibited.

No person shall occupy any mobile home as a residence or permit any other person to occupy the same as a residence unless a tax verification permit shall have been obtained as provided by this article.

Sec. 2-2-8. Application; permit; decal form; applicant information.

The Richmond County Tax Commissioner is hereby authorized and empowered, subject to the specific provisions of this article, to prescribe application, permit and decal forms and thereafter to alter and change the same; and said tax commissioner is empowered to require that applicants furnish such information in writing as may be reasonably required to effectuate the purposes hereof.

Sec. 2-2-9. Proof of paid taxes required of applicants.

It shall be a condition precedent to issuance of any tax verification permit required by this article that the owner of said mobile home shall submit to the Richmond County Tax Commissioner proof that all state and local taxes therefore accruing and payable with respect to such mobile home have in fact been paid; and, if said mobile home which is to be located or relocated is then located within any portion of the county that lies within the limits of a municipality therein, such owner shall likewise submit proof that all applicable municipal taxes have been paid before a permit may be issued.

Sec. 2-2-10. Location or relocation permit—Required when initially locating or relocating.

(a) Before any person shall locate or relocate a mobile home within the limits of Augusta-Richmond County, he shall apply for and obtain from the Richmond County Tax Commissioner a tax verification permit authorizing such location or relocation if such mobile home is to be used as a residence by the owner thereof, as a residence for others, or for any other purposes.

(b) No person shall hereafter initially locate any mobile home or relocate any mobile home within the limits of Augusta-Richmond County without having made such application and having obtained such permit.
Sec. 2-2-11. Same—Required when changing location within Augusta-Richmond County or relocating outside Augusta-Richmond County.

The owner of a mobile home used as a residence which is located within the limits of the county may not relocate such mobile home, or cause same to be relocated, within the confines of the county or beyond such confines without first obtaining a tax verification relocation permit from the aforesaid tax commissioner authorizing such relocation.

Sec. 2-2-12. Same—Fee; issuance of tax verification moving permit and decal; placement of decal.

(a) Each application for a tax verification moving permit required by this article shall be accompanied by a fee of five dollars ($5.00), which shall be paid to the tax commissioner before such permit shall be issued.

(b) Any owner of a mobile home who has made application for the location or relocation of a mobile home and whose application meets the qualifications of this article shall be issued a tax verification moving permit and shall likewise be issued a location decal. The location decal to be issued with a tax verification permit authorizing location of a mobile home within Augusta-Richmond County shall be the same color as prescribed by state law and shall be affixed to the mobile home at all times it is being used as a residence within the confines of such county. The decal issued with the tax verification permit authorizing relocation of a mobile home shall be red in color and shall be affixed to the mobile home at all times such mobile home is being transported within the confines of this state. Such decals shall be designed in such manner and affixed to mobile homes in such manner as to cause them to be easily visible for inspection.

Sec. 2-2-13. Same—Notice to Augusta-Richmond County of destination whenever relocation outside Augusta-Richmond County authorized.

Whenever a tax verification permit authorizing the relocation of a mobile home is issued and such mobile home is to be relocated within the confines of another county in this state, the Richmond County Tax Commissioner shall notify the tax commissioner of such other county of the date of the issuance of such permit.

Sec. 2-2-14. Annual location permits for continued location required; fee; issuance of permit and decal; placement of decal.

Each year every owner of a mobile home subject to taxation under the revisions of this article shall, from January first to on or before May first, make application to the tax commissioner for a mobile home location permit, and upon payment of the fee of three dollars ($3.00) and payment of taxes as provided in section 8-2-25 shall be issued a location permit. The issuance of said permit by the tax commissioner shall be evidenced by the issuance of a decal, the color of which shall be prescribed for each year by the Georgia Department of Revenue, which shall reflect the county of issuance and the calendar year for which such permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner.

Sec. 2-2-15. Zoning requirements not superseded by permit issuance.

The issuance of any tax verification permit under the provisions of this article shall in no wise [way] be construed as superseding the requirements for the location of mobile homes as the same may be contained within appropriate resolutions or other actions of the Augusta-Richmond County Planning and Zoning Commission, and the issuance of a tax verification permit under the provisions of this article shall not prohibit said planning and zoning commission from requiring a relocation of the mobile home to a place where such mobile home is permitted by the regulations of the Augusta-Richmond County Planning and Zoning Commission, but in such case the owner of such mobile home shall apply for and obtain a permit for such relocation as if such relocation were the result of his own initiative.
Sec. 2-2-16. Payment of fees into treasury.

All sums collected by the tax commissioner under provisions of this article shall be paid into the Augusta-Richmond County treasury.

Sec. 2-2-17. Dealers required to file annual inventory.

All dealers in mobile homes shall furnish to the tax commissioner a list of all mobile homes in their possession, whether owned by them or not, on January first in each year.

Sec. 2-2-18. Responsibilities of park owners, operators.

No owner or operator of a mobile home park shall permit any mobile home to be located or relocated within the confines of such park for residential use unless the tax verification permit required by this article shall have been obtained. No owner or operator of any mobile home park shall permit any mobile home presently located within the limits of such park owned or operated by him to remain in such park unless a mobile home location permit authorizing such continued location as required by this article shall have been obtained.

Sec. 2-2-19. Violations; penalties.

It shall be unlawful to fail to attach and display on a mobile home the decal as required by this article; and any person who fails to attach, and display on a mobile home the decal shall be guilty of violation of this article and upon conviction thereof in the magistrate court, shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00), except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a citation, the fine shall be twenty-five dollars ($25.00).

ARTICLE 3 TAX ON INSURANCE COMPANIES

Sec. 2-2-20. Insurer license fees.

There is hereby levied an annual license fee upon each insurer doing business within Augusta-Richmond County (other than within the unincorporated limits of the City of Hephzibah and the Town of Blythe) in the amount of one hundred fifty dollars ($150.00), and an additional annual license fee in the same amount for each separate business location in excess of one (1) operated and maintained by such company within Augusta-Richmond County (other than within the unincorporated limits of the City of Hephzibah and the Town of Blythe).

(Ord. No. 6159, § 1, 4-20-99)

Sec. 2-2-21. License fee for insurers insuring certain risks at additional business locations.

For each separate business location not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and which, in connection with the loans or sales involving term financing, offers, solicits or takes applications for insurance through a licensed agent of an insurer for insurance, each such organization shall pay an additional license fee of thirty-five dollars ($35.00) per location.

Sec. 2-2-22. Reserved.

Sec. 2-2-23. License issuance.

The appropriate officials collecting taxes and license fees for Augusta-Richmond County are hereby authorized to collect the aforesaid fees and to issue the appropriate license upon payment of the aforesaid fees.

Sec. 2-2-24. Gross premiums tax on life insurers.

(a) There is hereby imposed, annually, a tax on each life insurance company doing business within Augusta-Richmond County (not to include the towns of Hephzibah and Blythe) of one (1) percent of the gross premiums which are received from policies insuring persons residing within Augusta-Richmond County (other than within the unincorporated limits of the City of Hephzibah and the Town of Blythe) as authorized by chapter 8 of title 33 of the Official Code of Georgia Annotated.
(b) The Tax imposed shall not apply to annuity considerations.

Sec. 2-2-25. Gross premiums Tax on all other insurers.

(a) There is hereby levied a Tax of two and five-tenths (2.5) percent upon the gross direct premiums of all foreign, alien, and domestic insurance companies doing business in Augusta-Richmond County (other than within the unincorporated limits of the City of Hephzibah and the Town of Blythe) other than life insurance companies. The Tax shall be in addition to the Taxes levied by § 33-8-4, Official Code of Georgia Annotated, and it may be levied upon the gross direct premiums received by such companies during the preceding calendar year.

(b) The Tax shall be levied upon premiums derived from policies insuring persons, property, or risks in Augusta-Richmond County (other than within the unincorporated limits of the City of Hephzibah and the Town of Blythe) from January 1 to December 31, both inclusive, of each year without regard to business ceded to or assumed from other companies. The Tax shall be imposed upon gross premiums received from direct writing without any deductions allowed from premium abatement of any kind or character or for reinsurance or for losses or expenses of any kind; provided, however, deductions shall be allowed for premiums returned or change of rate or cancelled policies; provided, further, that deductions shall be permitted for returned premiums or assessments, including all policy dividends, refunds, or other similar returns paid or credited to policyholders.

Sec. 2-2-26. Reserved.

ARTICLE 4 EXCISE TAX FOR HOTELS, MOTELS, ETC.

DIVISION 1. EXCISE TAX FOR HOTEL, MOTEL RENTALS IN AUGUSTA

Sec. 2-2-27. Levied; amount.

There is hereby levied and imposed an Excise Tax at the rate of six (6) percent of the charge to the public for and upon the furnishing for value to the public of any room or rooms, lodging or accommodations furnished by any person or legal entity within Augusta-Richmond County operating a Hotel, Motel, inn, lodge, tourist camp, tourist cabin or other place in which rooms, lodging or accommodations are regularly furnished for value. Such Tax shall not include the sale or charges for any rooms, lodgings or accommodations furnished for a period of more than ten (10) consecutive days, or for the use of meeting rooms.

(Ord. No. 5997, 1-20-98)

Sec. 2-2-28. Remittance; when due; interest and penalties on delinquent Taxes.

(a) Dealers shall pay the Hotel and Motel Tax with such remittance form as prescribed by Augusta-Richmond County. Each dealer shall remit the Excise Tax levied by § 33-8-4, Official Code of Georgia Annotated, and it may be levied upon the gross direct premiums received by such companies during the preceding calendar year.

(b) The Tax shall be paid monthly within twenty (20) days after the end of each month.

(c) Any past due and delinquent Taxes owed Augusta-Richmond County under this Article shall bear interest at the rate of one (1) percent per month from the date the Tax is due until the date the Tax is paid. When any dealer fails to make any return or to pay the full amount of the Tax required by this Article, when due, there shall be imposed, in addition to other penalties provided by law, interest as provided herein, and forfeiture of the collection fee as provided in section 2-2-29, a further penalty to be added to the Tax in the amount of five (5) percent or Five Dollars ($5.00), whichever is greater, if the failure is for not more than thirty (30) days and an additional five (5) percent or Five Dollars ($5.00), whichever is greater, for each additional thirty (30) days during which the failure continues. The penalty for any single violation shall not exceed twenty-five (25) percent or Twenty-Five Dollars ($25.00), whichever is greater. If the failure is due to providential cause, shown to the satisfaction of the Tax Commissioner in affidavit form attached to the return and
remittance is made within ten (10) days of the due date, the return may be accepted exclusive of penalties and interest. In the case of a fraud or fraudulent return or of a failure to file a return where willful intent exists to defraud Augusta-Richmond County of any Tax due under this Article, a penalty of fifty (50) percent of the Tax due shall be assessed. (Ord. No. 6939, § 9, 1-2-07)

Sec. 2-2-29. Dealer's collection fee.

Dealers collecting the Hotel and Motel Tax shall be allowed a percentage of the Tax due and accounted for in the amount of three (3) percent in the form of a deduction in submitting, reporting and paying the amount due, if such amount is not delinquent at the time of payment. Upon the failure to make a timely report and remittance by the twentieth day of the month next succeeding the month in which such sales were made, such collection fee shall be forfeited. Dealers shall pay such Tax with such remittance form as prescribed by the Augusta-Richmond County Commission.

Sec. 2-2-30. Verifications of books and records.

All books and records of each dealer shall be subject to inspection and audit by Augusta-Richmond County to verify compliance with this Article.

Sec. 2-2-31. In addition to other taxes.

The Excise Tax provided for hereinabove shall be in addition to any license fee or Occupation Tax or charge which may now or in the future be imposed upon dealers within Augusta-Richmond County.

Sec. 2-2-32. Distribution of proceeds.

(a) Sixteen and two-thirds (16\(\frac{2}{3}\)) percent of the Hotel-Motel Excise Tax imposed by this section is hereby appropriated to the Augusta-Richmond County Coliseum Authority for the construction and expansion of the civic center or coliseum as provided in O.C.G.A. § 48-13-51(a)(4), and such proceeds from the Hotel-Motel Tax shall be delivered to such Authority each month.

(b) An additional twenty-three and one-third (23\(\frac{1}{3}\)) percent of the Hotel-Motel Excise Tax imposed by this section is hereby appropriated to the Augusta-Richmond County Coliseum Authority for the support, construction and expansion of the civic center or coliseum as provided in O.C.G.A. § 48-13-51(a)(4), and such proceeds from the Hotel-Motel Tax shall be delivered to such Authority each month.

(c) An additional ten (10) percent of the Hotel-Motel Excise Tax imposed by this section is hereby appropriated to the Augusta-Richmond County Coliseum Authority for the support, construction and expansion of the civic center or coliseum as provided in O.C.G.A. § 48-13-51(a)(4), and such proceeds from the Hotel-Motel Tax shall be delivered to such Authority each month.

(d) Thirty-three and one-third (33\(\frac{1}{3}\)) percent of the Hotel-Motel Excise Tax imposed by this section is hereby appropriated to the Augusta Convention and Visitors Bureau, Inc.

(e) An additional sixteen and two-thirds (16\(\frac{2}{3}\)) percent is hereby appropriated as follows:

1. For calendar year 1998, the full amount shall be paid to the Augusta-Richmond County Museum;

2. For calendar year 1999, Three Hundred Thousand Dollars ($300,000.00), to be paid in twelve (12) equal monthly payments, shall be paid to the Augusta-Richmond County Museum and the balance shall be paid to the Augusta Convention and Visitors Bureau, Inc., to be used solely as provided in subparagraph (f) hereof;

3. For calendar year 2002, Three Hundred Thousand Dollars ($300,000.00) shall be paid to the Augusta Museum of History and Seventy-five Thousand Dollars ($75,000.00) shall be paid to the Lucy Laney Craft Museum and the balance shall be paid to the Augusta Convention and Visitors Bureau, Inc., to be used solely as provided in subparagraph (f) hereof;

4. For calendar year 2001, One Hundred Thousand Dollars ($100,000.00), to be paid in twelve (12) equal monthly payments, shall be paid to the Augusta-Richmond County Museum and the balance shall be paid to the Augusta Convention and Visitors Bureau, Inc., to be used solely as provided in subparagraph (f) hereof;
County Museum and the balance shall be paid to the Augusta Convention and Visitors Bureau, Inc., to be used solely as provided in subparagraph (f) hereof;

(5) For calendar year 2002 and each year thereafter, said amount shall be paid to the Augusta Convention and Visitors Bureau, Inc., to be used solely as provided in subparagraph (f) hereof.

(f) Amounts paid to the Augusta Convention and Visitors Bureau, Inc. pursuant to subsection (e)(2) through (e)(5) hereof shall be used solely as provided in the contract between the Augusta Convention and Visitors Bureau, Inc. and Augusta, Georgia.

(Ord. No. 5997, 1-20-98; Ord. No. 6398, § 1, 6-5-01; Ord. No. 6457, § 1, 2-5-02; Ord. No. 6939, § 10, 1-2-07)

DIVISION 2. TRANSPORTATION AND TOURISM FEES

Sec. 2-2-33.1. Purpose.

The Augusta-Richmond County Commission is authorized by the State Constitution pursuant to Article IX, § 2, ¶ 3 (a)(5) and (9) and applicable State law to provide recreational programs and facilities and to provide public transportation services throughout Augusta to contribute to the protection and preservation of the public health, safety and welfare and for protection of the natural and historical resources of Augusta. The Commission has determined that it will be able to provide these services more efficiently to the residents of Augusta and to visitors of Augusta through the construction and enhancement of public facilities to increase tourism in Augusta-Richmond County via implementation of a Transportation and Tourism Fee to be charged upon all Hotel and Motel rooms rented out in Augusta. In addition to increasing the efficiency of providing these services, the Transportation Fee shall also enhance the quality of transportation services provided and the tourism opportunities for both residents of Augusta and visitors to Augusta.

(Ord. No. 7034, § 2, 2-19-08)

Sec. 2-2-33.2. Findings.

The Augusta-Richmond County Commission makes the following findings of fact:

1. The Augusta-Richmond County Commission finds that providing the most efficient and cost effective Public Transportation System will benefit Augusta, the residents of Augusta and visitors to Augusta by providing transportation to individuals lacking transportation services and by relieving traffic congestion and environmental pollution by reducing the number of motor vehicles on the roadway through encouraging the public’s use of a mass public transportation system.

2. The Augusta-Richmond County Commission finds that Augusta-Richmond County constitutes a tourist destination for visitors to Augusta seeking to utilize the facilities of Augusta-Richmond County and to view areas of Augusta designated as Historic Heritage Districts.

3. Augusta-Richmond County currently provides public mass transportation services and also provides tourism opportunities for both the residents of Augusta-Richmond County and visitors to Augusta-Richmond County.

4. Establishing a Transportation and Tourism Fee will provide funds to enhance the transportation and tourism services, the value of which services will vastly exceed the fee charged to the Hotel room occupants.

5. The Transportation and Tourism Fee collected pursuant to this section shall be used to provide transportation and tourism services by enhancing the availability of public transportation to Hotel and Motel occupants and by enhancing the Historic Heritage Districts that would constitute tourism destinations by residents of Augusta and visitors to Augusta.

6. To generate sufficient amounts of tourism to fund the transportation and tourism services to be provided herein, Augusta-Richmond County needs to invest in local...
convention and entertainment facilities such as the Trade Exhibit and Event Center to promote commercial and recreational tourism in Augusta-Richmond County.

7. The enhanced transportation services will provide needed public transportation between Hotels, the trade exhibit and event center and other tourist destinations, including the Historic Heritage District, that will in turn increase tourism and conventions in Augusta. This increase in tourism will then help fund the enhancements to the public transportation services and the tourism services, benefiting visitors to and residents of Augusta-Richmond County.

(Ord. No. 7034, § 2, 2-19-08)

Sec. 2-2-33.3. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings as defined below:

Room means a unit of lodging provided by a Hotel (as defined herein) and located within the borders of Augusta-Richmond County.

Transportation Fee means the per-night room fee imposed pursuant to this Article for providing and enhancing transportation services and tourism services in Augusta-Richmond County.

Hotel means an inn, Hotel, Motel, or other business subject to Taxation that offers overnight accommodations, rooms, or lodging to the public for value.

Commission means the Augusta-Richmond County Commission.

Room occupant means the person or persons listed on the Hotel registry as obtaining overnight accommodations at a Hotel.

Historic Heritage District means the areas of Augusta-Richmond County identified as: Bethlehem, East Augusta, Harrisburg, Laney Walker, May Park, Olde Town, Turpin Hill and Uptown.

Transportation, Tourism and Historic Heritage Committee (hereinafter "committee") means a committee that shall recommend for approval by the Commission the management of the Transportation and Tourism Fund as provided herein. The committee shall consist of the Mayor, Mayor pro-tem, two private citizens appointed by the Mayor and Mayor pro-tem, and the director of housing and neighborhood development as an ex-officio member.

(Ord. No. 7034, § 2, 2-19-08)

Sec. 2-2-33.4. Transportation and Tourism Fee.

To provide enhanced public transportation services and to enhance the tourism opportunities in the Historic Heritage District, it shall be a policy of Augusta to charge a Transportation and Tourism Fee (hereinafter "Transportation Fee") on all Hotel rooms as defined herein. The Transportation Fee shall be set in an amount that is fair and reasonable, bearing substantial relationship to the transportation and tourism services provided to all individuals or entities paying the Transportation Fee. In exchange for the Transportation Fee, the Commission shall establish a system whereby payers of the fee shall be entitled to free use of the public transportation systems for the duration of their Hotel stay in Augusta to obtain greater access to the tourism destinations in Augusta. The revenues generated by the Transportation Fee shall be used to fund and enhance public transportation operations, management of the trade exhibit and event center, and to revitalize the Historic Heritage Districts of Augusta to enhance the transportation and tourism services available in Augusta.

(Ord. No. 7034, § 2, 2-19-08)

Sec. 2-2-33.5. Transportation Fee rates.

The Transportation Fee shall be set pursuant to this section and may be modified by the Commission as needed to fund the continued services provided herein. In setting or modifying the rates, the Commission shall establish rates that are fair and reasonable and reflect the value of the services provided to the individuals or entities paying the Transportation Fee.

Augusta shall impose upon every room a fee of $1.00 per overnight accommodation. This fee shall be collected by the owner or operator of each Hotel.
or Motel in addition to any rates charged by the Hotel or Motel owner or operator and in addition to any other governmental Taxes assessed to each room.

Each Hotel collecting the Transportation Fee shall, on or before the 20th day of each month, submit to the Finance Director of Augusta a return indicating the number of occupied room nights and the amount of Transportation Fees collected for the immediately preceding calendar month. Hotels will use a return form as prescribed by the Finance Director and will remit, along with the return form, payment of the fees as calculated on the return.

**Penalties and interest.** When any Hotel required to collect and remit the Transportation Fee fails to file a return or to remit the total amount due by the due date and in the manner provided herein, the Hotel shall be subject to a penalty of 5 percent of the amount due or $50.00, whichever is greater. Interest shall also be charged at the rate of 1 percent per month from the last day of the month from which the fee is due until the date the Transportation Fee is paid.

**Examination of records.** For the purposes of determining the accuracy of any Return filed or required to be filed under this provision, or to determine the correct amount of Transportation Fees due, the Finance Director or a designated representative is entitled to request access to any books, records or other information to determine the correct amount of Transportation Fees due.

(Ord. No. 7034, § 2, 2-19-08)

**Sec. 2-2-33.6. Transportation provided.**

All room occupants shall be entitled to utilize Augusta’s Public Transportation System at no additional charge for the duration of their Hotel room occupancy. The room occupant shall present to the bus driver for admission onto the bus for transportation in lieu of paying the bus fair. Non-Hotel room occupants must pay all regular fares, and the right to utilize the public transportation services under this provision is nontransferable.

It shall be unlawful for any Hotel, individual, or other entity to knowingly distribute Hotel room keys or items designed to resemble Hotel room keys to nonroom occupants for the purpose of providing the nonroom occupant with free transportation services. It shall also be unlawful for a nonroom occupant to present a Hotel room key to utilize the public transportation services in any manner other than that prescribed herein. Violators guilty violating this Ordinance will be subject to a fine of not less than $50.00 per violation.

(Ord. No. 7034, § 2, 2-19-08)

**Sec. 2-2-33.7. Transportation and Tourism Fund established.**

Pursuant to this Ordinance, there is established a transportation fund, that shall be utilized to enhance the transportation services provided under the article and to provide for the enhancement of the tourism facilities in Augusta-Richmond County. All of the Transportation Fees deposited in this fund shall be dedicated for the purposes articulated herein and administered by the Transportation, Tourism and Historic Heritage Committee, with approval of the Commission. The Transportation Fees collected and deposited in the transportation fund may be transferred from time to time to other funds as approved by the Commission to effectuate the purpose of the Transportation Fee for providing and enhancing transportation and tourism opportunities consistent with the uses provided herein.

The Transportation Fees shall be eligible for the following uses:

I. **Transportation services:**

   (a) Funding the increased demand for public transportation services created by implementation of this fee and offering transportation services at no cost to Hotel guests paying the Transportation Fee.

   (b) Funding additional public transportation services for tourists and residents of Augusta-Richmond County to encourage the utilization of the tourism services and destinations in Augusta-Richmond County.

   (c) The Augusta Transit Department shall be allocated all Transportation
Fee funds collected but not otherwise allocated to tourism enhancement or TEE center operations.

II. Tourism enhancement:

A. Fund uses. The committee shall make recommendations for enhancement of tourism destinations within the Historic Heritage District through the following uses. The committee shall first fund the needs of the areas designated as Bethlehem and Laney-Walker prior to funding other areas of the Historic Heritage District.

(a) Planning activities that consist of all costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to:

(1) Comprehensive plans;
(2) Community development plans;
(3) Functional plans, in areas such as:
   (i) Housing, including the development of a consolidated plan;
   (ii) Land use and urban environmental design;
   (iii) Economic development;
   (iv) Open space and recreation;
   (v) Energy use and conservation;
   (vi) Floodplain and wetlands management;
   (vii) Transportation;
   (viii) Utilities; and
   (ix) Historic preservation.

(4) Other plans and studies such as:
   (i) Small area and neighborhood plans;
   (ii) Capital improvements programs;
   (iii) Individual project plans (but excluding engineering and design costs related to a specific activity);
   (iv) The reasonable costs of general environmental, urban environmental design and historic preservation studies;
   (v) Strategies and action programs to implement plans, including the development of codes, ordinances and regulations;

(5) Policy—planning—management—capacity building activities which will enable the recipient to:

(1) Determine its needs;
(2) Set long-term goals and short-term objectives, including those related to urban environmental design;
(3) Devise programs and activities to meet these goals and objectives;
(4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and

(5) Carry out management, coordination and monitoring of activities necessary for effective planning im-
plementation, but excluding the costs necessary to implement such plans.

(b) Development hard costs. The actual cost of constructing or rehabilitating historic structures. These costs include the following:

(1) For new construction, costs to meet the applicable new construction standards.

(2) For rehabilitation costs:
   (i) To meet the property standards of applicable County, historic preservation, State, and Federal codes.
   (ii) To make essential improvements, including energy-related repairs or improvements, necessary to permit use by persons with disabilities, and the abatement of hazardous conditions.

(3) For both new construction and rehabilitation costs:
   (i) To demolish existing structures.
   (ii) To make utility connections including off-site connections from the property line to the adjacent street.
   (iii) To make improvements to the project site that are keeping with improvements of surrounding projects. Site improvements may include on-site roads and sewer and water lines necessary to the development of the project. The project site is the property owned by the project owner, upon which the project is located.

(4) Costs to make utility connections or to make improvements to the project sites.

(c) Refinancing costs. The cost to refinance existing debt secured by real property that is being rehabilitated or improved with tourism funds.

(d) Acquisition costs. Costs of acquiring improved or unimproved real property.

(e) Related soft costs. Other reasonable and necessary costs incurred by property owners of Augusta-Richmond County and associated with the financing or development (or both) of new construction, rehabilitation or acquisition of real property with tourism funds. These costs include, but are not limited to:

(1) Architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups.

(2) Costs to process and settle the financing for a project, such as private lender origination fees, credit reports, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorneys fees, private appraisal fees and fees for an independent cost estimate, builders or developers fees.

(3) Costs of a project audit that Augusta-Richmond
County may require with respect to the development of the project.

(4) Costs to provide information services such as affirmative marketing and information to prospective investors and tourists.

(5) Staff and overhead costs directly related to carrying out the project, such as work specifications preparation, loan processing inspections, and other services related to assisting potential owners, and investors.

(6) For both new construction and rehabilitation, costs for the payment of impact fees that are charged for all projects within Augusta-Richmond County.

(7) Costs of environmental review directly related to the project.

B. Amount allocated. For fifty (50) years following implementation of these provisions, unless extended hereafter, seven hundred fifty thousand dollars ($750,000.00) per year of the funds generated shall be allocated to the enhancement of the Laney-Walker and Bethlehem Historic Heritage District.

III Trade Exhibit and Event (TEE) Center. For fifty years following adoptions of these provisions, unless extended hereafter, $350,000.00 per year of the transportation fund shall be allocated to the TEE Center. This amount shall be used for the management and operating expenses of the TEE Center, including the cost of promoting use of public transportation in conjunction with TEE Center events and to encourage utilization of the enhanced tourism services by TEE Center patrons. This amount may be adjusted annually to reflect increases in accepted inflation rates. The effective date for this funding provision shall be the first calendar month following the latter of the execution of a contract for the construction of the TEE Center or the closing of the acquisition of the real property on which the TEE Center shall be constructed. Until the effective date, all Transportation Fees that were to be designated for the TEE Center expenses, including the Transportation Fees collected prior to enactment of this subsection, shall be allocated to fund transportation services as provided in subsection (1).

Secs. 2-2-34—2-2-35. Reserved.

ARTICLE 5 LOCAL BUSINESS LICENSE TAX ON DEPOSITORY FINANCIAL INSTITUTIONS

Sec. 2-2-36. Tax imposed.

In accordance with O.C.G.A. § 48-6-93 et seq., there is hereby imposed on each depository financial institution having an office located within Augusta-Richmond County an annual business license Tax at a rate of twenty-five one hundredth (0.25) percent of said financial institution's "Georgia gross receipts," as defined in O.C.G.A. § 48-6-95. The minimum annual amount of business license Tax due from any depository financial institution pursuant to this section shall be one thousand dollars ($1,000.00).

Sec. 2-2-37. Return.

Pursuant to O.C.G.A. § 48-6-93(c), every depository financial institution subject to the Tax levied in section 2-2-36(a), above, shall file a return of its gross receipts with the Augusta-Richmond County Commission by March 1 of each year following the year in which such gross receipts are measured. Said return shall be in the manner and in the form prescribed by the Commissioner of the Department of Revenue based on the allocation method set forth in O.C.G.A. § 48-6-93(d). The Augusta-Richmond County License and Inspect-
tion Department shall assess and collect the Tax levied pursuant to this Ordinance based upon the information provided in said return.

Sec. 2-2-38. Due date.

Taxes levied pursuant to this Ordinance shall be due no later than thirty (30) days after filing of the return prescribed by section 2-2-34, above, unless extended by the Augusta-Richmond County Commission.

Secs. 2-2-39—2-2-49. Reserved.

ARTICLE 6 TAX IMPOSED

Sec. 2-2-50. Tax imposed.

In accordance with O.C.G.A. § 48-13-90 et seq., there is hereby levied and imposed an Excise Tax at the rate of three (3) percent upon the rental charge collected by a rental motor vehicle concern when such charge constitutes a Taxable event for purposes of sales and use Tax under Georgia law.

(Ord. No. 5998, 1-20-98)

Sec. 2-2-51. Rental charges, rental motor vehicle and rental motor vehicle concern defined.

(a) Rental charge. The total value received by a rental motor vehicle concern for the rental or lease for thirty-one (31) or fewer consecutive days of a rental motor vehicle, including the total cash and nonmonetary consideration for the rental or lease including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver but excluding all charges for motor fuel Taxes or sales Taxes.

(b) Rental motor vehicle. A motor vehicle designed to carry ten (10) or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver regardless of whether such vehicle is licensed in this State.

(c) Rental motor vehicle concern. A person or legal entity which owns or leases five (5) or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

(Ord. No. 5998, 1-20-98)

Sec. 2-2-52. Collection fee discount; penalties for nonpayment.

Rental motor vehicle concerns collecting the rental car Excise Tax shall be allowed a percentage of the Tax due and accounted for in the amount of three (3) percent in the form of a deduction in submitting, reporting, and paying the amount due, provided the amount due is not delinquent at the time of payment. Upon the failure to make a timely report and remittance by the 20th day of the month next succeeding the month in which such sales were made, such collection fee shall be forfeited. Rental motor vehicle concerns shall pay such Tax with such remittance form as prescribed by the Augusta-Richmond County Commission. Failure to make a timely report and remittance within thirty (30) days after the due date shall render a rental motor vehicle concern liable for a penalty equal to ten (10) percent of the total amount due during the first thirty-day period following the date such report and remittance were due; and a further penalty of five (5) percent of the amount of such remittance for each successive thirty-day period, or any portion thereof, during which such report and remittance are not filed.

(Ord. No. 5998, 1-20-98; Ord. No. 6033, 4-21-98)

Sec. 2-2-53. Verification of books and records.

All books and records of each rental motor vehicle concern shall be subject to inspection and audit by Augusta-Richmond County to verify compliance with this Ordinance.

(Ord. No. 5998, 1-20-98)

Sec. 2-2-54. Excise Tax in addition to other Taxes.

The Excise Tax provided for hereinabove shall be in addition to any license fee or occupational Tax or charge which may now or in the future be imposed upon rental motor vehicle concerns within Augusta-Richmond County.

(Ord. No. 5998, 1-20-98)

Sec. 2-2-55. Proceeds to fund downtown parking facilities.

The rental car Excise Tax provided for herein shall be used for retirement of debt in connection
with the construction of the Riverfront Center Parking Deck, the Fort Discovery Parking Garage and the Greene Street Parking Garage and for the maintenance and operation expenses of said parking facilities, as provided in O.C.G.A. § 48-13-93. (Ord. No. 5998, 1-20-98)

Sec. 2-2-56. Termination.

The Tax imposed pursuant to this Article shall terminate not later than December 31, 2038, unless earlier terminated by the Augusta-Richmond County Commission. (Ord. No. 5998, 1-20-98)
Chapter 3

BUDGET, AUDITING REQUIREMENTS

Sec. 2-3-1. Definitions.

The terms, when used in this Article, shall have the following definitions:

(a) Commission shall mean the Augusta-Richmond County Commission.

(b) Budget officer shall mean the comptroller for Augusta, Georgia.

(c) Finance Committee shall mean the Finance Committee of the Augusta-Richmond County Commission as selected by the Augusta-Richmond County Commission.

Sec. 2-3-2. Fiscal year; submittal of budget.

(a) The fiscal year of Augusta, Georgia shall begin on the first day of January and continue through the thirty-first day of December.

(b) On the third Tuesday of November at the regular meeting of the Commission, the county administrator shall submit to the Commission a budget, certified by the Finance Committee, containing the financial plan for the conduct of the affairs of Augusta, Georgia for the ensuing fiscal year. The budget shall be accompanied by an explanatory message prepared in detail by the budget officer and may include recommendations as to capital projects to be undertaken by Augusta, Georgia within the ensuing fiscal year and within the five (5) succeeding years.

Sec. 2-3-3. Estimates; review.

(a) In the preparation of the budget, the Finance Committee, through the county administrator, shall, at such date as it shall determine, obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure and any other supporting data as it may request, together with an estimate of all capital projects pending or which such department head believes should be undertaken (1) within the next fiscal year, and (2) within the next five (5) succeeding years.

(b) The Finance Committee shall review the estimates as prepared by the budget officer, may hold hearings thereon, and may revise the estimates, as they deem advisable, and shall approve the budget, explanatory message and recommendations before submission to the Commission by the county administrator.

Sec. 2-3-4. Contents of budget.

The budget shall provide a complete financial plan for the ensuing fiscal year and shall include but not be limited to:

(a) Detailed estimates of all anticipated revenue applicable to proposed expenditures;

(b) Proposed expenditures with enumeration of debt service requirements, appropriations required by statute, and other purposes; and

(c) Comparative data on the last completed fiscal year and actual and estimated data for current fiscal year.

Sec. 2-3-5. Submittals of budget to Commission.

(a) On or before the third Tuesday in October of each year, the Finance Committee shall submit to the Commission for its consideration, a proposed budget consisting of its statement of the anticipated revenue and expenses of the next fiscal year. Whereupon, the Commission shall consider the same and shall revise, amend, supplement or delete any item of anticipated revenue or expense before the same shall be published, or
hearings held thereon. At the time of submission of the budget to the Commission, a statement advising the residents of the county of the availability of the budget shall be published in a newspaper of general circulation in the county. The statement shall be a prominently displayed advertisement or news article and shall not be placed in that section of the newspaper where legal notices appear. The budget, as tentatively approved, and all supporting data, shall be a public record open to inspection by anyone and shall be filed in the office of the county administrator and in the office of the budget officer. The Commission may consider the original budget and any amendment thereto at least one (1) public hearing thereon before its final adoption, one which public hearing shall be set by the County Commission at one (1) of its regular or called meetings and shall be announced in public notice to be published in one (1) or more newspapers published in the county at least seven (7) days prior to adoption of the permanent budget by the Commission, at which time any persons wishing to be heard on the budget may appear. Changes, increases or decreases, variations and revisions of any items in the budget or of any total of subtotal or aggregate sum may be made at any public meeting prior to the final adoption of the budget, provided such changes, increases, transfers and revisions shall be recorded on the minutes of the meetings and provided further the total expenditures, including all changes, shall at no time exceed the total of the anticipated revenue as finally certified by the Finance Committee to the Commission. The budget as finally adopted shall include all sums necessary to pay the interest and principal reduction or sinking fund requirements of all outstanding bond issues, and likewise sufficient funds to meet the requirements of the various departments of county government to enable the various departments to perform the duties imposed upon them by law; and the Finance Committee shall so certify.

(b) Notwithstanding the provisions of subparagraph (a) of this section, for fiscal year 1997 only, the Finance Committee shall submit to the Commission, on the third Tuesday in December, 1996, a proposed budget consisting of its statement of the anticipated revenue and expenses of the 1997 fiscal year. The submittal of the budget, including all advertising requirements, shall otherwise comply with the requirements of subparagraph (a) hereof.

(Ord. No. 6850, § 1, 1-3-06)

Sec. 2-3-6. Adoption of budget by Commission.

The budget shall be finally adopted by the Commission at or before the adjournment of the regularly called meeting on the third Tuesday of the month of November, which meeting shall be a public meeting. The meeting shall be advertised in accordance with the procedures set forth in section 2-3-5 at least one (1) week prior to the meeting. A copy of the budget as finally adopted shall be certified by the Finance Committee and shall be filed in the office of the budget officer. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all officers, department and agency heads, and for the use of the public.

(Ord. No. 6065, 7-8-98; Ord. No. 6507, § 1, 5-21-02)

Sec. 2-3-7. Reserved.


Sec. 2-3-8. Budget amendment; authorized, procedure.

Nothing contained in this Article shall preclude Augusta from amending its budget so as to adapt to changing governmental needs during the fiscal year. Amendments shall be made as follows:

(a) Any increase in appropriation in any fund for a department of Augusta, except transfers from a budget contingency fund, shall require approval of the Commission; and

(b) Transfers of appropriations in any fund among the various accounts within a department of Augusta shall require only the approval of the county administrator, except that transfers of appropriations within a department of Augusta which
increase the salary appropriations and fringe benefits shall require the approval of the Commission.

Sec. 2-3-9. Time for compliance.

The budget officer shall prepare a timetable for complying with the provisions in this Article, which shall be submitted not later than the first Tuesday in September of each year to the chairman of the Finance Committee and county administrator for approval or modification within the parameters set forth in this Article.

Sec. 2-3-10. Annual audit required.

There shall be made an annual audit of the financial affairs and transactions of all funds and activities of Augusta for each fiscal year of the local government. The audit shall be conducted in accordance with generally accepted auditing standards. Each audit shall also contain a statement of any agreement or arrangement under which Augusta has assumed the actual or potential liability of the obligations of any governmental or private agency, authority or instrumentality. Such statement shall include the purpose of the agreement or arrangement; shall identify the agency, authority or instrumentality upon whose obligations Augusta is or may become liable; and shall state the amount of actual liability and the maximum amount of potential liability of Augusta under the agreement or arrangement.

Sec. 2-3-11. Contents of audit reports.

All annual audit reports of Augusta shall contain at least the following:

(a) Financial statements prepared in conformity with generally accepted governmental accounting principles, setting forth the financial condition and results of operations of each fund and activity of Augusta, and such financial statements shall be the representation of Augusta; and

(b) The opinion of the performing auditor with respect to the financial statement, in addition to an explanation of any qualification or disclaimer contained in the opinion, and such opinion shall also disclose, in accordance with generally accepted au-
Chapter 4

ENTERPRISE ZONES

ARTICLE 1 IN GENERAL

Sec. 2-4-1. Purpose.

The Augusta-Richmond County Commission desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in an area meeting criteria established by the Enterprise Zone Employment Act of 1997, as amended (O.C.G.A. § 36-88-1), and to provide employment to residents of such area.

(Ord. No. 6292, § 1, 7-20-00)

Sec. 2-4-2. Procedures.

Whenever the necessary conditions exist in a designated area to qualify the area as an Enterprise Zone as provided in O.C.G.A. § 36-88-6, the Commission by Ordinance may establish such area as an Enterprise Zone, which designation shall continue for a period of ten (10) years unless redesignated as an Enterprise Zone for an additional period.

(Ord. No. 6292, § 1, 7-20-00)

Sec. 2-4-3. Qualifications.

An area to be redesignated as an Enterprise Zone shall meet the criteria as provided for in O.C.G.A. § 36-88-6.

(Ord. No. 6292, § 1, 7-20-00)

Sec. 2-4-4. Incentives.

Augusta shall provide the following incentives in an area designated as an Enterprise Zone, including Tax incentives, to qualifying businesses in accordance with the definition of such businesses outlined in the Enterprise Zone Employment Act, which incentives are not applicable throughout the city:

(a) The Augusta-Richmond County Commission shall exempt qualifying businesses from state, county, and municipal ad valorem property Taxes, excluding property Taxes imposed by school districts, that would otherwise be levied on the qualifying business and service enterprises in accordance with the following schedule:

(1) One hundred (100) percent of the property Taxes shall be exempt for the first five (5) years;
(2) Eighty (80) percent of the property Taxes shall be exempt for the next two (2) years;
(3) Sixty (60) percent of the property Taxes shall be exempt for the next year;
(4) Forty percent (40) of the property Taxes shall be exempt for the next year; and
(5) Twenty (20) percent of the property Taxes shall be exempt for the last year.

(b) Other incentives that may be granted will be negotiated on a case-by-case basis by the Augusta-Richmond County Commission through the Housing and Community Development Department and could include exemption from any or all of the following:

(1) Building Permit Fees;
(2) Sign Permit Fees;
(3) Business License Administrative Fee;
(4) Rezoning Fees;
(5) Engineering Fees;
(6) Other local fees authorized by the Augusta-Richmond County Commission, as applicable.

(Ord. No. 6292, § 1, 7-20-00; Ord. No. 6939, § 11, 1-2-07)

Sec. 2-4-5. Authorized agency.

The Augusta-Richmond County Commission is the authorized agency to act in all matters pertaining to the Enterprise Zone and reserves the power to grant the incentives listed above to qualifying businesses in accordance with the authorization powers granted local governments in
Sec. 2-4-6. Liaison.

The Augusta-Richmond County Commission directs and designates its Director of the Housing and Community Development Department as liaison for communication with the Georgia Department of Community Affairs; the Georgia Department of Industry, Trade, and Tourism; the business community; and all others to oversee Enterprise Zone activities and administration, and communications with qualified businesses, and to recommend to the Commission the establishment of Enterprise Zones.

(Ord. No. 6292, § 1, 7-20-00; Ord. No. 6939, § 11, 1-2-07)

Sec. 2-4-7. Enforcement.

The Augusta-Richmond County Commission has the power to administer, require, and enforce compliance with the provisions of this chapter and to adopt such administrative rules or regulations as are necessary to implement same, including, but not limited to, the requiring of reports and data information from businesses within the Enterprise Zone to verify compliance with this Chapter and state law.

(Ord. No. 6292, § 1, 7-20-00)

Sec. 2-4-8. Contractual agreement.

A qualifying business shall enter into a contractual agreement that outlines the incentives offered to the business and the guidelines for the recapture, revocation, or reimbursement should the terms of the contract be violated by the target business.

(Ord. No. 6292, § 1, 7-20-00)

Secs. 2-4-9—2-4-19. Reserved.

ARTICLE 2

Sec. 2-4-20. Designation of "Laney-Walker Enterprise Zone".

The Augusta-Richmond County Commission hereby designates the area hereinafter described as an Enterprise Zone to be known as the "Laney-Walker/Bethlehem Enterprise Zone", to wit:

BOUNDARY DESCRIPTION

Beginning at a point, which is the intersection of the centerlines of 12th Street and Telfair Street; thence in a southeasterly direction along the centerline of Telfair Street a distance of 4,540 feet, more or less, to a point of intersection with the centerline of 5th Street; thence in a southwesterly direction along the centerline of 5th Street a distance of 3,660 feet, more or less, to a point of intersection with the centerline of Laney-Walker Boulevard; thence in a northwesterly direction along the centerline of Laney-Walker Boulevard a distance of 1,080 feet, more or less, to a point of intersection with the centerline of the right of way of the Norfolk Southern Railroad; thence in a southwesterly direction along the centerline of the Norfolk Southern Railroad a distance of 8,150 feet, more or less, to a point of intersection of the centerline of the right of way of the Norfolk Southern Railroad a distance of 325 feet to a point; thence going north 32 degrees 47 minutes west a distance of 2,480 feet, more or less, to a point on the centerline of Old Savannah Road; thence in a northeasterly direction along the centerline of Old Savannah Road a distance of 1,090 feet, more or less, to a point of intersection with the centerline of the right of way of the CSX Beltline Railroad; thence in a northwesterly direction along the centerline of the CSX Beltline Railroad a distance of 2,140 feet more or less to a point of intersection with the centerline of Clay Street; thence in a northwesterly direction along the centerline of Clay Street a distance of 1,575 feet, more or less, to a point of intersection with the centerline of Anderson Avenue; thence in a westerly direction and then a northerly direction along the centerline of Anderson Avenue a distance of 550 feet, more or less, to a point of intersection with the centerline of Poplar Street; thence in a northwesterly direction along the centerline of Poplar Street a distance of 1,490 feet, more or less, to a point of intersection with the centerline of McCauley Street; thence in a northeasterly direction along the centerline of McCauley Street a distance of 655 feet, more or less, to a point of intersection with the centerline of Wrightsboro Road; then in a westerly direction along the
centerline of Wrightsboro Road a distance of 175 feet, more or less, to a point of intersection with the centerline of R.A. Dent Boulevard; thence in a northeasterly direction along the centerline of R.A. Dent Boulevard a distance of 4,325 feet, more or less, to a point of intersection with the centerline of D’Antignac Street; thence in a southeasterly direction along the centerline of D’Antignac Street a distance of 950 feet, more or less, to a point of intersection with the centerline of 12th Street; thence in a northeasterly direction along the centerline of 12th Street a distance of 2,165 feet, more or less, to the point of beginning.

(Ord. No. 6292, § 1, 7-20-00; Ord. No. 6460, § 1, 2-20-02; Ord. No. 6508, § 1, 5-21-02; Ord. No. 7142, § 1, 8-18-09)

Sec. 2-4-21. Designation of "Rocky Creek Enterprise Zone".

The Augusta-Richmond County Commission hereby designates the area hereinafter described as an Enterprise Zone to be known as the "Rocky Creek Enterprise Zone", to wit:

BOUNDARY DESCRIPTION

Beginning at the point of the intersection of the centerline of Milledgeville Road/Martin Luther King, Jr. Blvd and the centerline of Olive Road; thence, in a southeasterly direction along the centerline of Olive Road to the intersection of the centerline of Gordon Highway (US 1/25/78/278); thence in a southwesterly direction along the centerline of Gordon Highway (US 1/25/78/278) to point of intersection with Peach Orchard Road (US 25); thence continuing in a southwesterly direction along the centerline of Peach Orchard Road (US 25); to a point of intersection with the centerline of Tubman Home Road/Mike Padgett Highway (State Route 56); thence, continuing in a southeasterly direction along the centerline of Mike Padgett Highway (State Route 56) to its intersection with the centerline of Nixon Road; thence in an easterly direction alongs the centerline of Nixon intersection with the right-of-way of the Norfolk Southern Railroad; thence in a southwestery direction along the northwest right-of-way of the Norfolk Southern Railroad to its inter-
Chapter 5

THEFT PREVENTION

ARTICLE 1  IDENTITY THEFT PREVENTION PROGRAM

Sec. 2-5-1. Short title.

This article shall be known as the Identity Theft Prevention Program.
(Ord. No. 7101, 12-16-08)

Sec. 2-5-2. Purpose.

The purpose of this Article is to comply with 16 CFR § 681.2, in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.
(Ord. No. 7101, 12-16-08)

Sec. 2-5-3. Definitions.

For purposes of this Article, the following definitions apply:

(a) Augusta means Augusta-Richmond County.

(b) Covered account means:

(i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and

(ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

(c) Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

(d) Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

(e) Customer means a person that has a covered account with a creditor.

(f) Identity theft means a fraud committed or attempted using identifying information of another person without authority.

(g) Person means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(h) Personal Identifying Information means a person's credit card account information, debit card information, bank account information and driver's license information and for a natural person includes their social security number, mother's birth name, and date of birth.

(i) Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

(j) Service provider means a person that provides a service directly to Augusta-Richmond County.
(Ord. No. 7101, 12-16-08)

Sec. 2-5-4. Findings.

(1) Augusta-Richmond County is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

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1 Other than "Augusta" and "personal identifying information", definitions provided in this section are based on the definitions provided in 16 CFR § 681.2.
(2) Covered accounts offered to customers for the provision of Augusta-Richmond County services include water, sewer, solid waste, trash, and other services.

(3) Augusta-Richmond County's previous experience with identity theft related to covered accounts is as follows: There has been an overall increase in such activity.

(4) The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and collecting procedures for overdue accounts have been identified as potential processes in which identity theft could occur.

(5) Augusta-Richmond County limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is, where possible, entered directly into Augusta-Richmond County's computer system and not otherwise recorded.

(6) Augusta-Richmond County determines that there is a risk of identity theft occurring in the following ways:

a. Use by an applicant of another person's personal identifying information to establish a new covered account;

b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;

c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;

d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment; and

(Ord. No. 7101, 12-16-08)

Sec. 2-5-5. Process of establishing a covered account.

As a precondition to opening a covered account in Augusta-Richmond County, each applicant shall provide Augusta-Richmond County with personal identifying information of the customer: a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account. In addition, if requested by an Augusta-Richmond County department, such applicant shall also provide any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report. To the extent possible, such information shall be entered directly into Augusta-Richmond County's computer system and shall not otherwise be recorded.

(Ord. No. 7101, 12-16-08; Ord. No. 7133, 6-2-09)

Sec. 2-5-6. Access to covered account information.

(1) Access to customer accounts shall be password protected and shall be limited to authorized Augusta-Richmond County personnel.

(2) Such password(s) shall be changed by the director of the department providing the service for which the covered account is created, or the Director of Finance (or his or her designee) or by the Director of Information Technology on a regular basis. Each password shall be at least 8 characters in length and shall contain letters, numbers and symbols.

(3) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Augusta-Richmond County Director of Finance or his or her designee and the department director responsible for that service and the password should be changed immediately.

(4) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Director of Finance or his or her designee, the department director responsible for that service and the General Counsel of Augusta-Richmond County.

(Ord. No. 7101, 12-16-08)

Sec. 2-5-7. Credit card payments.

(1) In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party
service provider shall certify that it has an ade-
quate identity theft prevention program in place
that is applicable to such payments.

(2) To the extent possible, all credit card pay-
ments made over the telephone or Augusta-
Richmond County’s website shall be entered di-
rectly into the customer’s account information in
the computer data base.

(3) Account statements and receipts for cov-
ered accounts shall include only the last four
digits of the credit or debit card or the bank
account used for payment of the covered account.

Sec. 2-5-8. Sources and types of red flags.

All employees responsible for or involved in the
process of opening a covered account, restoring a
covered account or accepting payment for a cov-
ered account shall check for red flags as indica-
tors of possible identity theft and such red flags
may include:

(1) Alerts from consumer reporting agencies,
fraud detection agencies or service provid-
ers. Examples of alerts include but are not
limited to:
   a. A fraud or active duty alert that is
      included with a consumer report;
   b. A notice of credit freeze in response
to a request for a consumer report;
   c. A notice of address discrepancy pro-
      vided by a consumer reporting agency;
   d. Indications of a pattern of activity in
      a consumer report that is inconsis-
tent with the history and usual pat-
tern of activity of an applicant or
      customer, such as:
      i. A recent and significant in-
         crease in the volume of inquir-
         ies;
      ii. An unusual number of recently
          established credit relationships;
      iii. A material change in the use of
          credit, especially with respect
to recently established credit
          relationships; or
   iv. An account that was closed for
      cause or identified for abuse of
      account privileges by a financial
      institution or creditor.

(2) Suspicious documents. Examples of sus-
picious documents include:
   a. Documents provided for identification
      that appear to be altered or forged;
   b. Identification on which the photo-
graph or physical description is in-
consistent with the appearance of
the applicant or customer;
   c. Identification on which the informa-
tion is inconsistent with information
provided by the applicant or cus-
tomer;
   d. Identification on which the informa-
tion is inconsistent with readily ac-
cessible information that is on file
with the financial institution or cred-
itor, such as a signature card or a
recent check; or
   e. An application that appears to have
been altered or forged, or appears to
have been destroyed and reassem-
bled.

(3) Suspicious personal identification, such
as suspicious address change. Examples
of suspicious identifying information in-
clude:
   a. Personal identifying information that
      is inconsistent with external inform-
      ation sources used by the financial
      institution or creditor. For example:
      i. The address does not match
         any address in the consumer
         report; or
      ii. The Social Security Number
          (SSN) has not been issued, or is
          listed on the Social Security
          Administration’s Death Master
          File.
   b. Personal identifying information pro-
      vided by the customer is not consis-
tent with other personal identifying
information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.

d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

e. The SSN provided is the same as that submitted by other applicants or customers.

f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(4) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

a. Shortly following the notice of a change of address for an account, Augusta-Richmond County receives a request for the addition of authorized users on the account.

b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
   i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.

c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
   i. Nonpayment when there is no history of late or missed payments;
   ii. A material change in purchasing or spending patterns;

d. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer’s account.

f. Augusta-Richmond County is notified that the customer is not receiving paper account statements.

g. Augusta-Richmond County is notified of unauthorized charges or transactions in connection with a customer’s account.

h. Augusta-Richmond County is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

(Ord. No. 7101, 12-16-08)
Sec. 2-5-9. Prevention and mitigation of identity theft.

(1) In the event that any Augusta-Richmond County employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Director of Finance or his or her designee and the director of the department providing the service at issue. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Director of Finance or his or her designee and the director of the department providing the service at issue. If either the Director of Finance or his or her designee or the director of the department providing the service at issue, in his or her discretion, determines that further action is necessary, a Augusta-Richmond County employee shall perform one or more of the following responses, as determined to be appropriate by either the Director of Finance or his or her designee or the director of the department providing the service at issue:

a. Contact the customer;

b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:

i. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or

ii. Close the account;

c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

d. Notify a debt collector within 48 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;

e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or

f. Take other appropriate action to prevent or mitigate identity theft.

(2) In the event that any Augusta-Richmond County employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Director of Finance or his or her designee or the director of the department providing the service at issue. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Director of Finance or his or her designee or the director of the department providing the service at issue. If either the Director of Finance or his or her designee or the director of the department providing the service at issue, in his or her discretion, determines that further action is necessary, a Augusta-Richmond County employee shall perform one or more of the following responses, as determined to be appropriate by
either the Director of Finance or his or her designee or the director of the department providing the service at issue:

- Request additional identifying information from the applicant;
- Deny the application for the new account;
- Notify law enforcement of possible identity theft; or
- Take other appropriate action to prevent or mitigate identity theft.

(Ord. No. 7101, 12-16-08)

**Sec. 2-5-10. Updating the program.**

Augusta-Richmond County Commission shall annually review and, as deemed necessary by the Commission, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of Augusta-Richmond County and its covered accounts from identity theft. In so doing, Augusta-Richmond County Commission shall consider the following factors and exercise its discretion in amending the program:

1. Augusta-Richmond County's experiences with identity theft;
2. Updates in methods of identity theft;
3. Updates in customary methods used to detect, prevent, and mitigate identity theft;
4. Updates in the types of accounts that Augusta-Richmond County offers or maintains; and
5. Updates in service provider arrangements.

(Ord. No. 7101, 12-16-08)

**Sec. 2-5-11. Program administration.**

The Director of Finance is responsible for oversight of the program and for program implementation. The Director of Finance may, at his or her discretion, designate another person to perform one or more functions of this program. The Augusta-Richmond County Administrator is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Augusta-Richmond County Administrator, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to Augusta-Richmond County Commission for consideration.

1. The Director of Finance or his or her designee will report to the Augusta-Richmond County Administrator at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
   - The effectiveness of the policies and procedures of Augusta-Richmond County in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
   - Service provider arrangements;
   - Significant incidents involving identity theft and management's response; and
   - Recommendations for material changes to the Program.

2. The Director of Finance or his or her designee is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Director of Finance or his or her designee shall exercise his or her discretion in determining the amount and substance of training necessary.

(Ord. No. 7101, 12-16-08)

**Sec. 2-5-12. Outside service providers.**

In the event that Augusta-Richmond County engages a service provider to perform an activity in connection with one or more covered accounts the Director of Finance or his or her designee
shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

(Ord. No. 7101, 12-16-08)

ARTICLE 2 TREATMENT OF ADDRESS DISCREPANCIES

Sec. 2-5-13. Purpose.

Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which Augusta-Richmond County will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when Augusta-Richmond County has received a notice of address discrepancy.

(Ord. No. 7101, 12-16-08)

Sec. 2-5-14. Definitions.

For purposes of this article, the following definitions apply:

1. Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency’s file for the consumer.\(^2\)

2. Augusta means Augusta-Richmond County.

(Ord. No. 7101, 12-16-08)

Sec. 2-5-15. Policy.

In the event that Augusta-Richmond County receives a notice of address discrepancy, the Augusta-Richmond County employee responsible for verifying consumer addresses for the purpose of providing the Augusta-Richmond County service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:
   a. Information Augusta-Richmond County obtains and uses to verify a consumer’s identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);
   b. Information Augusta-Richmond County maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
   c. Information Augusta-Richmond County obtains from third-party sources that are deemed reliable by the relevant Augusta-Richmond County employee; or

   2. Verify the information in the consumer report with the consumer.

(Ord. No. 7101, 12-16-08)

Sec. 2-5-16. Furnishing consumer’s address to consumer reporting agency.

1. In the event that Augusta-Richmond County reasonably confirms that an address provided by a consumer to Augusta-Richmond County is accurate, Augusta-Richmond County is required to provide such address to the consumer reporting agency from which Augusta-Richmond County received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
   a. Augusta-Richmond County is able to form a reasonable belief that the consumer report relates to the consumer about whom Augusta-Richmond County requested the report;
   b. Augusta-Richmond County establishes a continuing relation with the consumer; and

\(^2\) See 16 CFR § 681.1(b).
c. Augusta-Richmond County regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

(2) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by Augusta-Richmond County to such agency for the reporting period in which Augusta-Richmond County establishes a relationship with the customer.

(Ord. No. 7101, 12-16-08)

Sec. 2-5-17. Methods of confirming consumer addresses.

The Augusta-Richmond County employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

(1) Verifying the address with the consumer;

(2) Reviewing Augusta-Richmond County's records to verify the consumer's address;

(3) Verifying the address through third-party sources; or

(4) Using other reasonable processes.

(Ord. No. 7101, 12-16-08)
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Sec. 3-8-7. Vehicles and implements injuring streets.
Sec. 3-8-8. Discharge of stormwater upon sidewalks.
Sec. 3-8-9. Obstructing drains with stones, dirt, etc.
Sec. 3-8-10. Swinging gates.

**Sec. 3-8-11. Sidewalk Encroachments.**

Sec. 3-8-12. Obstructing streets, etc., with temporary or permanent structures.
Sec. 3-8-13. Moving buildings through streets.
Sec. 3-8-14. Trees, etc., Obstructing view of street intersections and fire hydrants; duty of sheriff’s department to make study.
Sec. 3-8-15. Same—Determining intersections, etc., to be hazardous; notice to owner to remove trees, etc.
Sec. 3-8-16. Same—Failure of owner to comply with notice; penalty; form of judgment.
Sec. 3-8-17. Skateboards, skates, and in-line skates regulated; prohibited on certain streets.
Chapter 1
CURFEW FOR MINORS

Sec. 3-1-1. Definitions.

For the purposes of this Article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by context:

(a) *Teen social club* shall mean any business establishment which advertises itself, holds itself out to the public as, or is operated primarily as a "Teen Club", "Teen Dance Club", and/or any business establishment which provides entertainment or social activities primarily to teenagers of the ages restricted by the Curfew Ordinance of Augusta-Richmond County regardless of whether such establishment is conducted, operated or maintained for a profit; "teen social club" does not include movie theaters, amusement parks or a sporting event or facility.

(b) *Advertise* shall mean promotional signs on the premises, off-premise signs and any written, live, videotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.

(c) *Alcoholic beverages* shall mean beer or other beverages of like alcoholic content regulated by Augusta Code section 6-2-1 et. al. and any establishment selling or serving liquor or wine regulated by the provisions of Augusta Code section 6-2-1 et.al.

(d) *Curfew for minors* shall mean Augusta Richmond County Code, Chapter 1 sections 3-1-1 through 3-1-7.

(e) *Entertainment and social activities* shall mean activities at establishments which feature live music for attendance by teenagers, and activities at establishments which provide dancing activities for teenagers.

(f) *Licensed premises* shall include the building or facility in which the teen social club is located and any parking area provided by the establishment for its patrons.

(g) *Minor* shall mean a nonemancipated person who has not attained their eighteenth birthday.

(Ord. No. 7042, § 1, 4-15-08)

Sec. 3-1-2. Hours of curfew; exceptions.

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place in Augusta-Richmond County, unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 p.m. on any weekday and 5:00 a.m, on the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 5:00 a.m, on the following day; and provided further that the provisions of this section shall not apply in the following instances:

(a) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;

(b) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;

(c) When the minor is returning directly home from lawful employment that makes it necessary to be in the above referenced places during the proscribed period, of time;

(d) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
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(e) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through Augusta-Richmond County being excepted in all cases from the curfew.

(Ord. No. 7042, § 1, 4-15-08)

Sec. 3-1-3. Parent, guardian or other person having custody or control of child to permit violation prohibited

It shall be unlawful for the parent, guardian, or, other person having custody or control of any child under the age of eighteen (18) years to permit, or by insufficient control, to allow, such child to be in or upon the public streets or other places listed in section 3-1-1 above within Augusta-Richmond County between the hours of 11:00 p.m. on any weekday and 5:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 5:00 a.m. the following day except in circumstances set out in subsections (a) through (e) of said section 3-1-2.

(Ord. No. 7042, § 1, 4-15-08)

Sec. 3-1-4. Location restrictions.

No part of the licensed premises of a teen social club operating within the Augusta-Richmond County shall be located within five hundred (500) feet of the nearest property line of any property on which alcoholic beverages are served or sold or within five hundred (500) feet of the nearest property line of any property on which is located an adult oriented establishment as defined in section 6-1-1 et. al. of this Code.

(Ord. No. 7042, § 1, 4-15-08)

Sec. 3-1-5. Revocation of license or permit.

(a) The Sheriff shall recommend revocation of a license granted to any teen social club for any of the following reasons:

(1) The operator, or any employee of the operator, violates any provision of this Article, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Sheriff shall find that the operator had no actual or constructive notice of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.

(2) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(3) Any operator allows continuing violations of the rules and regulations of the Augusta-Richmond County Health Department.

(4) More than five (5) violations of the Curfew Ordinance occur on the licensed premises in a twelve-month period.

(b) Before revoking or suspending the license of any teen social club, Augusta-Richmond County Commission, the Sheriff or his or her designee shall give written notice to the person or company in whose name such license is issued notifying such license holder of the charges against the teen social club and setting a hearing date not less than five (5) business days in advance in which the licensee may appear and be heard. The decision of the Augusta-Richmond County Commission shall be final.

(Ord. No. 7042, § 1, 4-15-08)

Sec. 3-1-6. Hours of operation; inspection by Sheriff's Department or Juvenile Justice Department.

(a) Teen social clubs shall be closed between the hours of half past ten at night (10:30 p.m.) to seven o'clock (7:00 a.m.) provided that on Friday and Saturday nights such clubs may remain open until half past eleven (11:30 p.m.), and provided further that on Sunday mornings such clubs shall be closed until twelve o'clock (12:00) noon to half past ten (10:30 p.m.).

(b) Teen social clubs shall be open to inspection at all reasonable times by any officer of the Augusta Richmond County Sheriff’s Department or agent of the Richmond County Juvenile Justice Department.

(Ord. No. 7042, § 1, 4-15-08)
Sec. 3-1-7. Responsibilities of operators; exemptions; identification of minors.

(a) No teen social club within the Augusta-Richmond County shall allow a teenager under the age of 16 years to enter the licensed premises during any hours in violation of the Curfew Ordinance.

(b) No teen social club within the Augusta-Richmond County shall allow any teenager under the age of 16 years to remain on the licensed premises during any hours in violation of the Curfew Ordinance.

(c) All teen social clubs shall post in a visible location at the entrance and inside the establishment upon signage approved by the Sheriff’s Department the applicable curfew hours for teenagers as specified by the Curfew Ordinance.

(d) All operators of teen social clubs shall be personally responsible and vicariously liable without proof of intent for any violations of the curfew regulations occurring during any hours of operation during which teenagers would be prohibited from being present on the licensed premises under the Curfew Ordinance.

(e) Each teen social club operator shall be required at all times to identify by wristband any individuals on the licensed premises under the age of sixteen (16) years. Photo identification shall be required of all minors under the age of sixteen (16) years admitted into a teen social club and an entry log shall be kept of the information contained within the photo identification, including the name, age and birth date of all patrons under the age of sixteen (16) years. Such log shall be provided to any officer of the Richmond County Sheriff’s Department or agent of the Richmond County Juvenile Justice Department upon request.

(Ord. No. 7042, § 1, 4-15-08)

Sec. 3-1-8. Reserved.

Sec. 3-1-9. Commission approval.

No license or permit for a teen dance hall or teen club shall issue without the consent of the Augusta-Richmond County Commission as set forth by Augusta, Ga. Code § 6-6-43 et. al. (Ord. No. 7111, § 1(exh. A), 3-3-09)
Chapter 2

FALSE ALARMS

Sec. 3-2-1. Purpose.

To encourage alarm users to properly use and maintain alarm systems and to reduce or eliminate false alarms that may unduly divert Public Safety resources. This section governs systems intended to summon a Public Safety response, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension.

(Ord. No. 7106, § 1, 2-3-09)

Sec. 3-2-2. Definitions.

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

(a) Alarm Administrator means the Director of 9-1-1.

(b) Alarm systems business means a person or business subject to the licensing requirements of Augusta-Richmond County and engaged in selling, leasing, installing, servicing or monitoring alarm systems within the Augusta-Richmond County, Georgia.

(c) Alarm user means any owner, tenant or other person or entity that uses or is in control of an alarm system within Augusta-Richmond County, Georgia.

(d) Alarm site means the geographical location of a specific alarm system.

(e) Alarm system means any assembly of equipment, mechanical or electrical, device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to discourage crime and summon a Public Safety response.

(f) Automatic dialing device means an alarm system which automatically sends, via telephone, a pre-recorded voice message or coded signal indicating the existence of an emergency situation.

(g) Augusta means the Augusta-Richmond County consolidated government or its agents.

(h) Commercial premises means any structure or area which is not defined in this section as a governmental or residential premise.

(i) County means Richmond County, Georgia, or its agent.

(j) Deactivated alarm means an alarm system that has the primary and secondary power and the telephone line disconnected at the alarm control panel.

(k) False alarm means the activation of an alarm system for any reason other than a bona fide request for Public Safety assistance. A false alarm for this section does not include:

(1) An alarm caused by physical damage to the alarm system as a result of lighting, wind, or other meteorological event, where there is clear evidence of physical damage to the alarm system; or

(2) An alarm caused by disconnection of a telephone circuit beyond the control of the alarm user or the alarm user's agent, verified by written communication from the telephone company; or

(3) An alarm caused by continuous electrical power disruption in excess of four hours.

(l) Governmental premises mean a structure or area operated by a government entity not including premises leased to non-governmental entities.

(m) Permit year means a calendar year from January to December.

(n) Public Safety Responder means the sheriff, police, fire or EMS services for Augusta, Richmond County, Georgia.
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(p) Residential premises mean any structure serving as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household consistent with the provisions of the Zoning Ordinance for Augusta, Richmond County, Georgia.
(Ord. No. 7106, § 1, 2-3-09)

Sec. 3-2-3. Alarm systems.

Every Alarm System Business shall register annually with Augusta-Richmond County. Each registration shall provide the following information:

(a) Name, street address and telephone number of the Alarm Systems Business.

(b) The Alarm Systems Business license number issued by the State of Georgia.
(Ord. No. 7106, § 1, 2-3-09)

Sec. 3-2-4. Restrictions.

Automatic dialing devices prohibited. No alarm user shall operate an alarm system equipped with an automatic dialing device programmed to connect directly to the 9-1-1 Center either via 9-1-1 or any administrative lines of the 9-1-1 Center. Alarm users using an automatic dialing device dialing device programmed to connect directly to 9-1-1 Center shall be determined to be operating a non-permitted alarm system. Such use shall be a violation of this section.
(Ord. No. 7106, § 1, 2-3-09)

Sec. 3-2-5. Penalties for false alarms.

Responsibility for false alarms shall be borne by the alarm user. The following penalties shall be required for each false alarm per alarm system within one permit year:

(1) First and second false alarms there is no penalty;

(2) The third false alarm will result in written notification that the next false alarm will result in a penalty;

(3) The fourth and fifth false alarms: $25.00 each;

(4) The sixth and seventh false alarms: $50.00 each;

(5) The eighth and above false alarms: $100.00 each;

(b) For any violation of the provisions of this section other than a false alarm, a violator shall be subject to a penalty in the amount of $50.00.

(c) Augusta-Richmond County may offer an alarm awareness class to alarm users. Alarm users may attend the class, if available, in lieu of paying one civil penalty per calendar year.

(d) After responding to an alarm and determining that the alarm was false, the public safety responder shall leave written notice at the alarm site that there was a false alarm. The notice shall include the identity of the responder and time of response.

(e) The alarm user shall not be liable for a false alarm that occurs at an alarm site for which the alarm user has previously given a written disconnection notice to the alarm systems business or monitoring service.

(f) Payment of penalties: Penalties shall be paid within 30 days from the date of the notification. Violators shall be issued a written invoice which must be paid within 30 days of the notification date. If not paid within the 30-day period, then an additional twenty-five dollars ($25.00) delinquency charge shall be assessed for each 30-day period thereafter until paid in full.

(g) The Alarm Administrator is hereby authorized by the Augusta-Richmond County Commission to enforce the false alarm ordinance and may issue notifications and invoices for violations of this chapter.

(h) The General Counsel of Augusta-Richmond County, or designee, is authorized to file suit on behalf of the Augusta-Richmond County to collect any unpaid citations and any delinquency charge, and the Alarm Administrator, or official designee, is authorized to verify and sign complaints on behalf of Augusta-Richmond County in such suits. If litigation is required to recover the penalties and delinquency charges, the General Counsel or designee, in addition to the penalties and delinquency charges, may recover reasonable attorneys’ fees and other costs incurred in bringing the action and collecting the judgment.
(i) Equitable remedy: Augusta-Richmond County may enforce the provisions of this section by applying to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.
(Ord. No. 7106, § 1, 2-3-09)

Sec. 3-2-6. No public duty.

The permitting of an alarm system is not intended to, nor will it create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity, as provided by law, is retained. By registering the alarm system, the alarm user acknowledges any response may be based on factors such as availability of Public Safety units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.
(Ord. No. 7106, § 1, 2-3-09)

Sec. 3-2-7. Repeal of conflicting provisions.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
(Ord. No. 7106, § 1, 2-3-09)

Sec. 3-2-8. Severability of provision.

Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or the State of Georgia is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.
(Ord. No. 7106, § 1, 2-3-09)
Chapter 3

FIRE PROTECTION

ARTICLE 1 GENERAL PROVISIONS

Sec. 3-3-1. Authority to assess and levy fire tax.

The Augusta-Richmond County Commission shall be responsible for providing fire protection within Augusta-Richmond County and shall assess and levy a fire tax within Augusta-Richmond County for each year on all property, real and personal, with the exception of automobiles, subject to ad valorem taxation under the constitution and laws of the state, to finance and pay for said fire protection.

Sec. 3-3-2. Reporting of fires required.

All fires shall be reported to the fire department immediately upon their discovery. This requirement applies to any and all interior or exterior fires, regardless of how small, and regardless of the nature of the fire. All fires in places of public assembly and other public buildings shall be reported immediately, and the fire department shall investigate all such fires. If any fire is not reported immediately to the fire department, the owner, agent or person in charge of the location shall be held personally responsible for all damages to building and life.

Sec. 3-3-3. Interference with firefighters, etc. At fire.

It shall be unlawful for any person at the scene of a fire to interfere with the firefighters or other fire department personnel, their trucks, engines, equipment, apparatus or appliances. Every person guilty of a violation of this section shall be punished as provided in section 1-6-1.

Sec. 3-3-4. Penalties for article violations.

Any person who shall violate any provisions of this Chapter or the codes hereby adopted (including without limitation the Fire Prevention Code), or fail to comply therewith, or who shall violate or fail to comply with any order thereunder, or who shall build in violation of any of the detailed statements, specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Commission or by a court of competent jurisdiction, shall be charged with each and every such violation and noncompliance respectively, and, upon trial as a misdemeanor and conviction shall be subject to the penalties provided in section 1-6-1. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 3-3-5. Authority of enforcement officers generally.

The chief of the fire department, fire marshal, assistant fire marshals, officers, inspectors, and investigators assigned to the fire prevention bureau are hereby vested with the power to enforce the fire prevention code and to cite all violators of same. Members of the fire prevention bureau are hereby vested with the power to issue citations on behalf of Augusta-Richmond County to those persons illegally parked in areas which are properly marked and designated fire lanes, including persons illegally parked in properly marked and designated fire lanes on private property, where such fire lanes on private property are required to be marked and designated as such by the Fire Prevention Code.

Sec. 3-3-6. Outdoor open burning in residential areas.

(a) Prohibited. Outdoor open burning is prohibited in Augusta-Richmond County within one hundred (100) feet of a residential dwelling or structure. The only outdoor open burning that shall be allowed beyond one hundred (100) feet of residential structures or dwellings shall be the burning of leaves by the residents of property on
which the leaves fall, or such other burning for which the Georgia Forestry Commission may issue permits in accordance with the Environmental Protection Division Regulations for Air Quality Control.

(b) Definitions.

(1) Outdoor open burning. Any outdoor fire from which the product of combustion is admitted directly into the open air without passing through a stack, chimney or duct.

(2) Residential dwellings. Those structures as defined by Section 105, subparagraphs 18, 19, 20, and 21 of the Augusta-Richmond County Planning Commission's Subdivision Regulations.

(3) Structures. Those buildings used as garages, storage buildings, sheds, barns, work shops, stables, or by any other name with a total square footage in excess of forty (40) square feet.

c) Nothing herein shall prohibit the use of cooking appliances or devices for the purpose of cooking food for immediate human consumption.

d) Violation; penalty. Any person violating this section shall be tried as a misdemeanor and upon conviction be subject to the penalties provided in section 1-6-1.

Sec. 3-3-7. Adoption of uniform act for the application of building and fire related codes to existing buildings

(a) There is hereby adopted the "uniform act for the application of building and fire related codes to existing buildings" (Ga. L. 1984, § 1, pp. 1160-176) as codified in O.C.G.A. § 8-2-200, et seq., the terms of which are incorporated herein by reference.

(b) The chief of the Augusta-Richmond County fire department shall have the authority to approve the utilization of compliance alternatives and is hereby designated by Augusta-Richmond County as the "enforcement authority" for the purposes of said Act.

ARTICLE 2 BUREAU OF FIRE PREVENTION

Sec. 3-3-8. Established; composition; appointment of members; chief inspector, etc.

(a) A bureau of fire prevention and any subdivisions thereof in the Augusta-Richmond County fire department is hereby established which shall be operated under the supervision of the chief of the fire department.

(b) The bureau of fire prevention shall be composed of a chief inspector and such number of officers, inspectors, investigators and other employees as shall be authorized from time to time, four of which shall be regular fire inspectors.

(c) The members of the bureau of fire prevention, including the chief inspector of the bureau of fire prevention, shall be appointed by the chief of the fire department, and shall be subject to the rules and regulations of the Augusta-Richmond County Personnel Policies and Procedures Manual, and such additional rules and regulations as may be established by the fire department.

(d) The chief inspector of the bureau of fire prevention shall have direct supervision of the bureau of fire prevention and shall be responsible to the chief of the fire department for its proper operation.

(e) The chief of the fire department may detail such other members of the fire department as inspectors as he shall from time to time deem necessary.

Sec. 3-3-9. Duties of officers—Generally.

(a) It shall be the duty of the officers of the bureau of fire prevention to enforce all laws, provisions of this Code and other ordinances of Augusta-Richmond County covering the following and to perform the duties associated therewith, including but not limited to, the following:

(1) Fire Safety Inspections of existing buildings and structures, and the prevention of fires;

(2) Review of plans and specifications for proposed buildings and structures, issu-
ance of appropriate permits when plans are approved, and conducting fire safety inspections of such buildings and structures;

(3) Arson Investigation, including cause, origin, and circumstances of fires, or conditions which create fire hazards;

(4) Public Fire Safety Education, including the preparation of fire prevention programs, acquainting various institutional personnel, students and the general public with the importance of fire safety and fire prevention;

(5) The storage and use of explosives and flammables;

(6) The installation and maintenance of fire protection systems and appliances, including but not limited to, automatic extinguishing systems, portable fire extinguishing equipment, fire alarm systems, and fire hydrants;
   a. Fire Hydrant Location: The location and number of hydrants shall be designated by the fire official, but in no case shall distance between installed fire hydrants exceed one thousand (1,000) feet in less concentrated areas, and 500 feet in more concentrated areas. Maximum distance from the nearest installed hydrant to the most remote exterior point of any building shall be 500 feet. The distance shall be measured on a roadway surface meeting the Fire Department access requirements.

(7) The maintenance and regulation of fire escapes;

(8) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.
   b. (1) All private fire hydrants must be tested once a year in agree-

ment with the NFPA Code Section 25 requirements, and a copy of the privately owned hydrant inspection and testing results shall be on file with the Fire Department Fire Prevention Division.

(2) Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed and tested annually according to the current adopted Georgia Fire Code. The Augusta Utilities Department shall be notified of all inadequate fire flow testing according to applicable standards, and modifications necessary to meet these standards shall be met at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of, or adjacent to fire hydrants, shall be implemented at the expense of the owner of the property. There shall be no trees, plants, or shrubbery planted near hydrants that will interfere with the hydrant’s operation. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Code Official.

(3) Existing hydrants which do not conform to City specifications, or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Code Official, shall be changed to meet the City’s re-
quirements by the property owner, and at the property owner's expense, within 30 days of service of notice of the required changes upon the property owner or its resident agent.

(Ord. No. 6777, § 1, 3-15-05)

Sec. 3-3-10. Inspections—Authority to enter buildings or premises.

The chief of the fire department, the chief of the fire prevention bureau or any fire inspector or firefighter may, at anytime, with the permission of the owner or occupant or a properly executed warrant, enter any building or premises within Augusta-Richmond County, for the purpose of making any inspection or investigation which, under the provisions of this chapter, he or she may deem necessary to be made.

(Ord. No. 7107, § 1, 2-3-09)

Sec. 3-3-11. Inspection—Special hazards and appliances.

The chief of the Fire Department, the chief of the bureau of fire prevention or an inspector specially designated thereto shall inspect, as often as may be necessary, all specially hazardous manufacturing processes, storage or installation of gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems and such other hazards or appliances as the chief of the Fire Department shall designate, and shall make such orders as may be necessary for the enforcement of the provisions of this Code and other laws and ordinances governing the same and for safeguarding of life and property from fire.

Sec. 3-3-12. Inspection—Places of assembly.

It shall be the duty of the chief of the Fire Department to inspect, or cause to be inspected by the bureau of fire prevention or by Fire Department officers or members, each place of assembly and at such times of occupancy or use as to insure compliance with all provisions of this Code and other laws, regulations and orders dealing with overcrowding, use of decorations, maintenance of exit ways, collapse of revolving doors and main-tenance of fire appliances in such places of assembly. Where conditions are found to be unsatisfactory, written orders for immediate correction shall be given.

Sec. 3-3-13. Inspection—Periodic inspections; correction of improper conditions.

In accordance with Section 3-3-10 of this Code, it shall be the duty of the chief of the fire department to inspect, or cause to be inspected by the bureau of fire prevention, or by fire department officers and members, as often as may be necessary, all buildings and premises, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of this chapter, or of the Augusta-Richmond County Code, or any other ordinance of Augusta-Richmond County affecting fire hazards. Unless exigent circumstances exist, such officers shall obtain a properly executed warrant or permission from the owners or occupants of any building or other structure before entering such premises. Whenever any inspector shall find in any building or upon any premises combustible or explosive matter, or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials, which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, he or she shall order the same to be removed or remedied.

(Ord. No. 7107, § 1, 2-3-09)

Sec. 3-3-14. Inspections—Upon complaint; remedy or removal of dangerous conditions.

In accordance with Section 3-3-10 of this Code, the chief of the fire department, the chief of the bureau of fire prevention, a fire inspector or any firefighter, upon the complaint of any person, shall inspect all buildings and premises within Augusta-Richmond County. Unless exigent circumstances exist, such officers shall obtain a properly executed warrant or permission from the owners or occupants of any building or other
structure before entering such premises. Whenever any such officer shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, he or she shall order such dangerous conditions or materials to be removed or remedied.

(Ord. No. 7107, § 1, 2-3-09)

Sec. 3-3-15. Service of orders; compliance; appeal.

(a) The service of any such order, as mentioned in the preceding four sections, may be made upon the occupant of the premises to whom it is directed either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with such person a copy of such order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post-office address.

(b) Any such order shall forthwith be complied with by the owner or occupant of such premises or building.

(c) If such order is made by the chief of the bureau of fire prevention or one of his inspectors, such owner or occupant may within twenty-four (24) hours appeal to the chief of the Fire Department, who shall, within five (5) days, review such order and file his decision thereon and unless by his authority the order is revoked or modified it shall remain in full force and be complied with within the time fixed in such order or decision of the chief of the Fire Department.

Sec. 3-3-16. Duty of Augusta-Richmond County attorney to assist in investigation of fires, etc.

The Augusta-Richmond County attorney or anyone acting in his stead, upon request of the chief of the Fire Department or the chief of the bureau of fire prevention, shall assist them or their designated officer or inspector in the prosecution of violations of this chapter or any part thereof, or shall assist them or their designated officer or inspector in the investigation of any fire which, in their opinion, is of suspicious origin.

Sec. 3-3-17. School fire drills required; exits, etc., Of schools to be unlocked, unobstructed, etc.

It shall be the duty of the chief of the Fire Department to require teachers of public, private and parochial schools and educational institutions to have one fire drill each month during the school term and to keep all doors and exits unlocked during school hours. All doors, windows, exits, passageways, hallways and means of ingress and egress shall be in such repair, free of obstruction and in such condition as to permit and guarantee free, easy and unimpeded movement into or out of the building.

Sec. 3-3-18. Record of fires.

The chief of the Fire Department shall keep within the administrative office(s), as he may designate, a record of all fires and of the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance. Such records shall be open to the public, as required by O.C.G.A. § 50-18-1, et seq., Open Records Act.

Sec. 3-3-18.1. Fee schedule.

The fee schedule for the Fire Inspection Bureau is as follows:

Certificate of Occupancy (CO)  $150.00

Construction Permit: Under 10,000 sq. ft.  $150.00
Over 10,000 sq. ft. $150.00+.050 per sq. ft. over 10,000
(ex: 25,000 sq. ft.=$900.00)

Initial Annual Inspection $0
First Re-Inspection $0
Second Re-Inspection $25.00
Third Re-Inspection $25.00
Each Follow-Up $25.00

Day Care Provider Class
Five hour class $30.00
Two hour class $15.00
(Ord. No. 6222, § 1, 12-7-99; Ord. No. 7107, § 1, 2-3-09)

Sec. 3-3-19. Annual report; recommending amendments.

The annual report of the bureau of fire prevention shall be made on or before March 1 of each year and transmitted to the chief of the Fire Department. It shall contain all such reports and statistics as the chief of the Fire Department may wish to include therein. The chief of the Fire Department shall also recommend any amendments to the provisions of this chapter or other fire prevention ordinances which, in his judgment, shall be desirable.

ARTICLE 3 FIRE PREVENTION CODES

Sec. 3-3-20. Adoption by reference; where filed.

Augusta-Richmond County hereby adopts other codes, standards and practices as follows: All parts of the most recent edition of the National Fire Protection Association’s Life Safety Code which have been approved by the State of Georgia; the Georgia State Minimum Standard Fire Prevention Code, 2007 edition, as published by International Building Code, and as may be amended by the State of Georgia and/or Augusta-Richmond County; and the standards, recommended practices, guides and methods as published in the most recent edition of the International Fire Code, as may from time to time be modified or amended. The International Fire Code shall be controlling within Augusta-Richmond County for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Copies of said codes and all amendments thereto should be on file in the office of the Clerk of the Commission and should be made available to the public any time during regular office hours of the Clerk.

(Ord. No. 7107, § 1, 2-3-09)

Sec. 3-3-21. Amendments.

(a) The Standard Fire Prevention Code is amended by incorporating appendix A into chapter 1 of said code, with the exceptions of articles A-101.4.1 and A-101.4.5 of appendix A, which shall hereby be repealed and not incorporated into the code.

(b) The modifications, deletions, meanings, definitions and new sections and all subsequent revisions thereof to any adopted code herein, as specified in the Rules and Regulations of the Georgia Safety Fire Commissioner, chapter 120-3-3, as amended, and referred to as the 1949 Georgia Safety Fire Act as amended, shall hereby be incorporated and made a part of the adopted codes in this chapter except where amended or modified within this chapter.

Sec. 3-3-22. Definitions.

(a) Where the words local jurisdiction, local Fire Department or authority having jurisdiction appear in the Rules and Regulations of the Georgia Safety Fire Commissioner or any other adopted codes or standards herein, they shall be held to mean the Augusta-Richmond County Bureau of Fire Prevention.

(b) Where the words fire official appear in the Standard Fire Prevention Code, they shall be held to mean the chief of the August-Richmond County Fire Department, his duly authorized representative, or the chief of the bureau of fire prevention.

(c) Where the words fire prevention bureau appear in any adopted codes herein, they shall be held to mean the bureau of fire prevention established by Article 2 herein.
(d) Where the words applicable governing body appear in any adopted codes or regulations, they shall be held to mean the Augusta-Richmond County Commission.

(e) Where the words fire marshal appear they shall be held to mean the chief of the Fire Department or his duly authorized representative.

Sec. 3-3-23. Clarification of limits referred to in fire prevention code.

(a) The limits referred to in section 902.1 of the Fire Prevention Code, in which storage of flammable liquids in outside, above ground tanks is prohibited are those not receiving the approval of the Augusta-Richmond County Planning and Zoning Commission and the Augusta-Richmond County Fire Department.

(b) The limits referred to in section 906 of the Fire Prevention Code, in which new bulk plans for flammable liquids are prohibited, are those not receiving approval by the Augusta-Richmond County Planning and Zoning Commission and the Augusta-Richmond County Fire Department.

(c) The limits referred to in section 1701.4 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as being those not receiving the approval of the Augusta-Richmond County Planning and Zoning Commission and the Augusta-Richmond County Fire Department.

Sec. 3-3-24. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in section 1901.4.2 of the Standard Fire Prevention Code adopted by this Article, in which storage of explosives and blasting agents is prohibited, shall constitute the entire area within the urban services district and those not receiving the approval of the Augusta-Richmond County Planning & Zoning Commission and the Augusta-Richmond County Fire Department.

Sec. 3-3-24.1. Establishment of first fire district.

Pursuant to the provisions of Section 505 of the 1994 Standard Building Code, and Appendix F thereof, the First Fire District of Augusta-Richmond County is established as follows:

Beginning at a point of the south right-of-way line of the Savannah River levy at the intersection of the west line of Gordon Highway; thence, in a southerly direction along the west line of Gordon Highway extending to the intersection of Greene Street; thence in a westerly direction along the centerline of Greene Street to the intersection of 5th Street; thence in a southerly direction along the centerline of 5th Street to the intersection of Walton Way; thence in a westerly direction along the centerline of Walton Way to the intersection of 15th Street; thence in a northerly direction along the centerline of 15th Street to the south right-of-way line at the Savannah River levy and along this line to the beginning; and

Both sides of Walton Way between 13th (McKinne) and Russell Streets.

The provisions of Appendix F of the Standard Building Code 1994 are specifically incorporated herein and shall be applicable to the First Fire District.

(Ord. No. 5959, 9-16-97)

Sec. 3-3-25. Special hazard buildings and structures.

(a) Certain buildings and structures may, because of construction or use, constitute a special hazard to property or to life and safety of persons on account of fire or panic caused by a fear of fire. Buildings constructed or used in the following manner present such a fire hazard:

(1) Buildings or structures three (3) stories or more in height; however, nothing herein shall apply to any individually owned residential unit within any such building;

(2) Any building three (3) or more stories in height and used as a residence by three (3) or more families, with individual cooking and bathroom facilities; provided, how-
ever, nothing herein shall apply to any individually owned residential unit within such building;

(3) Any building in which there is more than fifteen (15) sleeping accommodations for hire, with or without meals but without individual cooking facilities, whether designated as a hotel, motel, inn, club, dormitory, rooming or boardinghouse, or by any other name;

(4) Any building or group of buildings which contains schools and academies for any combination of grades 1 through 12 having more than fifteen (15) children or students in attendance at any given time and all state-funded kindergarten programs;

(5) Hospitals, health care centers, mental health institutions, orphanages, nursing homes, convalescent homes, old-age homes, jails, prisons, and reformatories, and all administrative, public assembly, and academic buildings of colleges, universities, and vocational-technical schools. As used in this paragraph, nursing homes, convalescent homes and old-age homes shall mean any building used for the lodging, personal care, or nursing care on a twenty-four hour basis of four (4) or more invalids, convalescents or elderly persons who are not members of the same family;

(6) Racetracks, stadiums and grandstands;

(7) Theaters, auditoriums, restaurants, bars, lounges, nightclubs, dance halls, recreation halls, and other places of assembly having an occupant load of three-hundred (300) or more persons, except that the occupant load shall be one-hundred (100) or more persons in those buildings where alcoholic beverages are served.

(8) Churches having an occupant load of five-hundred (500) or more persons in a common area or having an occupant load greater than one-thousand (1,000) persons based on total occupant load of the building or structure;

(9) Department stores and retail mercantile establishments having a gross floor area of fifteen thousand (15,000) square feet on any one (1) floor or having three (3) or more floors that are open to the public. For purposes of this paragraph, shopping centers and malls shall be assessed upon the basis of the entire area covered by the same roof or sharing common walls; provided, however, that nothing contained herein shall apply to single-story malls or shopping centers subdivided into areas of less than fifteen thousand (15,000) square feet by a wall or walls with a two-hour fire resistance rating and where there are unobstructed exit doors in the front and rear of every such individual occupancy which open directly to the outside;

(10) Group day-care homes and group day-care centers required to be licensed or commissioned as such by the Georgia Department of Human Resources and in which at least seven (7) children receive care. As used in this subparagraph, a group day care home means a day-care facility subject to licensure by the Georgia Department of Human Resources where at least seven (7), but not more than twelve (12), children receive care, and a group day care center means a day-care facility subject to licensure or issuance of a commission by the Georgia Department of Human Resources where more than twelve (12) children receive care. Fire safety standards adopted by rules of the Georgia Fire Safety Commissioner pursuant to O.C.G.A. § 25-2-4, which are applicable to group day-care homes and daycare centers, shall not require staff-to-child ratios;

(11) Personal care homes required to be licensed as such by the Georgia Department of Human Resources and having at least seven (7) beds for nonfamily adults. The Georgia Fire Safety Commission shall, pursuant to O.C.G.A. § 25-2-4, by rule adopt state minimum fire safety standards for those homes, and any structure constructed as or converted to a personal
care home on or after April 15, 1986, shall be deemed to be a proposed building pursuant to O.C.G.A. § 25-2-14(d) and that structure may be required to be furnished with a sprinkler system meeting the standards established by the Georgia Fire Safety Commissioner, if the chief of the fire department, or his/her duly authorized representative, deems this necessary for proper fire safety.

(b) Any building or structure which is used exclusively for agricultural purposes, or which has been designated historic property or which is located within a designated historic district pursuant to the Georgia Historic Preservation Act approved April 8, 1980 (Ga. Laws 1980, p. 1723), as now or hereafter amended, shall be exempt from the classification of subsection (a) above.

(c) Landmark museum buildings, whose designations are recognized by ordinances of Augusta-Richmond County, shall be governed by the provisions of O.C.G.A. § 25-2-13(b)(3) and the provisions of subparagraphs (B) and (C) of O.C.G.A. § 25-2-13(b)(3) are by reference incorporated herein as fully as if set forth verbatim herein.

(d) Capacity as used in this section shall mean the maximum number of persons who may be reasonably expected to be present in any building or on any floor thereof at a given time according to the use which is made of such building. The bureau of fire prevention shall determine and by rule declare the formula for determining capacity for each of the uses herein.

(e) Plans and specifications for all proposed buildings which come under classification in section 3-3-25 shall be submitted to and receive approval by the bureau of fire prevention before any state or Augusta-Richmond County building permit may be issued or construction started. All such plans and specifications submitted for review as required herein shall be accompanied by a one hundred-fifty dollar ($150.00) fee for buildings or structures less than or equal to ten thousand (10,000) square feet gross area. For buildings or structures more than ten thousand (10,000) square feet gross area, all such plans and specifications submitted for review shall be accompanied by a one hundred-fifty dollar ($150.00) fee and a fee of five cents ($0.05) per square foot for each square foot exceeding ten thousand (10,000) square feet gross area. All such plans and specifications submitted for review shall bear the seal and Georgia registration number of the drafting architect or engineer or otherwise have the approval of the bureau of fire prevention. A complete set of approval plans and specifications shall be maintained on the construction-site, and construction shall proceed in compliance with the minimum fire safety standards under which such plans and specifications were approved. The owner of any such building or structure, or his or her authorized representative, shall notify the bureau of fire prevention upon completion of approximately eighty (80) percent of the construction thereof and shall apply for a certificate of occupancy when construction of such building or structure is complete.

(f) Every building or structure which comes under classification in section 3-3-25 shall have a certificate of occupancy issued by the bureau of fire prevention before such building or structure may be occupied. Such certificate of occupancy shall be issued for each class of occupancy within the building; shall carry a flat rate of one hundred-fifty dollars ($150.00); shall state the occupant load; shall be kept on file within each business establishment where issued or on file with the building owner; shall be posted in a prominent location within such business establishment building; and shall run for the life of the building except as provided in subsection (1) herein.

(1) Every certificate of occupancy required in subsection (e) shall run for the life of the building, provided the internal or external features of the building are not materially altered, the type of occupancy remains unchanged, there has been no fire or serious consequences, or other hazard discovered which is not transferrable.

(2) For purpose of this section, any existing building or structure listed in subsection (a) of this section shall be deemed to be a proposed building in the event such building or structure is subject to substantial renovation, a fire or other hazard of serious consequence, or a change in the classification of occupancy. For purposes of
this section, substantial renovation shall mean any construction project involving exits or internal features of such building or structure costing more than the building's or structure's assessed value according to county tax records at the time of such renovation.

(3) All federal, state, or local publicly-owned buildings covered by this section are exempt from any fee or license which may be herein specified. Such fees or licenses may be waived by the Augusta-Richmond County Commission where chargeable to churches and charitable organizations.

(g) Assembly occupancies having occupant loads of one-hundred (100) or more shall be provided with a minimum of one trained crowd manager or crowd manager supervisor. Every crowd manager and crowd supervisor shall receive approved training in crowd management techniques. Where the occupant load exceeds two-hundred-fifty (250), additional trained crowd managers or crowd manager supervisors shall be provided at a ratio of 1:250, crowd manager/supervisor to occupants, respectively, unless otherwise permitted by the following:

(1) This requirement shall not apply to assembly occupancies used exclusively for religious worship with an occupant load not exceeding two-thousand (2000) persons.

(2) With the exception of assembly occupancies noted above where alcoholic beverages are consumed, the ratio of trained crowd managers to occupants shall be permitted to be reduced where, in the opinion of the Augusta-Richmond County fire chief, the existence of an approved supervised sprinkler system and the nature of the event warrant.

(Ord. No. 7107, § 1, 2-3-09)

Sec. 3-3-26. Specification of materials, processes or occupancies requiring permits not enumerated in codes adopted.

The executive director of the Augusta-Richmond County Planning Commission, the chief of the Fire Department and the chief inspector or other duly authorized representative of the fire prevention bureau shall act as a committee to determine and specify, after giving the affected person an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those now enumerated in the codes. The chief inspector of the fire prevention bureau shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

Sec. 3-3-27. Power of chief inspector to modify codes.

The chief inspector of the fire prevention bureau shall have the power to modify any of the provisions of said codes upon application in writing by the owner or lessee, or duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes; provided that the spirit of the codes shall be observed, public safety secured and substantial justice done. The particulars of such modification granted or allowed in the decision of the chief inspector shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.

Sec. 3-3-28. Conflicts with building code.

Wherever any provision of the Life Safety Code adopted by this Article shall be in conflict with any provision of the Standard Building Code as the same has been adopted by the Commission, and as the same shall hereafter be amended from time to time, the more restrictive provisions of the respective codes shall take precedence over the less restrictive provisions and shall be controlling.

Sec. 3-3-29. Partial invalidity.

The invalidity of any section of the Life Safety Code adopted by this Article shall not invalidate the other sections or provisions thereof.

Sec. 3-3-30. Appeals.

Whenever the chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the
provisions of the Fire Prevention Code adopted by this Article do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicants may appeal from the decision of the chief of the Fire Department to the Commission within thirty (30) days from the date of the decision appealed.

Sec. 3-3-31. Injunction, abatement, etc.

The erection, construction, alteration, addition, conversion, moving or maintenance of any building or structure, and the use of any land or building which is continued, operated or maintained, contrary to any provision of the fire prevention codes and this chapter is hereby declared to be a violation of the fire prevention codes, and this chapter, and unlawful. The Augusta-Richmond County attorney shall, immediately upon such violation having been called to his attention by the chief inspector of the fire prevention bureau, institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. The remedy provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

ARTICLE 4 ORGANIZATION OF THE FIRE DEPARTMENT

Sec. 3-3-32. Generally.

(a) The Fire Department shall be composed of a chief and as many officers and members as shall be provided for by the Augusta-Richmond County Commission.

(b) The Fire Department shall operate under the three-platoon system.

(c) The members of the Fire Department who are assigned to regular fire companies shall be divided into three (3) shifts as designated by the chief of the Fire Department. Each shift shall begin work at 8:00 a.m. and shall end work at 8:00 a.m. the following day (24-hour shifts).

(d) The hours of employment of all other members of the Fire Department shall be by the direction of the chief of the Fire Department in accordance with personnel rules and regulations of Augusta-Richmond County.

ARTICLE 5 FIRE DEPARTMENT RULES AND REGULATIONS

Sec. 3-3-33. Rules and regulations governing Fire Department.

The rules and regulations for the Augusta-Richmond County Fire Department are contained in the Standard Operating Procedures promulgated by the chief of the Fire Department, and in the Personnel Policies and Procedures of Augusta-Richmond County.
Chapter 4  
MASS GATHERINGS

Sec. 3-4-1. Definitions.

Unless a different meaning is required by the context, the following terms as used in this chapter shall have meanings hereinafter ascribed to them:

(a) **Commission.** The Augusta-Richmond County Commission.

(b) **Mass gathering.** Any event likely to attract one thousand (1,000) or more persons and to continue for three (3) or more consecutive hours.

(c) **Permit.** Written authorization to a person by the Commission to operate a mass gathering.

(d) **Person.** Augusta-Richmond County or any agency or department thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.

(e) **Protest/Demonstration.** Any expression of support for, or protest of, any person, issue, political or other cause or action which is manifested by the physical presence of persons, or the display of signs, posters, banners and the like.

Sec. 3-4-2. Limited applicability.

This chapter shall not apply to any mass gathering which is to be held in any regularly established, permanent place of worship, athletic field, auditorium, coliseum, or other similar permanently established building within the maximum seating capacity. The provisions of this chapter shall not apply to fairs, industrial-agricultural exhibitions, or club-sponsored events which have been in existence for at least five (5) consecutive years prior to January 1, 1996.

Sec. 3-4-3. Permit required.

No person shall hold or promote, by advertising or otherwise, a mass gathering, unless a permit has been issued for the gathering. Such permits shall be issued by the Commission through the office of the Administrator, and shall be in writing and shall specify the conditions under which issued, and shall remain in effect until suspended, revoked, or until the mass gathering is terminated. The permit shall not be transferable or assignable and a separate permit shall be required for each mass gathering.

Sec. 3-4-4. Application for permit—Filing.

Application for a permit to promote or hold a mass gathering shall be made to the Augusta-Richmond County administrator, on a form and in a manner prescribed by the Commission, by the person who will promote or hold the mass gathering. Application for the permit to promote or hold a mass gathering shall be made at least twenty-one (21) days before the first day of advertising and at least forty-two (42) days before the first day of the mass gathering.

Sec. 3-4-5. Same—Information to be provided.

(a) **Operational plans.** The application shall be accompanied by such plans, reports, specifications, or other information as the Commission shall deem necessary. The plan, reports, specifications, and information shall provide for adequate and satisfactory water supply and sewage facilities, adequate toilet and lavatory facilities, adequate refuse storage and disposal facilities, adequate sleeping areas and facilities, wholesome food and sanitary food service, adequate emergency medical facilities, insect control, adequate fire protection, and such other matters as may be appropriate for security of life or health. Prior to the issuance of a permit, the applicant must:

(1) Provide a plan for limiting attendance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping nonticket holders out of the area;

(2) Provide a statement verifying that all construction and installation of facilities,
including water supply, sewage disposal, insect control, food-service equipment and garbage-handling facilities will be completed at least forty-eight (48) hours prior to commencement of the event;

(3) Provide a detailed plan for food service, including a description of food sources, menu, mandatory use of single-service dishes and utensils, refrigeration, food handling and dispensing;

(4) Provide a detailed plan for use of signs to locate all facilities and roadways;

(5) Provide a statement from the Augusta-Richmond County fire department and the Sheriff’s Department acknowledging that they can supply adequate security, traffic control, and law enforcement has been arranged for the proposed mass gathering. The county administrator, upon receipt of a report from the Sheriff’s Department, shall notify the Commission, who, allowing at least ten (10) days to insure adequate notice, may schedule a public hearing on the application by the Commission. Said hearing may be held in conjunction with a regular or called meeting of the Commission.

Sec. 3-4-7. Notice of denial, suspension or revocation of permit.

If it appears necessary and proper that such application for a permit be denied or that a permit previously granted be suspended or revoked, the applicant or holder of the permit shall be notified thereof in writing.

Sec. 3-4-8. Bond requirement.

The person holding or promoting a mass gathering shall provide a bond of two hundred fifty thousand dollars ($250,000.00) issued by a surety company authorized to transact business in the State of Georgia. The bond shall guarantee full compliance with this chapter. The bond shall also cover cleanup of the site. This bond shall be in favor of Augusta-Richmond County, for the benefit of any person who is damaged as a result of the mass gathering. Any person claiming against the bond may maintain an action at law against the person holding or promoting the mass gathering and the surety. In lieu of furnishing the bond, the person holding or promoting a mass gathering may deposit with the Commission a cash deposit in like amount.

Sec. 3-4-9. Time limit for completion of water and sewage facilities.

Water and sewage facilities shall be constructed and operational not later than forty-eight (48) hours before the first day of the mass gathering.
Sec. 3-4-10. Emergency powers of sheriff’s department where facilities inadequate.

In the event the Richmond County Sheriff’s Department determines that the various facilities appropriate for security of life or health are inadequate due to the size of the mass gatherings, failure of persons responsible for providing facilities, services and other requirements of this chapter, violation of other federal, state or local laws, or for any other reason, he may take whatever action he deems best to protect the health, safety, and general welfare of the public, including, but not limited to, requiring additional security or canceling the event or limiting attendance to a specific number of attendees.

Sec. 3-4-11. Events consisting of more than five persons on public property.

There shall be no public demonstration or protest, (herein after referred to collectively as “event”) consisting of five (5) or more persons on any sidewalk, street, public right-of-way or other public property within Augusta unless a permit for same has been issued for such event by the Sheriff of Richmond County.

(a) Application Process. Application for said permit shall be made to the Sheriff of Richmond County and shall contain the following information for review by said Sheriff:

(1) The name and address of the applicant. If the applicant is an entity such as a corporation or partnership, the application shall contain the name of the person making the application on behalf of said entity, a description of the entity, the person’s relationship to said entity, and the address of such representative.

(2) The application shall include a plan for review by the Sheriff, which plan will include the number of persons anticipated to participate in said event, the date or dates of said event, the hours anticipated that said event will encompass, the exact location of said event and the proposed methods to be utilized in said event including the use of amplifiers, bullhorns, megaphones or other types of amplification equipment. The plan shall also include provisions that will insure the safety of the applicant and others participating in said event, as well as the public at the location where the event shall take place.

(3) In addition to said plan, the applicant shall provide an indemnification and hold harmless agreement in favor of Augusta, Georgia and its elected officials, the Augusta-Richmond County Commission, the Sheriff of Richmond County, and their officers, agents and employees in a form satisfactory to the attorney for Augusta, Georgia.

(4) The full and complete application including all requirements enumerated herein shall be submitted to the Sheriff of Richmond County at least twenty (20) days prior to the first day of the proposed event.

(5) Nothing herein shall be construed as precluding the filing of an application in less than twenty (20) days in the case of exigent or unanticipated circumstances; provided, however, if the event the permit is denied, the time limits hereinafter set forth in subparagraph (b) and (c) shall apply.

(b) Review of Application.

(1) In reviewing said application and the plan for said event submitted by the applicant, the Sheriff may consider the methods to be utilized in the proposed event, the plan for the safety of the applicant and others participating in the event as well as the public, the location where the event is being proposed, the hours of the proposed event, the expected or anticipated traffic or traffic congestion (motor vehicle or pedestrian) at the proposed location, prior requests by the applicant as well as prior
experience of events by said applicant, and such other matters as may be important to assure the safety of the applicant and others participating in the event and the safety of the public at the time and place where the event is proposed to take place.

(2) The Sheriff shall have seven (7) calendar days to act on said application following receipt of the completed application for permit. The Sheriff may grant said application as submitted, grant said application provisionally, conditioned on certain revisions to the plan submitted by the applicant, or deny said application. If the Sheriff does not grant the permit as applied for, the Sheriff shall provide the reasons for such denial or provisional approval in writing to the applicant. The decision of the Sheriff must be communicated to the applicant by first class mail. Should the Sheriff fail to render a decision within seven (7) calendar days of receipt of the application, any required approvals are waived.

(3) The Sheriff may deny the application in whole or in part for any reason if the Sheriff determines that the plan submitted by the applicant will raise public safety concerns to those participating in the event or to the public and/or for the following reasons:

a. the application for permit (including any required attachments and submissions) is not fully completed and properly executed;

b. the application for permit contains material falsehoods or misrepresentations;

c. the applicant is legally incompetent to contract or to sue and be sued;

d. the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged public property and has not paid in full for such damages or has other outstanding unpaid debts to Augusta or Richmond County or any outstanding fines assessed by any Richmond County court;

e. the proposed plan submitted by the applicant would present an unreasonable danger to the health or safety of the applicant, others participating in the event or other members of the public at large;

f. the plan submitted by the applicant would unduly restrict and/or congest traffic (motor vehicle or pedestrian) on any of the public roads, right of ways or sidewalks in the immediate vicinity of such event within Augusta;

g. the proposed plan would lead to an unreasonable disturbance of the peace in the area at the time of the proposed event;

h. the plan submitted by the applicant includes activities which are prohibited by laws of the State of Georgia, the United States, or any ordinances of Augusta, Georgia; and/or

i. the applicant or the person on whose behalf the application for permit has in the past violated this ordinance or any predecessor ordinances governing permits for similar events.

(c) **Appeal and Judicial Review.** Upon receipt of any decision by the Sheriff either denying an application in whole or in part, the applicant may within five (5) calendar days file an appeal of said denial with the Sheriff which appeal shall be in writing and be sent to the Sheriff by certified mail or hand delivery. Upon the receipt of any such appeal the Sheriff shall notify the

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attorney for Augusta who shall promptly (no later than seven (7) calendar days after receipt of the appeal) seek judicial review of the proposed denial of the application in a Court of competent jurisdiction. Augusta shall have the burden of demonstrating the validity of the denial of the permit as applied for by the applicant. If no appeal is filed by the applicant, Augusta shall have no duty to seek judicial review of the Sheriff's decision. The applicant may seek judicial review of a denial in whole or in part of a permit in a court of competent jurisdiction at any time after notification of the Sheriff's decision on the application.

(d) Intent. It is the specific intent of the Commission in passing this ordinance to regulate only the time, place and manner of such events and not to regulate the specific content or message of any speech by any applicant hereunder. Only public safety and other concerns as stated herein shall be considered by the Sheriff in the decision to issue or deny a permit hereunder.

(e) Revocation of Permit. Notwithstanding the grant of any permit as provided herein, the Sheriff of Richmond County and/or his duly authorized deputies shall have the right to terminate the event at any time, either before or during the event, should traffic, weather, or other conditions develop which present an imminent and undue danger to the applicant, the applicant's representatives, those participating in the event pursuant to said permit, or to the public at large, should any other consideration enumerated herein arise or if those participating in the event violate the terms of the permit or the plan submitted by the applicant as approved by the Sheriff.

(f) Private Property. No such events regulated herein shall be held on any private property within Augusta, Georgia without the express consent of the owner or his authorized agent.

(Ord. No. 6591, § 1, 2-18-03)

*Editor's note—The Augusta Protest ordinance was found unconstitutional by the 11th Circuit, United States Court of Appeals in Burk v. Augusta-Richmond County, 365 F.3d 1247, 1255-1258 (11th Cir., 2004).

Sec. 3-4-12. Protests/demonstrations prohibited at Riverwalk.

Protests and/or demonstrations are prohibited at Riverwalk.

Sec. 3-4-13. Chapter violations; penalties.

Any person who violates any provision of this chapter or who fails, neglects, refuses to comply with any order of the Sheriff's Department acting under the authority of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with section 1-6-1 of this Code. Each day of violation shall be considered a separate offense.
Chapter 5
MOTOR VEHICLES AND TRAFFIC

ARTICLE 1 IN GENERAL

Sec. 3-5-1. Definitions of words and phrases.

(a) The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section, except when the context otherwise requires.

(b) Whenever any words and phrases used in this chapter are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

(1) Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

(2) Arterial street. Any U.S. or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(3) Authorized emergency vehicle. Such fire department vehicles, Sheriff’s Department vehicles, ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated or authorized by the Sheriff’s Department.

(4) Bicycle. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than fourteen (14) inches in diameter.

(5) Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(6) Business district. The territory contiguous to and including a highway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the roadway, provided that such business district is designated and marked as such by the traffic engineer.

(7) Crosswalk.

a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or in the absence of curbs, from the edges of the transversable roadway;

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(8) Department. The Sheriff’s Department of Richmond County acting directly or through its duly authorized officers or agents.

(9) Driver. Every person who drives or is in actual physical control of a vehicle.

(10) Driver’s license. Any license to operate a motor vehicle issued under the laws of this state.

(11) Gross weight. The weight of a vehicle without load plus the weight of any load thereon.

(12) Highway. The entire width between the boundary lines of every way publicly main-
tained when any part thereof is open to the use of the public for purposes of vehicular traffic.

(13) **House trailer.**

a. A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets or highways; or

b. A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(14) **Intersection.**

a. The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

b. Where a highway includes two (2) roadways thirty (30) feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

c. The junction of an alley with a street or highway shall not constitute an intersection.

(15) **Laned roadway.** A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(16) **Limited-access highway.** Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(17) **Loading zone.** A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

(18) **Motor vehicle.** Every vehicle which is self-propelled, either by internal-combustion engine or by electric power.

(19) **Motorcycle.** Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(20) **Officer.** Every officer of the Richmond County Sheriff's Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(21) **Official time standard.** Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in Augusta-Richmond County.

(22) **Official traffic-control devices.** All signs, signals, markings and devices not inconsistent with this chapter and the laws of this state placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(23) **Park or parking.** The standing of a vehicle, whether occupied or not, otherwise
than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(24) **Passenger curb loading zone.** A place reserved for the exclusive use of vehicles while receiving or discharging passengers.

(25) **Pedestrian.** Any person afoot.

(26) **Person.** Every natural person, firm, copartnership, association or corporation.

(27) **Private road or driveway.** Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(28) **Railroad.** A carrier of persons or property upon cars operated from stationary rails.

(29) **Railroad sign or signal.** Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(30) **Railroad train.** A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(31) **Residence district.** The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is predominantly residential in nature.

(32) **Right-of-way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(33) **Road or roadway.** That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(34) **Safety zone.** The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(35) **Sheriff.** The Sheriff of Richmond County, Georgia.

(36) **Sidewalk.** That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

(37) **Stand or standing.** The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(38) **Stop.** When required, means complete cessation from movement.

(39) **Stop or stopping.** When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(40) **Street.** The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(41) **Through street or road.** Every street or road or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersection streets or roads is required by law to yield the right-of-way to vehicles on such through street or road in obedience to a stop sign, yield sign, or other traffic-control device, when such signs or devices are erected as provided in this chapter and the laws of this state.
(42) Tractor.

a. Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

b. Farm tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

c. Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(43) Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(44) Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop and permitted to proceed.

(45) Traffic division. The traffic division of the Richmond County Sheriff’s Department, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the Sheriff’s Department.

(46) Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property.

(47) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(48) Motorized Cart. Every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour.

(Ord. No. 7120, § 1(exh. A), 4-1-09)

Sec. 3-5-2. Parking on property of others.

(a) Consent, compliance with signs or markings required. It shall be unlawful for any person to park any motor vehicle, including any truck, passenger automobile, motorbike, motor scooter or any other vehicle upon any private owned property, parking lot or driveway, without the consent of the owner, lessee, tenant or other person entitled to possession and use of such premises; and as to any property on which the public is invited, implicitly or otherwise, to park such vehicles, whether the same be owned privately or by a governmental agency, the owner, lessee, tenant or other person entitled to possession and use of such premises may designate by signs or appropriate markings on the parking area the places where such vehicles may be parked, and it shall be unlawful for any person to park any such vehicle contrary to such signs or markings.

(b) Removal; impoundment. It shall be the duty of the Richmond County Sheriff’s Department, upon a complaint being made by the owner, lessee, tenant or other person having the right to use such premises, to impound any such vehicle parked in violation of this section and store such vehicle as other vehicles impounded upon the streets of the county are stored.

(c) Violations; penalties. Any person who shall violate this section shall be charged with each and every violation and, upon being found guilty, shall be punished by a fine in an amount not to exceed five hundred dollars ($500.00) and/or imprisonment in the county jail for a period not in excess of thirty (30) days.

Sec. 3-5-3. Trespass by motor vehicle.

(a) A person commits the offense of trespass by motor vehicle when the person, after having been requested not to do so by a law enforcement officer or by the owner or an authorized agent of the owner, parks or stands an occupied or unoccupied motor vehicle in, or repeatedly drives a motor vehicle through or within, a parking area
which is located on privately owned property and is provided by a merchant, a group of merchants, or a shopping center or other similar facility for customers if:

(1) The parking area is identified by at least one (1) sign as specified in this paragraph, and if the parking area contains more than one hundred fifty (150) parking spaces then by at least one (1) sign for every one hundred fifty (150) parking spaces, each such sign containing the following information in easy-to-read printing:
   a. Notice of the elements of the Augusta-Richmond County ordinance of trespass by motor vehicle;
   b. Identification of the property which is reserved for customers' use only;
   c. Identification of the merchant, group of merchants, or shopping center or other similar facility providing the parking area; and
   d. Warning that violators will be prosecuted; and

(2) The motor vehicle is parked, is standing, or is being operated other than for the purpose of:
   a. Transporting some person to or from the interior of the place of business of a merchant identified by the sign or signs in the parking area or to or from the interior of the shopping center or other facility so identified;
   b. Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area;
   c. Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads; or
   d. Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.

(b) Any person violating the provisions of this section shall be subject to a monetary fine:
   (1) Not to exceed fifty dollars ($50.00) for the first such violation;
   (2) Not to exceed one hundred dollars ($100.00) for the second such violation; and
   (3) Not to exceed one hundred fifty dollars ($150.00) for the third or subsequent such violation.

Sec. 3-5-4. Licenses for motor vehicles; drivers.

(a) It shall be unlawful for any person, firm or corporation to own or operate any motor vehicle required to be registered under the provisions of O.C.G.A. § 4-2-201, as amended, without complying with said section.

(b) It shall be unlawful to operate a motor vehicle in Augusta-Richmond County in violation of O.C.G.A. §§ 40-5-120 -40-5-124.

Sec. 3-5-5. Insurance.

An owner or any other person within Augusta-Richmond County who knowingly operates, or knowingly authorizes another to operate, a motor vehicle without effective insurance thereon or without an approved plan of self-insurance as required by Georgia Code Section 33-34-1 et seq., the Georgia Motor Vehicle Accident Reparations Act, shall be guilty of a violation of this Code.

ARTICLE 2 TRAFFIC-CONTROL DEVICES

Sec. 3-5-6. Authority to install traffic-control devices.

The Augusta-Richmond County Traffic Engineer shall place and maintain official traffic control devices when and as required under this chapter or the traffic ordinances of Augusta-Richmond County to make effective the provisions of such ordinances, and may place and maintain such additional official traffic-control devices as he may deem necessary to regulate, warn or guide traffic under this chapter or the traffic ordinances of Augusta-Richmond County or the state motor vehicle code.
Sec. 3-5-7. Regulations and specifications for traffic-control devices.

All traffic-control signs, signals and devices shall conform to the regulations and specifications approved by the Department of transportation. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout Augusta-Richmond County. All traffic-control devices so erected and not inconsistent with the provisions of State law or this chapter shall be official traffic-control devices.

Sec. 3-5-8. Obedience to official traffic-control devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a deputy Sheriff, subject to the exceptions granted the driver of an authorized emergency vehicle.

Sec. 3-5-9. When official traffic-control devices required for enforcement.

No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

Sec. 3-5-10. Official traffic-control device; presumption of legality.

(a) Whenever official traffic-control devices are placed in a position approximately conforming to the requirements of this chapter, such device shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(b) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary shall be established by competent evidence.

Sec. 3-5-11. Augusta-Richmond County Traffic Engineer to designate crosswalks and establish safety zones.

The Augusta-Richmond County Traffic Engineer is hereby authorized:

(a) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

(b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

Sec. 3-5-12. Traffic lanes.

The Augusta-Richmond County Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where alignment of traffic is necessary.

Sec. 3-5-13. Stop signs and yield signs; failure to stop for stop sign; ran stop sign; failure to slow down or stop for yield sign.

(a) Except when directed to proceed by a deputy Sheriff, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line or, if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection of junction of roadways.
(b) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or, if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. If such a driver is involved in a collision with a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima-facie evidence of his failure to yield the right-of-way.

**Sec. 3-5-14. Avoiding a traffic sign, signal or light.**

Except when directed to proceed by a deputy Sheriff, no driver of a vehicle shall purposely leave the road or highway to avoid having to stop, slow or yield for a traffic sign, signal or light.

**Sec. 3-5-15. Reserved.**

**ARTICLE 3 SPEED REGULATIONS**

**Sec. 3-5-16. State speed laws applicable.**

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within Augusta-Richmond County except as this Article, as authorized by State law, hereby declares and determines upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or roads or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this Article where signs are in place giving notice thereof.
Sec. 3-5-17. Specific streets.

Augusta-Richmond County is hereby requesting that the following roadways be approved for the use of speed detection devices:

**LIST OF ROADWAYS**

for
Augusta-Richmond County
ON-SYSTEM

<table>
<thead>
<tr>
<th>State Route</th>
<th>Within The City/Town Limits Of and/or School Name</th>
<th>From</th>
<th>Mile Point</th>
<th>To</th>
<th>Mile Point</th>
<th>Length In Miles</th>
<th>Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 (Deans Bridge Road)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>Jefferson County Line</td>
<td>0.00</td>
<td>0.13 mi. west of CS 85 Church Street, (W. Blythe City Limits)</td>
<td>5.01</td>
<td>5.01</td>
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<td>4 (Deans Bridge Road)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>1.13 mi. north of SR 88 Connector, (N. Blythe City Limits)</td>
<td>7.51</td>
<td>0.35 mi. south of CR 95 Meadowbrook Drive</td>
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<td>9.30</td>
<td>55</td>
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<tr>
<td>4 (Deans Bridge Road)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.35 mi. south of CR 95 Meadowbrook Drive</td>
<td>16.81</td>
<td>0.02 mi. south of SR 10/Gordon Highway</td>
<td>20.71</td>
<td>3.90</td>
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<tr>
<td>4 (Deans Bridge Road)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.02 mi. south of SR 10/Gordon Highway</td>
<td>20.71</td>
<td>CR 1614 Milledgeville Road</td>
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<td>4 (Milledgeville Road)</td>
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<td>SR 4 Deans Bridge Road</td>
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<td>CR 1408 Olive Road</td>
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<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1408 Olive Road</td>
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<td>0.02 mi. south of 15th Street</td>
<td>22.23</td>
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<td>4 (15th Street)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.02 mi. south of 15th Street</td>
<td>22.23</td>
<td>CR 1507 Walton Way</td>
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<td>State Route</td>
<td>Within The City/Town Limits Of and/or School Name</td>
<td>From Mile Point</td>
<td>To Mile Point</td>
<td>Length in Miles</td>
<td>Speed Limit</td>
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<tr>
<td>4 (15th Street) School Zone</td>
<td>AUGUSTA-RICHMOND COUNTY T. W. Josey High School 0700—0800 1515—1615 School Days Only</td>
<td>0.02 mi. south of CR 467 Koger Street</td>
<td>0.02 mi. north of Castleberry Lane</td>
<td>22.99</td>
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<td>4 (Walton Way)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>15th Street</td>
<td>13th Street/R.A. Dent</td>
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<td>Walton Way CR 1507</td>
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<td>28 (Sandbar Ferry Road)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>South Carolina State Line</td>
<td>0.15 mi. east of CR 475 Laney Walker Boulevard</td>
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<td>0.85</td>
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<tr>
<td>28 (Sandbar Ferry Road)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.15 mi. east of CR 475 Laney Walker Blvd.</td>
<td>0.25 mi. east of CR 1027 Prep-Phillips Road</td>
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<td>28 (Sandbar Ferry Road) School Zone</td>
<td>AUGUSTA-RICHMOND COUNTY East Augusta Middle School 0830 — 0930 1530 — 1630 School Days Only</td>
<td>0.02 mi. east of CR 1031 Eastview Drive</td>
<td>0.02 mi. west of CR 504 Cherry Avenue</td>
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<td>State Route</td>
<td>Within The City/Town Limits Of and/or School Name</td>
<td>From</td>
<td>Mile Point</td>
<td>To</td>
<td>Mile Point</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<td>0.25 east of CR 1027 Prep - Phillips Road</td>
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<td>CR 480 East Boundary Street</td>
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<td>Greene Street</td>
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<td>0.30 west of 12th Street</td>
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<tr>
<td>28 (John C. Calhoun Expressway)</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.30 mi. west of 12th Street</td>
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<td>7.26</td>
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<td>28 (Washington Road)</td>
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<td>7.26</td>
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<td>56 (Mike Padgett)</td>
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<td>To</td>
<td>Mile Point</td>
<td>Length In Miles</td>
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<td>104 River Watch Parkway)*</td>
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<td>0.29 mi. west of CR 560 Alexander Drive</td>
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<td>0.02 mi. west of CR 1329 Claussens Road</td>
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<tr>
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<td>0.02 mi. north of CR 698 Melrose Drive</td>
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<td>Mile Point</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<td>121 (Peach Orchard Road) School Zone</td>
<td>AUGUSTA-RICHMOND COUNTY Alleluia 0800 — 0915 1545 — 1645 School Days Only</td>
<td>0.05 mi. south of CR 199 Lumpkin Road</td>
<td>0.02 mi. north of CR 255 Circular Drive</td>
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<td>121 (Peach Orchard Road) School Zone</td>
<td>AUGUSTA-RICHMOND COUNTY Southgate Christian Academy 0700 - 0800 1445 - 1545 School Days Only</td>
<td>0.13 mi. south of CR 345 Barbara Road</td>
<td>0.12 mi. north of CR 345 Barbara Road</td>
<td>15.14</td>
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<td>121 (Peach Orchard Road) *</td>
<td>AUGUSTA-RICHMOND COUNTY *</td>
<td>This segment of roadway runs common with SR 10 from MP 15.14 to the South Carolina State Line MP 19.46.</td>
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<td>223 (Robinson Avenue)</td>
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<td>SR 415/Bobby Jones Expressway</td>
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<td>383 (Jimmie Dyess)</td>
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<td>0.10 mi. east of CR 128 Powell Road</td>
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<tr>
<td>383 (Jimmie Dyess)</td>
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<td>0.10 mi. east of CR 128 Powell Road</td>
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<td>402 (1-20)</td>
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</tbody>
</table>

* This segment shall not be included in the speed detection device permit due to inadequate distance

*** SCHOOL ZONES HOURS ARE EFFECTIVE

A.M. from 45 minutes prior to commencement time to 15 minutes after commencement time — SCHOOL DAYS ONLY

P.M. from 15 minutes prior to dismissal time to 45 minutes after dismissal time — SCHOOL DAYS ONLY
### OFF-SYSTEM

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Within The City/Town Limits Of and/or School/Name</th>
<th>From</th>
<th>To</th>
<th>Length In Miles</th>
<th>Speed Limit</th>
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<td>SR 56</td>
<td>CR 982 International Boulevard</td>
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<td>Baker Avenue CR 1110</td>
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<td>CR 1474</td>
<td>CR 1507 Walton Way</td>
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| Baker Avenue CR 1110 "School Zone" *** | AUGUSTA-RICHMOND COUNTY  
Joseph. R. Lamar Elementary/Richmond Academy  
School Days Only | CR 1474   | CR 1109 Murphy Street | 0.66           | 25          |
| Barton Chapel Road CR 1502   | AUGUSTA-RICHMOND COUNTY                                                                                               | SR 4       | CR 1501 Wrightsboro Road | 3.36            | 40          |
| Barton Chapel Road CR 1502 "School Zone" *** | AUGUSTA-RICHMOND COUNTY  
Barton Chapel Elementary  
School Days Only | 0.08 mi. south of CR 1268 London Boulevard  
0.05 mi. north of CR 106 Old Barton Chapel Road | 0.22           | 25          |
<p>| Bath Edie Road CR 58         | AUGUSTA-RICHMOND COUNTY                                                                                               | SR 88      | SR 4                   | 0.98            | 55          |
| Bath Edie Road CR 58         | AUGUSTA-RICHMOND COUNTY                                                                                               | SR 88      | CR 1509 Keysville Road | 1.86            | 45          |
| Battle Road CR 1511          | AUGUSTA-RICHMOND COUNTY                                                                                               | CR 1142    | CR 1214 Eve Street     | 0.83            | 35          |
| Bay Street CR 1304           | AUGUSTA-RICHMOND COUNTY                                                                                               | CR 1296 5th Street | CR 1303 Reynolds Street | 0.38            | 35          |
| Belair Road CR 134           | AUGUSTA-RICHMOND COUNTY                                                                                               | CR 128 Powell Road | CR 1501 Wrightsboro Road | 2.68            | 40          |
| Bennock Mill Road CR 17      | AUGUSTA-RICHMOND COUNTY                                                                                               | SR 56      | CR 19 Horsehoe Road    | 2.29            | 55          |
| Bennock Mill Road CR 17      | AUGUSTA-RICHMOND COUNTY                                                                                               | CR 19 Horsehoe Road | CR 18 Bennock Mill Loop | 0.49            | 45          |</p>
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<td>CR 601 Wheeler Road</td>
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<td>From 0.07 mi. north of CR 606 Ingleside Drive</td>
<td>To 0.08 mi. north of CR 827 Wicklow Drive</td>
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<td>Boy Scout Road CR 1698</td>
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<td>To 0.01 mi. south of CR 834 Sussex Road</td>
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<td>CR 65 Windsor Spring Road</td>
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<td>CR 1507 Walton Way</td>
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<td>Broome Road CR 29/CR 33</td>
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<td>Length In Miles</td>
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<td>CR 200 Highland Avenue</td>
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<td>Road Name</td>
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<td>CR 475 Laney Walker Boulevard</td>
<td>CR 1303 Reynolds Street</td>
<td>0.87</td>
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<tr>
<td>East Boundary CR 480 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY School Bus Loading Zone School Days Only</td>
<td>CR 1482 Watkins Street</td>
<td>CR 1306 Greene Street</td>
<td>0.24</td>
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<tr>
<td>Eastland Drive CR 1001</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1002 Hawk Street</td>
<td>CR 1016 Parkway Drive</td>
<td>0.29</td>
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<tr>
<td>Eisenhower Drive CR 540</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 28</td>
<td>CR 541 Springwood Drive</td>
<td>0.73</td>
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<td>Eisenhower Drive CR 540 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY T H Garrett Elementary School Days Only</td>
<td>0.02 mi. south of CR 879 Gaines Court</td>
<td>0.01 mi. south of CR 541 Springwood Drive</td>
<td>0.57</td>
<td>25</td>
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<tr>
<td>Ellis Street CR 1305 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Curtia Baptist School School Days Only</td>
<td>CR 1341 Thirteenth Street</td>
<td>CR 1279 Fourteenth Street</td>
<td>0.15</td>
<td>25</td>
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<td>Eve Street CR 1214</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1507 Walton Way</td>
<td>CR 1291 Goodrich Street</td>
<td>0.90</td>
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<td>Eve Street CR 1214 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY John Milledge Elementary School Days Only</td>
<td>CR 1247 Fenwick Street</td>
<td>CR 1565 Broad Street</td>
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<td>Fifth Street CR 1296</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 10</td>
<td>CR 1304 Reynolds Street</td>
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<td>Fifteenth Street CR 1499</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 4</td>
<td>SR 104</td>
<td>0.60</td>
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<tr>
<td>Road Name</td>
<td>Within The City/Town Limits Of and/or School/Name</td>
<td>From</td>
<td>To</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<td>Flagler Road CR 129</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 128 Powell Road</td>
<td>CR 134 Belair Road</td>
<td>1.05</td>
<td>40</td>
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<td>Flowing Woils Road CR 141</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1501 Wrightsboro Road</td>
<td>CR 754 Frontage Road</td>
<td>1.21</td>
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<td>Fourth Street CR 1297</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 475 Laney Walker Boulevard</td>
<td>CR 1321 Walton Way</td>
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<tr>
<td>Fourth Street CR 1297 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1324 Walton Street</td>
<td>CR 1321 Walton Way</td>
<td>0.25</td>
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<tr>
<td>Gardner Street CR 1217</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1440 Johns Road</td>
<td>CR 1236 Telfair Street</td>
<td>0.89</td>
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<tr>
<td>Glenn Hills Drive CR 105</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1502 Barton Chapel Road</td>
<td>SR 4</td>
<td>1.75</td>
<td>35</td>
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<tr>
<td>Glenn Hills Drive CR 105 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.10 mi. east of CR 1502 Barton Chapel Road</td>
<td>0.21 mi. west of CR 973 Georgetown Drive</td>
<td>0.59</td>
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<tr>
<td>Glenn Hills Drive CR 105 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.13 mi. west of CR 973 Georgetown Drive</td>
<td>CR 762 Vernon Drive</td>
<td>0.38</td>
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<tr>
<td>Goshen Industrial CR 1007</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 56</td>
<td>CR 1518 Doug Barnard Parkway</td>
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<tr>
<td>Greene Street CR 1225</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1142 Milledge Road</td>
<td>CR 1226 Crawford Avenue</td>
<td>0.78</td>
<td>35</td>
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<td>Greene Street CR 1528</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1499 15th Street</td>
<td>CR 480 East Boundary</td>
<td>2.18</td>
<td>35</td>
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<tr>
<td>Road Name</td>
<td>Within The City/Town Limits Of and/or School/Name</td>
<td>From</td>
<td>To</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<td>Greene Street CR 1306 &quot;School Zone&quot; ***</td>
<td>GREENE STREET CR 1306 AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1297 Fourth Street</td>
<td>CR 1299 Second Street</td>
<td>0.32</td>
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<td>Harding Road CR 241</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 210 Richmond Hill Road</td>
<td>SR 121</td>
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<tr>
<td>Heard Avenue CR 1408</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 411 White Road</td>
<td>CR 1507 Walton Way</td>
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<td>35</td>
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<td>Henderson Road CR 58</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>Hephzibah south city limit</td>
<td>CR 1504 Hephzibah-McBean Road</td>
<td>3.31</td>
<td>45</td>
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<tr>
<td>Henry Street CR 1163</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 611 Bransford Road</td>
<td>CR 1484 Fleming Avenue</td>
<td>1.00</td>
<td>35</td>
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<tr>
<td>Hephzibah-McBean CR 1504</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>Hephzibah city limit</td>
<td>CR 1413 Deer Trail</td>
<td>4.95</td>
<td>55</td>
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<tr>
<td>Hephzibah-McBean CR 1504</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1413 Deer Trail</td>
<td>0.52 east of CR 1516 Old Waynesboro Road</td>
<td>0.68</td>
<td>45</td>
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<tr>
<td>Hephzibah-McBean CR 1504</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.52 east of CR 1516 Old Waynesboro Road</td>
<td>0.80 west of SR 56</td>
<td>1.99</td>
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<tr>
<td>Hephzibah-McBean CR 1504 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.10 mi. east of CR 22 Clark Street</td>
<td>Sunshine Drive</td>
<td>0.50</td>
<td>45</td>
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<tr>
<td>Hephzibah-McBean CR 1504</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>0.80 west of SR 56</td>
<td>SR 56</td>
<td>0.80</td>
<td>50</td>
</tr>
<tr>
<td>Highland Avenue CR 200</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 10</td>
<td>CR 1501/CR 1474 Wrightsboro Road</td>
<td>1.49</td>
<td>45</td>
</tr>
<tr>
<td>Road Name</td>
<td>Within The City/Town Limits Of and/or School/Name</td>
<td>From</td>
<td>To</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<tr>
<td>Highland Avenue CR 200</td>
<td>&quot;School Zone&quot; *** AUGUSTA-RICHMOND COUNTY Aquinas High School School Days Only</td>
<td>CR 1002 Hawks Street</td>
<td>CR 1474 Wrightsboro Road</td>
<td>0.35 mi. north</td>
<td>35</td>
</tr>
<tr>
<td>Highland Avenue CR 200/CR 486</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1501/CR 1474 Wrightsboro Road</td>
<td>CR 601 Wheeler Road</td>
<td>1.20</td>
<td>35</td>
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<tr>
<td>Horseshoe Road CR 19</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 56</td>
<td>CR 18 Bennock Mill Loop</td>
<td>1.91</td>
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<tr>
<td>Horseshoe Road CR 19</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 18 Bennock Mill Loop</td>
<td>CR 17 Bennock Mill Road</td>
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<tr>
<td>Ingleside Drive CR 606</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 600 Boy Scout Road</td>
<td>CR 486 Berckman Road</td>
<td>0.46</td>
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<tr>
<td>Jackson Road CR 1505</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1501 Wrightsboro Road</td>
<td>CR 1507 Walton Way Extension</td>
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<td>Jackson Road CR 1505 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Copeland Elementary School Days Only</td>
<td>0.09 mi. north of CR 1501 Wrightsboro Road</td>
<td>CR 234 Oakridge Drive</td>
<td>0.33</td>
<td>25</td>
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<td>James Drive CR 42</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1575 Turkey Trail Drive</td>
<td>CR 39 Travis Road</td>
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<td>35</td>
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<tr>
<td>Joy Road CR 643</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 601 Wheeler Road</td>
<td>CR 600 Boy Scout Road</td>
<td>0.23</td>
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<tr>
<td>Joy Road CR 643 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Tutt Middle School School Days Only</td>
<td>CR 601 Wheeler Road</td>
<td>CR 600 Boy Scout Road</td>
<td>0.23</td>
<td>25</td>
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<tr>
<td>Kissingbower Road CR 390</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 10</td>
<td>CR 1050 Crestwell Drive</td>
<td>1.77</td>
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<td>Lake Forest Drive CR 626 **</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 624 Camolia Road</td>
<td>CR 1507 Walton Way</td>
<td>1.80</td>
<td>25</td>
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<tr>
<td>Road Name</td>
<td>Within The City/Town Limits Of and/or School/Name</td>
<td>From</td>
<td>To</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<tr>
<td>Lake Forest Drive CR 626</td>
<td>AUGUSTA-RICHMOND COUNTY Lake Forest Elementary School Days Only</td>
<td>CR 874 Poindexter Drive</td>
<td>Sand Hill Place</td>
<td>0.40</td>
<td>25</td>
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<tr>
<td>Laney Walker Boulevard CR 1348</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1100 Druid Park Avenue</td>
<td>CR 480 East Boundary</td>
<td>2.69</td>
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<tr>
<td>Laney Walker Boulevard CR 1483 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Medical College of Georgia School Days Only</td>
<td>SR 4</td>
<td>CR 1500 Thirteenth Street/ R.A. Dent Boulevard</td>
<td>0.40</td>
<td>25</td>
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<tr>
<td>Laney Walker Boulevard CR 1483 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Lucy Laney and A.R. Johnson High School School Days Only</td>
<td>CR 1377 Blount Street</td>
<td>CR 1544 Tenth Street</td>
<td>0.52</td>
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<tr>
<td>Laney Walker Boulevard CR 475 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Craig Elementary School Days Only</td>
<td>CR 1516 Twiggs Street</td>
<td>CR 1297 Fourth Street</td>
<td>0.44</td>
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<tr>
<td>Laney Walker Ext. CR 475</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 480 East Boundary</td>
<td>CR 1412 Lovers Lane</td>
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<tr>
<td>Laney Walker Ext. CR 475 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Hornsby Elementary School Days Only</td>
<td>0.02 mi. east of CR 494 Bruce Street</td>
<td>CR 495 Cherry Avenue</td>
<td>0.28</td>
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<tr>
<td>Laney Walker Ext. CR 475</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1412 Lovers Lane</td>
<td>SR 28 (Sand Bar Ferry)</td>
<td>0.79</td>
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<tr>
<td>Liberty Church Road CR 13</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1516 Old Waynesboro Road</td>
<td>CR 1514 Browns Road</td>
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<tr>
<td>Lumpkin Road CR 199</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 107 Old McDuffie Road</td>
<td>SR 4</td>
<td>1.27</td>
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<tr>
<td>Lumpkin Road CR 199 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Terrace Manor Elementary School Days Only</td>
<td>0.24 mi. west of CR 654 Jeanne Road</td>
<td>0.13 mi. east of CR 654 Jeanne Road</td>
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<tr>
<td>Road Name</td>
<td>Within The City/Town Limits Of and/or School/Name</td>
<td>From</td>
<td>To</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<tr>
<td>Lumpkin Road CR 199</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 4</td>
<td>SR 56</td>
<td>2.78</td>
<td>45</td>
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<tr>
<td>Lumpkin Road CR 199 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Buter High School School Days Only</td>
<td>CR 297 Deeb Place</td>
<td>0.07 mi. east of CR 308 Abdlia Drive</td>
<td>0.70</td>
<td>25</td>
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<tr>
<td>Lumpkin Road CR 199</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 56</td>
<td>SR 56 Spur</td>
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<tr>
<td>Martin Luther King, Jr. Blvd. CR 1616</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1614 Milledgeville Road</td>
<td>15th Street</td>
<td>0.71</td>
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<tr>
<td>Martin Luther King, Jr. Blvd. CR 1616</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>15th Street</td>
<td>CR 1516 Twiggs Street</td>
<td>1.00</td>
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<tr>
<td>Marvin Griffin Road CR 276</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 56</td>
<td>56 Spur</td>
<td>1.56</td>
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<tr>
<td>Maryland Avenue CR 1001</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1016 Parkway Drive</td>
<td>CR 1474 Wrightsboro Road</td>
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<tr>
<td>Mayo Road CR 572</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1309 Big Hunt Road</td>
<td>CR 564 Stevens Creek Road</td>
<td>0.54</td>
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<tr>
<td>McDade Farm Road CR 08</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1514 Browns Road</td>
<td>CR 1516 Old Waynesboro Road</td>
<td>2.70</td>
<td>45</td>
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<tr>
<td>McElmurray Road CR 1514</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 121</td>
<td>CR 1513 Browns Road</td>
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<tr>
<td>Meadowbrook Drive CR 95</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 4</td>
<td>CR 65 Windsor Spring Road</td>
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<td>Meadowbrook Drive CR 95 &quot;School Zone&quot; ***</td>
<td>AUGUSTA-RICHMOND COUNTY Meadowbrook Elementary School Days Only</td>
<td>0.06 mi. east of CR 1856 Dahlia Drive</td>
<td>0.06 mi. east of CR 775 Brookshire Road</td>
<td>0.94</td>
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<tr>
<td>Mill Street CR 1380</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1616 Martin Luther King Boulevard</td>
<td>CR 1382 Wrightsboro Road</td>
<td>0.55</td>
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<tr>
<td>Road Name</td>
<td>Within The City/Town Limits Of and/or School/Name</td>
<td>From</td>
<td>To</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
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<tr>
<td>Mill Street CR 1380 <strong>School Zone</strong> ***</td>
<td>AUGUSTA-RICHMOND COUNTY Uraula Collins Elementary School Days Only</td>
<td>CR 1616 Martin Luther King, Jr. Boulevard</td>
<td>CR 1437 Johnson Avenue</td>
<td>0.26</td>
<td>25</td>
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<td>Milledge Road CR 1142</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1501 Central Avenue</td>
<td>CR 1565 Broad Street</td>
<td>1.45</td>
<td>35</td>
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<tr>
<td>Milledgeville Road CR 145</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 10/Gordon Boulevard</td>
<td>CR 107 N. Leg Road/Old McDuffie Road</td>
<td>1.70</td>
<td>45</td>
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<tr>
<td>Milledgeville Road CR 145</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 107 N. Leg Road/Old McDuffie Road</td>
<td>CR 1408 Olive Road</td>
<td>3.23</td>
<td>40</td>
</tr>
<tr>
<td>Milledgeville Road CR 145 <strong>School Zone</strong> ***</td>
<td>AUGUSTA-RICHMOND COUNTY Bayvale Elementary School School Days Only</td>
<td>CR 109 Mason Road</td>
<td>0.08 mi. west of CR 372 Sibley Road</td>
<td>0.38</td>
<td>25</td>
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<tr>
<td>Milledgeville Road CR 145 <strong>School Zone</strong> ***</td>
<td>AUGUSTA-RICHMOND COUNTY Murphey Middle School School Days Only</td>
<td>0.05 mi. south of CR 388 Haynie Drive</td>
<td>0.10 mi. north of CR 393 Murphey Road</td>
<td>0.35</td>
<td>25</td>
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<tr>
<td>Monte Sano Avenue CR 1133</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>CR 1001 Maryland Avenue</td>
<td>CR 601 Wheeler Road</td>
<td>1.20</td>
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<tr>
<td>Monte Sano Avenue CR 1133 <strong>School Zone</strong> ***</td>
<td>Augusta Richmond County Saint Mary’s Trinity School Days Only</td>
<td>CR 1119 McDowell Street</td>
<td>CR 1507 Walton Way</td>
<td>0.40</td>
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<tr>
<td>Morgan Road CR 67</td>
<td>AUGUSTA-RICHMOND COUNTY</td>
<td>SR 4 (Deans Bridge Road)</td>
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§ 3-5-17 AUGUSTA-RICHMOND COUNTY CODE, READOPTED 7-10-2007
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<td>Length In Miles</td>
<td>Speed Limit</td>
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<td>From</td>
<td>To</td>
<td>Length In Miles</td>
<td>Speed Limit</td>
</tr>
<tr>
<td>----------------------------</td>
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</tr>
<tr>
<td>Wrightsboro Road CR 1474</td>
<td>&quot;School Zone&quot; AUGUSTA-RICHMOND COUNTY Lamar Elementary School Days Only</td>
<td>CR 1062 Morris Street</td>
<td>CR 1070 Wilson Street</td>
<td>0.23</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CR 1396 Clay Street</td>
<td>CR 1394 Chestnut Street</td>
<td>0.21</td>
<td>25</td>
</tr>
<tr>
<td>Wylds Road CR 144</td>
<td>AUGUSTA-RICHMOND COUNTY C.T. Walker Magnet School School Days Only</td>
<td>CR 371 North Leg Road</td>
<td>Augusta Mall Perimeter</td>
<td>0.97</td>
<td>35</td>
</tr>
</tbody>
</table>

** This segment is listed for clarification of actual posted speed limit. This segment is not approved for speed detection device usage for Local Governments.

*** ***SCHOOL ZONES HOURS ARE EFFECTIVE***

A.M. from 45 minutes prior to commencement time to 15 minutes after commencement time — SCHOOL DAYS ONLY

P.M. from 15 minutes prior to dismissal time to 45 minutes after dismissal time — SCHOOL DAYS ONLY

(Ord. No. 6566, § 1, 11-11-02)
Sec. 3-5-18. Authority of Augusta-Richmond County traffic engineer.

(a) Upon the basis of an engineering and traffic investigation, the Augusta-Richmond County traffic engineer shall make recommendations to the Augusta-Richmond County Commission for maximum and/or minimum speed limits and for speed zones in Augusta-Richmond County.

(b) The Augusta-Richmond County traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Sec. 3-5-19. When limits applicable.

Speed limits established pursuant to this article shall be applicable at all or such times as shall be indicated by official traffic control devices.

Sec. 3-5-20. Too fast for conditions.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. Under this section a person could be speeding even though he is traveling the posted speed limit or less, if the conditions are such that a lower speed would be reasonable.

Sec. 3-5-21. Impeding the free flow of traffic.

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation.

Sec. 3-5-22. Driving in a race or participating in a race.

No person shall drive any vehicle on a highway, street, or road, or any portion thereof, in Augusta-Richmond County in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record; and no person shall in any manner participate in any such race, competition of speed, contest of speed, or test or exhibition of speed.

Sec. 3-5-23. Laying drags.

No driver of any motor vehicle shall operate the vehicle upon the public streets, highways, public or private driveways, airport runways, or parking lots in such manner as to create a danger to persons or property by intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course, or to gyrate or spin around, except to avoid a collision or injury or damage, causing tires to spin and/or squeal. This section shall not apply to drivers operating vehicles in or on any raceway, drag strip, or similar place customarily and lawfully used for such purposes.

Sec. 3-5-24. School speed limit signs.

The traffic engineering department of Augusta-Richmond County is hereby authorized, for the purpose of regulating, warning or guiding traffic in school zones of Augusta-Richmond County, to erect school speed limit signs designating a school zone, the speed limit, and when the speed limit in the school zone will be enforceable. All signs shall be erected in compliance with all state and federal regulations.

ARTICLE 4 TURNING MOVEMENTS

Sec. 3-5-25. Authority to place devices altering normal course for turns.

The Augusta-Richmond County traffic engineer is authorized to place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as indicated may conform to or be other than as prescribed by law.

Sec. 3-5-26. Authority to place restricted turn signs.

The Augusta-Richmond County traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn, or U-turn, and shall
place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

Sec. 3-5-27. Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right turn or left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Sec. 3-5-28. Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction:

(a) Upon any curve (improper U-turn on curve);

(b) Upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of another vehicle approaching from either direction (improper U-turn on grade);

(c) Where such turn cannot be made in safety and without interfering with other traffic (improper U-turn not made in safety).

Sec. 3-5-29. Failure to yield right-of-way while turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Sec. 3-5-30. Improper right turn.

The driver of a vehicle intending to turn at an intersection shall approach and turn as close as practicable to the right-hand curb or edge of the roadway.

Sec. 3-5-31. Improper left turn.

The driver of a vehicle intending to turn left at an intersection shall approach the turn in the extreme left-hand lane lawfully available to traf-
Sec. 3-5-32. Improper starting of parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Sec. 3-5-33. Improper turning by not being in proper position and/or using signals.

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in sections 3-5-29 and 3-5-30 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or change lanes or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate and timely signal in the manner provided in this article.

Sec. 3-5-34. Improper use of signal lights while turning.

A signal of intention to turn right or left or change lanes when required shall be given continuously for a time sufficient to alert the driver of a vehicle proceeding from the rear in the same direction or a driver of a vehicle approaching from the opposite direction.

Sec. 3-5-35. Improper use of signal lights while stopping or stopped.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is an opportunity to give such a signal.

Sec. 3-5-36. Improper use of signal lights if flashed on one side only of parked vehicle or used as do pass signal.

The signals provided for in subsection (b) of this section shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one (1) side only on a parked or disabled vehicle, or flashed as a courtesy or do pass signal to operators of other vehicles approaching from the rear.

(a) Any stop or turn signal when required in this article shall be given either by means of the hand and arm or by signal lamps.

(b) Any motor vehicle in use on a highway, street or road shall be equipped with, and a required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limits of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, and also to any combination of vehicles.

(c) This section requires a signal, when required to be given, to be given by operation of a signal lamp on certain sized vehicles. This section is intended to cover those vehicles where a hand-and-arm signal would not be seen by a following vehicle.

Sec. 3-5-37. Improper use of hand signals.

All signals required by this article when given hand and arm shall be given from the left side of the vehicle in the following manner and shall indicate as follows:

(a) Left turn, hand and arm extended horizontally;

(b) Right turn, hand and arm extended upward;
(c) Stop or decrease speed, hand and arm extended downward.

Sec. 3-5-38. Reserved.

ARTICLE 5 ONE-WAY STREETS AND ALLEYS

Sec. 3-5-39. Authority to sign one-way streets and alleys.

Whenever any ordinance of Augusta-Richmond County designates any one way street or alley, the Augusta-Richmond County traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Sec. 3-5-40. Driving wrong way on one-way street or alley.

Upon a roadway to designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

Sec. 3-5-41. Authority to restrict direction of movement on streets during certain periods.

The Augusta-Richmond County traffic engineer is hereby authorized to determine and designate streets or roads, parts of streets or roads, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Augusta-Richmond County traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

Sec. 3-5-42. Reserved.

ARTICLE 6 RIGHT-OF-WAY AT STOP AND YIELD INTERSECTIONS

Sec. 3-5-43. Signs required at through streets or roads.

Whenever any ordinance of Augusta-Richmond County designates and describes a through street or road, it shall be the duty of the Augusta-Richmond County traffic engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street or road intersecting such through street or road unless traffic at such intersection is controlled at all times by traffic-control signals; however, at the intersection of two (2) such through streets or roads or at the intersection of a through street or road and a heavy traffic street or road not so designated, stop signs shall be erected at the approaches of either of such streets or roads as may be determined by the Augusta-Richmond County traffic engineer upon the basis of an engineering and traffic study.

Sec. 3-5-44. Other intersections where stop or yield required.

The Augusta-Richmond County traffic engineer is hereby authorized to determine and designate intersections where a particular hazard exists upon other than through streets or roads and to determine:

(a) Whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or

(b) Whether vehicles shall yield the right-of-way to vehicles on a different street or road at such intersection, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

Sec. 3-5-45. Failure to yield right-of-way at intersection.

When two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on
the left shall yield the right-of-way to the vehicle on the right, provided that when a vehicle approaches or enters an intersection with no stop signs or other traffic-control devices from a highway that terminates at the intersection, the driver of that vehicle shall yield: the right-of-way to the other vehicle, whether the latter vehicle be on his right or left.

Sec. 3-5-46. Failure to yield right-of-way from driveway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

Sec. 3-5-47. Failure to stop while emerging from alley or driveway onto residential or business street.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residential district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

Sec. 3-5-48. Failure to yield right-of-way to emergency vehicle.

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of state law, or of a vehicle belonging to a federal, state or local law enforcement agency properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a deputy sheriff.

(b) This section shall not operate to relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 3-5-49. Failure to yield for highway construction vehicle or person.

The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway, street or road, within any highway construction or maintenance area indicated by official traffic-control devices.

Sec. 3-5-50. Failure to yield for highway construction displaying amber lights.

The driver of a vehicle shall yield the right-of-way to an authorized vehicle actually engaged in work upon a highway whenever such vehicle displays flashing or revolving amber lights and has a permit to use such amber lights.

ARTICLE 7 PEDESTRIANS' RIGHTS AND DUTIES

Sec. 3-5-51. Crossing at right angles.

Except where otherwise indicated by a crosswalk or other official traffic-control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite side.

Sec. 3-5-52. Failure to stop by pedestrian for railroad crossing barrier.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

Sec. 3-5-53. Drivers must use due care with children and drunks.

Notwithstanding other provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding his horn when necessary, and shall exercise proper
precautions upon observing any child or any obviously confused, incapacitated or intoxicated person.

Sec. 3-5-54. Pedestrian under the influence.

A person who is under the influence of intoxicating liquor or any drug to a degree which renders him a hazard shall not walk or be upon any roadway.

Sec. 3-5-55. No person to stand in road to solicit rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) Except as herein provided, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle. Notwithstanding the above, a permit for solicitation on the right-of-way may be obtained from the Sheriff of Richmond County provided the applicant meets the following criteria, to-wit:

(1) The applicant shall be a charitable organization, and the solicitation shall only be for contributions for a charitable purpose and shall not be for the purpose of selling goods or materials of any kind;

(2) The applicant shall provide a plan for review and comment by the Sheriff’s Department, which plan will assure the safety of the applicant’s representatives, as well as the motoring public, at the locations where the solicitation will take place;

(3) The applicant shall indicate in specific detail the location of such solicitation, together with the hours thereof;

(4) The applicant shall not have previously solicited contributions on the right-of-way in Augusta-Richmond County within the preceding twelve (12) months;

(5) The applicant shall provide an indemnification and hold harmless agreement in favor of the Augusta-Richmond County Commission, its elected officials and officers, servants, and employees, in a form satisfactory to the Augusta-Richmond County attorney;

(6) The Sheriff’s Department may consider the nature of the solicitation request, the plan for safety of the applicant’s representatives, as well as the motoring public, the location where solicitation is being proposed, the hours of proposed solicitation, expected or anticipated traffic or traffic congestion at the proposed locations, prior requests by the applicant as well as prior experience with solicitations by said applicant, and such other matters as may be important to assure the safety of the applicant’s representatives as well as the motoring public at the time and place where the solicitation is proposed to take place;

(7) The Sheriff’s Department shall have the right to terminate the solicitation at any time, either before or during the solicitation event, should traffic, weather, or other conditions develop, which in the sole discretion of the Sheriff’s Department, present a danger to the applicant’s representatives or the motoring public.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Sec. 3-5-56. Driver must yield to pedestrian on sidewalk.

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. It shall make no difference whether a vehicle is coming out of a private driveway, alley, building or other location, or whether it is entering from the street or highway.

Sec. 3-5-57. Reserved.

ARTICLE 8 REGULATIONS FOR BICYCLES

Sec. 3-5-58. Effect of regulations.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.
(b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside within Augusta-Richmond County for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 3-5-59. Traffic ordinances apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their very nature can have no application.

Sec. 3-5-60. Obedience to traffic-control devices.

Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a deputy sheriff.

Sec. 3-5-61. Reserved.

ARTICLE 9 OBEDIENCE TO RAILROAD CROSSING SIGNALS

Sec. 3-5-62. Failure to stop for railroad crossing.

Whenever any person driving a vehicle approaches a railroad grade crossing, such driver shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he can do so safely, when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

(b) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach of the passage of a train; or

(c) An approaching train is plainly visible and is in hazardous proximity to such crossing.

Sec. 3-5-63. Disregarding railroad crossing barrier.

No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 3-5-64. Failure to stop for stop sign at railroad crossing.

Wherever particularly dangerous highway grade crossings may exist, stop signs may be erected thereat, requiring all vehicles to stop. Whenever such stop signs are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 3-5-65. Taxis, school buses and gas trucks to stop at railroad crossings and not change gears while driving across railroad tracks.

(a) Except as provided in subsection (b) of this section, the driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any schoolchild, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade, track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing; and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a deputy sheriff or a traffic-control signal directs traffic to proceed.

Sec. 3-5-66. Reserved.
ARTICLE 10 FUNERAL PROCESSIONS

Sec. 3-5-67. Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or law enforcement officers.

Sec. 3-5-68. Drivers in a procession.

Each driver in funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

Sec. 3-5-69. Funeral processions to be identified (Reserved).

Sec. 3-5-70. Reserved.

ARTICLE 11 MOTORCYCLES,
MOTORIZED CARTS, MOPEDS,
OFF-ROAD VEHICLES, MINIBIKES

Sec. 3-5-71. Traffic laws applicable to persons operating motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter except as to special regulations in this article and except to those provisions of this chapter, which by their very nature can have no application.

Sec. 3-5-72. Person riding motorcycle must face forward with one leg on either side of motorcycle.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto; and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on either side of the motorcycle.

Sec. 3-5-73. Person cannot carry article which prevents him from keeping both hands on handlebars.

No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

Sec. 3-5-74. Passenger must not interfere with control or view of operator.

No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Sec. 3-5-75. Operator and passenger must wear shoes on motorcycle.

No person shall operate or ride upon a motorcycle unless he shall wear some type of footwear in addition to or other than socks.

Sec. 3-5-76. Other vehicles must give motorcycle full lane.

All motorcycles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This section shall not apply to motorcycles operated two (2) abreast in a single lane.

Sec. 3-5-77. Motorcycles cannot pass in same lane as another vehicle.

The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
Sec. 3-5-78. Motorcycles cannot operate between lanes of traffic.

No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

Sec. 3-5-79. More than two motorcycles abreast in traffic lane.

Motorcycles shall not be operated more than two (2) abreast in a single lane.

Sec. 3-5-80. Motorcycle light and taillight on.

A person operating a motorcycle shall at all times keep his headlamps and taillights illuminated.

Sec. 3-5-81. Motorcycle clinging to other vehicle.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

Sec. 3-5-82. Passengers must have footrests.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

Sec. 3-5-83. Handlebars more than fifteen inches above seat, back rest with sharp point at tip.

No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat occupied by the operator or with a backrest more commonly known as a sissy bar that is designed in such a way as to create a sharp point at its apex.

Sec. 3-5-84. Helmet required.

No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the state board of public safety.

State law reference—See O.C.G.A. § 40-6-331.

Sec. 3-5-85. Windshield or visor required.

No person shall operate or ride upon a motorcycle if the motorcycle is not equipped with a windshield unless he is wearing an eye-protective device of a type approved by the board of public safety. This section shall not apply to persons riding within an enclosed cab or motorized cart.

Sec. 3-5-86. Operating a motorized cart on a public street, road or highway.

(a) No person shall operate any motorized cart upon a street, road, or public highway in Augusta-Richmond County, except as specifically provided herein. Further, no person shall operate any motorized cart on private property without the permission of the owner of such private property.

(b) Pursuant to O.C.G.A. § 40-6-331, the following public streets and portions thereof are hereby designated for the combined use of motorized carts and regular vehicular traffic, upon the conditions hereinafter set forth:

(1) J. Dewey Gray Circle, Wainbrook, Devore Place, and that section of Interstate Parkway lying between the intersection of Wainbrook and Devore Place, are hereby designated for the combined use of motorized carts and regular vehicular traffic as provided herein; and,

(2) All that portion of Tenth Street located between Broad Street and the Savannah River, provided that such use may occur only on the “First Friday” of each month, between the hours of 5:00 p.m. and 8:00 p.m., or at such other time(s) authorized by the Mayor of Augusta.

(3) All that portion of Heath Drive beginning at the 300 block of Berckmans Road leading to the 400 block of Berckmans Road; All that portion Cherry Lane from the 300 block of Berckman’s Road to the 300 block of Heath Drive; All that portion of Hemlock Hill Road from 300 block of Heath Drive to 2000 block of Cherry Lane; All that portion of Hillside lane from the 300 Berckman’s Road to the dead end. All that
portion of Stanley Drive from 300 block of Heath Drive to 2700 block of Washington Road.

(4) All that portion of Pine Needle Road from its intersection with Buena Vista and Cardinal Drive, and continuing west to the Forest Hills Golf Course entrance, during daylight hours between dawn and dusk.

(c) Appropriate signs giving notice of the combined use of motorized carts and regular vehicular traffic shall be posted on said roads as directed by the Traffic Engineer.

(d) No motorized carts shall operate on said streets except between the hours of 30 minutes following sunrise and 30 minutes prior to sunset, except as otherwise provided herein.

(e) All motorized carts shall be equipped with headlights, brake lights, a yellow caution light mounted on top of such motorized cart, and a caution sign.

(f) All such motorized carts shall be registered with the Richmond County Sheriff's Office for a fee of Fifteen Dollars ($15.00), with the license for same to remain permanently with such cart unless such cart is sold, at which time the license shall be destroyed.

(g) All motorized carts shall obey all rules of the road governing vehicular traffic on said public roads.

Sec. 3-5-87. Traffic laws applicable to persons operating mopeds.

Every person operating a moped shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this Article and except as to those provisions of this chapter which by their very nature can have no application. However, the operator of a moped shall not be required to comply with section relating to headlamps and taillamps, or section relating to windshields and eye-protective devices.

Sec. 3-5-88. Driver's license or permit required for certain operators.

No person under fifteen (15) years of age shall operate a moped upon the public roads and highways of Augusta-Richmond County. No person shall operate a moped upon the public roads and highways of Augusta-Richmond County unless he shall have in his possession a valid drivers license, instructional permit, or limited permit issued to pursuant to the Official Code of Georgia chapter 5, title 40, state motor vehicles and traffic laws, relating to drivers license; however, all classes of licenses, instructional permits or limited permits issued pursuant to the Official Code of Georgia chapter 5, title 40, shall be valid for the purposes of operating mopeds upon the public roads and highways of this state.

Sec. 3-5-89. Protective gear required.

No person shall operate or ride as a passenger upon a moped unless he is wearing protective headgear which complies with standards established by the State Commissioner of public safety. Such standards need not necessarily be the same as for motorcyclists; however, any moped operator wearing an approved motorcycle helmet shall be deemed in compliance with this subsection.

Sec. 3-5-90. Operation over certain roads, highways prohibited (Reserved).

Sec. 3-5-91. Operation of off-road vehicle on public street, road or highway.

(a) No person shall operate any off-road vehicle on any public street, road or highway in Augusta-Richmond County unless such vehicle is being used exclusively for its designed purposes; however, such operation shall meet all other requirements as required by State law regulating the use, operation or movement of such vehicle.
(b) Any person operating an off-road vehicle under any of the following conditions shall be deemed to be in violation of this Article:

(1) Without operative brakes, or without mufflers or other silencing equipment;

(2) On any private property without the express written permission of the owner of the property or his agent.

ARTICLE 12. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Sec. 3-5-92. Parking not to obstruct traffic.

No person shall park any vehicle upon a street or road other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
Sec. 3-5-93. Improper parking.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a law enforcement officer or official traffic-control device, no person shall:

(a) Stop, stand or park a vehicle:
   (1) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street;
   (2) On a sidewalk;
   (3) Within an intersection;
   (4) On a crosswalk;
   (5) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
   (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
   (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
   (8) On any railroad tracks;
   (9) On any controlled-access highway;
   (10) In the area between roadways of a divided highway, including crossovers; or
   (11) At any place where official signs prohibit stopping;

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
   (1) In front of a public or private driveway;
   (2) Within fifteen (15) feet of a fire hydrant;
   (3) Within twenty (20) feet of a crosswalk at an intersection;
   (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
   (5) Within twenty (20) feet of the driveway entrance to any fire station, or on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly signposted); or
   (6) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
   (1) Within fifty (50) feet of the nearest rail of a railroad crossing; or
   (2) At any place where official signs prohibit parking.

(d) No parking areas.
   (1) No vehicle shall park in any area that has been designated or approved as a no-parking area by the Sheriff’s Department, the traffic engineer, or the fire department.
   (2) The prohibited no-parking areas shall include but not be limited to the following: Parking in fire lane; improper parking, parking where signs prohibit; yellow curb; loading zone; handicapped zone (O.C.G.A. § 40-6-225); parking on sidewalk; and parking at fire plug.
   (3) It shall be unlawful and in violation of this subsection to park any vehicle within the area so designated as a no-parking area.
   (4) It shall be the duty of the Sheriff’s Department to enforce the provisions of this subsection (d); and each deputy sheriff finding a vehicle which is in violation of the terms of this subsection (d) shall attach to such vehicle a summons to the owner, or
operator thereof, that such vehicle has been parked in violation of this subsection (d).

The citation shall designate the state license number of such vehicle and the county; the time during which such vehicle is parked in violation of this subsection (d); and any other facts, the knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

(e) Any person violating the provisions of this section shall be subject to a monetary fine as follows:

Improper parking: ............ $20.00
Handicap zone (O.C.G.A. Sections 40-6-225 and 226): ......
    Not less than $100.00
    and not more than $500.00

(f) The vehicle of any person which accumulates parking violations in excess of the sum of forty-five dollars ($45.00) shall be impounded by the Sheriff's Department by an Augusta-Richmond County list wrecker in the event the vehicle can be located and seized within Augusta-Richmond County. The vehicle shall be held until accumulated fines and wrecker fees have been paid in full.

Sec. 3-5-94. Improper parking by not parking within one foot of curb.

Every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

Sec. 3-5-95. Obstructing an intersection.

No driver shall enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Sec. 3-5-95.1. Restrictions on parking adjacent to the United States Courthouse.

(a) It shall be unlawful for the owner, driver, or operator of any vehicle to park or to permit such vehicle to be parked or to stand unattended at any time, except by permit, adjacent to any portion of the United States District Courthouse, Southern District of Georgia, located at 500 East Ford Street, Augusta, Georgia, as marked by the Sheriff of Richmond County including specifically those streets or portions thereof, as follows:

    The West Side of Eighth Street between Telfair Street and Walker Street;
    Walker Street between Ninth Street and Eighth Street;
    West Ford Street;
    East Ford Street, and
    The South Side of Telfair Street from Eighth Street to Ninth Street.

(b) The United States District Court, Southern District of Georgia, is authorized to issue permits to park in spaces as allowed in this Section.

(c) The Richmond County Sheriff's Office shall cause to be posted a public notice of parking restrictions imposed by this Section.

(d) This Section shall not apply to fire department vehicles, police vehicles, emergency or rescue vehicles or other vehicles performing a public emergency function.

(e) Any vehicle, not displaying the proper permit, which is parked within the restricted area, shall be towed, at the owner's expense.

(Ord. No. 6430, § 1, 11-7-01)

ARTICLE 13 MISCELLANEOUS DRIVING RULES

Sec. 3-5-96. Driving on sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized driveway.
Sec. 3-5-97. More than three persons in front seat.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Sec. 3-5-98. Opening vehicle doors and interfering with traffic.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Sec. 3-5-99. Following or parking within five hundred feet of fire truck or other emergency vehicle.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm or any other emergency vehicle closer than five hundred (500) feet and shall not drive or park such vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm.

Sec. 3-5-100. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire without consent of the fire department official in command.

Sec. 3-5-101. Operating unauthorized vehicle with blue lights.

It shall be unlawful for any person, firm or corporation to operate any motor vehicle with flashing or revolving blue lights except motor vehicles owned or leased by any federal, state or local law enforcement agency.

Sec. 3-5-102. Without or expired emergency light permit.

All emergency vehicles shall be designated as such by the state board of public safety. The board shall so designate each vehicle a permit to operate flashing or revolving emergency lights of the appropriate color. Such permit shall be valid for one year from the date of issuance.

Sec. 3-5-103. Unauthorized vehicle with red/amber lights.

It shall be unlawful for any person, firm or corporation to operate any motor vehicle with flashing or revolving red or amber lights except motor vehicles owned or leased by any federal, state or public safety or emergency agency or other entity authorized to use same.

Sec. 3-5-104. Illegal use of siren, whistle or bell.

No vehicle, except an authorized emergency vehicle, shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell. No vehicle shall be equipped with a theft alarm signal device which is so arranged that it can be used by the driver as an ordinary warning signal.

Sec. 3-5-105. Wearing device which impairs hearing or vision.

No person shall operate a motor vehicle while wearing a headset or headphone which would impair such person's ability to hear, nor shall any person while operating a motor vehicle wear any device which impairs such person's vision. This section shall not apply to hearing aids or instruments for the improvement of defective human hearing, eyeglasses, or sunglasses; nor shall it apply to authorized fire or law enforcement personnel.
Sec. 3-5-106. Use of lights required at specific times.

Every vehicle upon a highway, street or road within Augusta-Richmond County shall display lights, including headlights at any time from one-half hour after sunset to one-half hour before sunrise and at any time when it is raining in the driving zone and at any other time when there is not sufficient visibility to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead.

Sec. 3-5-107. Failure to dim lights.

(a) Whenever a driver of a vehicle approaches an upcoming vehicle within five hundred (500) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whenever the driver of a vehicle follows another vehicle within two hundred (200) feet to the rear, except when engaged in the act of overtaking and passing, such driver shall dim his headlights.

Sec. 3-5-108. No brakes.

Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway, street or road, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle. Every motorcycle and motor-driven cycle manufactured after January 1, 1974, when operated upon a highway, shall be equipped with at least two (2) brakes which may be operated by hand or foot.

Sec. 3-5-109. Excessive noise and/or excessive smoke.

Every motor vehicle shall at all times be equipped with an exhaust system in good working order and in constant operation so as to prevent the escape of excessive fumes or smoke. It shall be unlawful for any person to operate any vehicle with any muffler system which causes excessive or unusual noise or annoying smoke.

Sec. 3-5-110. Operating a vehicle with altered suspension system.

(a) It shall be unlawful to alter the suspension system of any private passenger motor vehicle which may be operated on any public street or highway more than two (2) inches above or below the factory recommendation for any such vehicle.

(b) It shall be unlawful to operate any private passenger motor vehicle upon any highway, roadway or street if the suspension system of such vehicle has been altered more than two (2) inches above or below the factory recommendation for such vehicle.

(c) It shall be unlawful to operate any motor vehicle upon any highway, roadway or street if the springs relative to the suspension system are broken.

Sec. 3-5-111. Driving unsafe or improperly equipped vehicle.

No person shall drive or move on any highway, street or road any motor vehicle, trailer, semi-trailer or pole trailer, or any combination thereof, unless the equipment upon any and every such vehicle is in good working order and adjustment, and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Sec. 3-5-112. Driving on wrong side of road.

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway, provided that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such a distance as to constitute an immediate hazard;
(c) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to two-way traffic.

Sec. 3-5-113. Slower drivers must stay in right lane.

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Sec. 3-5-114. Impeding normal flow of traffic by driving side-by-side.

No two (2) vehicles shall impede the normal flow of traffic by traveling side-by-side at the same time while in adjacent lanes, provided that this section shall not be construed to prevent vehicles traveling side-by-side in adjacent lanes because of congested traffic conditions.

Sec. 3-5-115. No passing on shoulder of road.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn; or

(2) Upon a street or highway with unobstructed pavement of sufficient width for two (2) or more lines of moving vehicles in the direction being traveled by the overtaking vehicle.

(b) If otherwise authorized, the driver of a vehicle may overtake and pass another vehicle upon the right only under such conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

Sec. 3-5-116. Passing on hill or curve.

No vehicle shall be driven on the left side of a roadway designed and authorized for traffic traveling in opposite directions, when approaching or upon the crest of a grade or a curve in the highway where the driver’s view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

Sec. 3-5-117. Passing within one hundred (100) feet of intersection or railroad crossing.

No vehicle shall be driven on the left side of a roadway designed and authorized for traffic traveling in opposite directions when approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

Sec. 3-5-118. Passing on solid yellow line.

No vehicle shall be driven to the left side of the roadway when such portion of the roadway is clearly defined as a no-passing zone by means of a solid barrier yellow line placed on the right-hand element of a combination stripe along the center or lane line.

Sec. 3-5-119. Improper lane change.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this chapter, shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes, and provides for two-way movement of traffic, with two (2) lanes in one (1) direction, a vehicle being driven in a continuous or center lane shall have the right of way when overtaking and passing another vehicle traveling in the same direction.

(c) Upon a roadway which is divided into three (3) lanes and provides for two-way
movement of traffic, a vehicle shall not be
driven in the center lane except when
overtaking and passing another vehicle
traveling in the same direction when such
center lane is clear of traffic within a safe
distance, or in preparation for making a
left turn, or where such center lane is at
the time allocated exclusively to traffic
moving in the same direction that the
vehicle is proceeding and such allocation
is designated by official traffic-control de-
vices or road striping.

Sec. 3-5-120. Improper backing.

(a) A driver shall not back a vehicle unless
such movement can be made with safety and
without interfering with other traffic.

(b) A driver of a vehicle shall not back a vehicle
upon any shoulder or roadway of any controlled-
access highway.

Sec. 3-5-121. Improper passing.

The driver of a vehicle overtaking another
vehicle proceeding in the same direction shall
pass to the left thereof at a safe distance and shall
not again drive to the right side of the roadway
until safely clear of the overtaken vehicle.

Sec. 3-5-122. Following too closely.

The driver of a motor vehicle shall not follow
another vehicle more closely than is reasonable
and prudent, having due regard for the speed of
such vehicles and the traffic upon and the condi-
tion of the highway.

Sec. 3-5-123. Crossing median in divided
highways.

Every vehicle driven on a divided highway
shall be driven only upon the right-hand roadway
unless directed or permitted to use another road-
way by official traffic-control devices or law en-
forcement officers. No vehicle shall be driven over,
across or within any dividing space, barrier or
section separating the roadways of a divided
highway; except that a vehicle may be driven
through an operating in such physical barrier or
dividing space or at an established crossover or
intersection unless specifically prohibited by an
official sign, signal or traffic-control device.

Sec. 3-5-124. Driving on highway closed to
public.

No person shall, without lawful authority, drive
around or through or ignore any official traffic-
control device so as to go onto an officially closed
highway or road or onto a section of highway or
road before it has been officially opened to the
public. This section shall not apply to law enforce-
ment officers in the performance of their duties,
to individuals domiciled or making their liveli-
hood within the affected area, or to any person
authorized to be in the affected area by the
appropriate law enforcement officer.

Sec. 3-5-125. Refusal to comply with deputy
directing traffic.

No person shall willfully fail or refuse to com-
ply with any lawful order or direction of any
deputy sheriff or fireman invested by law with
authority to direct, control or regulate traffic.

Sec. 3-5-126. Reserved.

ARTICLE 14 REGULATING THE KINDS
AND CLASSES OF TRAFFIC ON CERTAIN
HIGHWAYS

Sec. 3-5-127. Commercial vehicles prohib-
ited from using certain streets
or highways.

When signs are erected giving notice thereof,
no person shall operate any commercial vehicle at
any time upon any of the streets or highways or
parts thereof except that such vehicles may be
operated thereon for the purpose of delivering or
picking up materials or merchandise and then
only by entering such street or highway at the
intersection nearest the destination of the vehicle
and proceeding thereon no farther than the near-
est intersection thereafter.
Sec. 3-5-128. Excluding specific traffic.

The Augusta-Richmond County traffic engineer is hereby authorized upon the basis of an engineering and traffic investigation to determine and designate those heavily traveled streets or roads upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic and shall erect appropriate official traffic-control devices giving notice thereof.

Sec. 3-5-129. Through trucks prohibited from using certain streets or roads.

When signs are erected giving notice thereof, no person shall operate any through truck or tractor, as defined in this chapter, at any time upon any of the streets or roads or parts thereof.

Sec. 3-5-130. Reserved.

ARTICLE 15 PARKING RESTRICTIONS FOR TRUCKS AND BUSES

Sec. 3-5-131. Time limit for trucks.

No person shall park or stand any truck or other freight-carrying vehicles, including any truck tractor, in excess of one-ton capacity, of three (3) or more axles upon any public street or highway or upon any property zoned residential for longer than one (1) hour at any time during the day or night except as provided in section 3-5-127.

Sec. 3-5-132. Attendant required for certain trucks, buses.

No person shall stop or stand any truck or bus with a body more than eight (8) feet wide or ten (10) feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.

Sec. 3-5-133. Reserved.

ARTICLE 16 ABANDONED VEHICLES

Sec. 3-5-134. Parking vehicles with invalid license plates.

Any automobile, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or stand on any residentially zoned property or other zoned property unless it shall be in a completely enclosed building or on property properly zoned according to the county comprehensive zoning ordinance.

Sec. 3-5-135. Inoperative or junk vehicle—Parking prohibition; exceptions.

No automobile, vehicle or trailer of any kind or type, which shall be inoperative or in a junk condition, shall be parked or stand on any residentially zoned property or other zoned property unless:

(a) It shall be in an enclosed building;

(b) It shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or,

(c) It shall be on property occupied and used for repair, reconditioned or remodeling of vehicles in conformance with zoning ordinances of Augusta-Richmond County.

Sec. 3-5-136. Same—Defined.

An inoperative or junk condition shall include, but shall not be limited to, any automobile, vehicle, trailer of any kind or type, or contrivance, or a part thereof, the condition of which is one or more of the following:

(a) Wrecked;

(b) Dismantled;

(c) Partially dismantled;

(d) Inoperative;

(e) Abandoned;

(f) Discarded;

(g) Scrapped;
(h) Does not have a valid license plate attached thereto.

Sec. 3-5-137. Nuisances not authorized.

Nothing in this article shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

Sec. 3-5-138. Supplemental nature of article.

This article shall not be the exclusive regulation of discarded, dismantled, wrecked, scrapped, ruined or junk motor vehicles, or contrivances, within Augusta-Richmond County, but shall be supplemental in addition to other regulations and ordinances of Augusta-Richmond County and statutes or provisions of law heretofore and hereinafter enacted by the state or other legal entity or agency having jurisdiction.

Sec. 3-5-139. Removal.

In all instances where the owner of any abandoned or junk motor vehicle and/or trailer as defined herein cannot be determined or the owner of any junk or abandoned motor vehicle and/or trailer refuses to give consent for the county to remove any junk or abandoned motor vehicle and/or trailer which has been determined to constitute a health hazard or unsightly nuisance, following notice as hereinafter provided, such junk or abandoned motor vehicle and/or trailer shall be removed and disposed of under the provisions of O.C.G.A. chapter 40-11, or other applicable law.

Notice of the determination that any such junk or abandoned vehicle, which is on private property, is to be removed shall be given at least three (3) days prior to removal, by the posting of notice on the door of any house or dwelling located on the same property as the junk or abandoned vehicle, or if there is no house or dwelling on such property, following notice posted on the vehicle. Nothing herein shall be construed as requiring notice for the removal of junk or abandoned vehicles on public properties, other than as may be provided by state law.

(Ord. No. 6236, § 2, 12-21-99)

Sec. 3-5-140. Reserved.

ARTICLE 17 PENALTIES

Sec. 3-5-141. Fine; imprisonment.

Any person violating any provision of this chapter of the Augusta-Richmond County Code shall be tried as a misdemeanor. Upon Conviction, a violation of a provision of this chapter, unless otherwise provided, shall be punished by a fine in an amount not to exceed one thousand dollars ($1,000.00) and/or imprisonment in the county jail for a period not in excess of sixty (60) days.

ARTICLE 18 SAFETY REVIEW COMMITTEE

Sec. 3-5-142. Created.

There is hereby created a body known as Safety Review Committee, hereafter referred to as Committee.

Sec. 3-5-143. Membership.

The membership of the committee shall consist of eight (8) voting members, as follows:

(a) One (1) member of the Sheriff’s Department holding the rank of major or below;

(b) One (1) member of the Augusta-Richmond County fire department holding the rank of captain or below;

(c) One (1) member of the correctional institution holding the rank of major or below;

(d) One (1) member of the recreation department serving as a first line supervisor or at an administrative management level;

(e) The Assistant Director, Risk Management shall serve as the Chairperson and shall vote only in the event of a tie vote;

(f) One (1) member of the public works department between the rank of Superintendent and Foreman;
(g) One (1) member of the utilities department serving as a first line supervisor or at an administrative level (office manager);

(h) One (1) member of the Marshall’s department holding the rank of captain or below; and

(i) One (1) member of the Transit department serving as a first line supervisor or at an administrative level.

Sec. 3-5-144. Terms of members.

The sheriff shall select the member from the sheriff’s department, and the warden of the correctional institution and the director of the other named departments shall each select a member from his respective department. Department heads and elected officials of members listed above shall appoint an alternate member to serve in the absence of the primary member. Each member shall serve for a term of two (2) years, unless rescinded by the appointing authority, to be appointed as provided in the Safety-Risk Management Manual. Department heads and elected officials may not be nominated for membership on the board. No member of the board shall be permitted to participate in the evaluation and disposition of a motor vehicle accident involving a member of the department from which the board member comes. At no time may a member designate a delegate to act on his behalf. A quorum of the committee will consist of five (5) voting members and the chairman.

Sec. 3-5-145. Duties.

The Safety Review Committee shall have the authority perform the duties, impose penalties, and follow the procedures, including appeals, as set forth in the Safety-Risk Management Manual adopted by Augusta-Richmond County, incorporated herein by reference, and attached as an Appendix to this Code.

Secs. 3-5-146—3-5-160. Reserved.
Sec. 3-6-1. Regulated.

It shall be unlawful for any person to make, continue or cause to be made or continued or permit to be made, continued or caused any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in Augusta-Richmond County.

Sec. 3-6-2. Prohibited noises enumerated.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

(a) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in Augusta-Richmond County except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any device for any unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

(b) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(c) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(d) **Yelling, shouting, etc.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence, or of any persons in the vicinity.

(e) **Animals, birds.** The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.

(f) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper county authorities.

(g) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) **Defect in vehicle or load.** The use of any automobile, motorcycle or vehicle so out of
repair, so loaded or in a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(i) **Loading, unloading, opening boxes.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(j) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; however, the inspections and permits department shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period not to exceed ten (10) days within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.

(k) **Schools, courts, places of worship, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, place of worship or court while in use, or adjacent to any hospital which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

(l) **Hawkers, peddlers, vendors.** The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(m) **Noise to attract attention.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(n) **Transportation of metal rails or similar materials.** The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places so as to cause loud noises or as to disturb the peace and quiet of those streets or other public places.

(o) **Blowers.** The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden the noise.

(p) **Sound trucks.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes. The use of sound trucks for noncommercial purposes during hours and in places and with volume as would constitute this use as a public nuisance; provided, that the provisions of this section shall not apply to or be enforced against:

(1) Any vehicle of Augusta-Richmond County while engaged in necessary public business;

(2) Excavations or repairs of streets by or on behalf of Augusta-Richmond County or the state at night when the public welfare and convenience renders it impossible to perform such work during the day; or

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(Ord. No. 6625, § 1, 7-15-03)

**Sec. 3-6-3. Hospital zones.**

There shall be within Augusta-Richmond County what shall be known as hospital zones around such hospitals or sanitoriums as may be in exist-
ence or that may be established. Within these zones, no unnecessary noises of any kind shall be allowed. These zones shall extend two hundred fifty (250) yards in every direction from any such hospital or sanitorium. The approaches to said zones shall have necessary signs in such localities as to enable everyone to see them. Persons violating this section shall be punished as provided in section 1-6-1 of this Code.

Sec. 3-6-4. Penalty for violation of chapter.

Any person or persons failing to comply with the lawful provisions of this chapter or any act prohibited by this chapter or failing to do any act mandated by this chapter shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished by a fine in an amount not to exceed one thousand dollars ($1,000.00) and/or imprisonment in the county jail for a period not to exceed sixty (60) days.
Chapter 7

OFFENSES

Sec. 3-7-1. Disorderly conduct—Defined.

Any person who shall do or engage in any of the following in Augusta-Richmond County shall be guilty of disorderly conduct:

(a) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in danger of safety of his life, limb or health.

(b) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of another person is placed in danger of being destroyed or damaged.

(c) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.

(d) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.

(e) Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.

(f) Any persons who shall collect in bodies or in crowds and engage in unlawful activities.

(g) Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming.

(h) Any person who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice, or device, or attempt to do so.

(i) Any person who assembles with another or others and engages in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.

(j) Any person who utters, in a public place or any place open to the public, any obscene words or epithets.

(k) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practices, allowed or tolerated.

(l) Any person who shall use fighting words directed towards any person who becomes outraged and thus creates turmoil.

(m) Any person who shall assemble or congregate with another or others and do bodily harm to another.

(n) Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.

(o) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.

(p) Any person who damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(q) Any person, not a student or officer or employee of any public school within Augusta-Richmond County and not required by his employment to be on the campus of any such school, who enters any such campus when it reasonably appears to the security officer of such school that such person is committing any act likely to interfere with the peaceful conduct of the activities of the campus, or has entered the campus for the purpose of committing such act and fails or refuses to leave such campus when directed to do so by said security officer.

(r) Any person loitering or prowling within Augusta-Richmond County generally. For purposes of this subsection, loitering or prowling means being in a place at a time or in a manner not usual for law-abiding
individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or manifestly conceals himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Code subsection, afford the person the opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(s) Any person loitering within Augusta-Richmond County for certain purposes, including for the purpose of begging, unlawful gambling with cards, dice or other gambling paraphernalia, engaging or soliciting another person to engage in prostitution, with the intent to interfere with or disrupt a school program or with intent to interfere with or endanger schoolchildren, in a school building or on school grounds or within two hundred (200) feet of schoolgrounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody or responsibility for a pupil or other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his representative or by a law enforcement officer. The term loiter as used herein shall mean to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place within Augusta-Richmond County. It shall be an affirmative defense to a violation of this section that the defendant’s acts were lawful and he was exercising his rights of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

(t) Any person loitering within Augusta-Richmond County in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of Chapter 13 of Title 16 of the Official Code of Georgia Annotated. Among the circumstances which may be considered in determining whether such purpose is manifested are:

(1) such person is a known unlawful drug user, possessor or seller. For purposes of this section, a known unlawful drug user, possessor or seller is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances defined as controlled substances or dangerous drugs in Chapter 13 of the Official Code of Georgia Annotated or such person has been convicted of any violation of any of the provisions of said chapters of the Official Code of Georgia Annotated or substantially similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as needle tracks; or a person who possesses drug-related objects as defined in § 16-13-32 of the Official Code of Georgia Annotated.

(2) such person is currently subject to an order prohibiting his/her presence in a high drug activity geographic area.

(3) such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage
in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a lookout.

(4) such person is physically identified by the officer as a member of a gang, or association which has as its purpose illegal drug activity.

(5) such person transfers small objects or packages for currency in a furtive fashion.

(6) such person takes flight upon the appearance of a law enforcement officer.

(7) such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity.

(8) the area involved is by public repute known to be an area of unlawful drug use and trafficking.

(9) the premises involved are known to have been reported to law enforcement as a place suspected of drug activity.

(u) Any person who shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which intoxicated condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language.

(v) Reserved.

(w) Reserved.

(x) (1) "Aggressive Panhandling" as herein-after defined is prohibited in the following defined districts:

a. Broad Street/Augusta Common District. On Broad Street and the sidewalks appurtenant thereto on the northern and southern boundaries of the right-of-way of said thoroughfare beginning at the intersection of Broad Street and Fifth Street and continuing on Broad Street to its intersection with Fifteenth Street and on the Augusta Common from its southern most boundary on the northern right-of-way line of Broad Street to the northern most boundary of the Augusta Common abutting the southern most right-of-way line of Reynolds Street and on the sidewalk on Reynolds Street abutting the northern boundary of the Augusta Common.

b. Armstrong Galleria District. Within the area containing the location of the Armstrong Galleria Shopping Center which is bounded on the north by the northern right-of-way line of Hopkins Street, on the east by the eastern right-of-way line of Eighth Street; south by the southern right-of-way line of Laney Walker Blvd. and west by the western right-of-way line of James Brown Blvd. (Ninth Street).

(2) The purpose of this subsection is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well being of pedestrians and to otherwise foster a safe and harassment-free climate in the public places defined in section (1).

(3) As used in this subsection, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

a. "Public place" or "place open to the public" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public or entrances in buildings or dwellings and the grounds enclosing them;

b. "Known panhandler" means a person who within one year previous to the date of arrest for violation of this
section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.

c. A conversation or gesture or both shall be construed as "threatening" if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.

d. Behavior shall be deemed as "aggressive" or "intimidating" if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension caused by such behavior.

e. "Panhandling" shall mean begging.

(4) a. In the districts defined in section (1) of this subsection, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose of behavior is manifested are the following: that such person is a known panhandler; that such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop one or more passers-by; that such person engages one or more passers-by in threatening conversation; or that such person utilizes threatening bodily gestures. To constitute a violation of this subsection, the violator’s conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

b. Reserved.

c. It shall be unlawful for any person, after having been warned that such activity is prohibited, to procure or attempt to procure a handout in the area defined in section (1) of this subsection.

d. It shall be unlawful for any person to sit or recline on a public sidewalk with an intent to procure a handout.

e. Any person, firm or corporation violation any provision of this ordinance shall be subject to the jurisdiction of the Civil and Magistrate Court of Richmond County and be subject to a fine and or a term of incarceration upon conviction of the offense of "aggressive panhandling" as is provided up to the maximum punishment allowed under Augusta Code Section 3-7-3.

(Ord. No. 6864, § 1, 3-21-06)

Sec. 3-7-2. Same—Severability.

If any provision of this chapter, or the application of any provision of this chapter to any person, is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Sec. 3-7-3. Same—Penalties.

Any person or persons failing to comply with the mandatory provisions of section 3-7-1 or doing any act prohibited by section 3-7-1 shall be guilty of an offense and upon trial as a misdemeanor and conviction in the shall be punished by a fine.
in an amount not to exceed one thousand dollars ($1000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.

Sec. 3-7-4. Minors prohibited from smoking in retail establishments.

(a) Definitions. The following words and phrases shall have the meaning respectively ascribed to them by this subsection:

(1) Minor. Any individual who is under the age of eighteen (18) years.

(2) Person. Any person, firm, partnership, association, corporation, company or organization of any kind, but shall not include a minor.

(3) Retail establishment. Any commercial establishment whose primary purpose is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise, food for consumption, articles or other things, recreational activities, and all activities, operations and services connected therewith or incident thereto. It shall also mean all the enclosed area of any shopping mall.

(4) Smoking or to smoke. The act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind.

(b) Smoking prohibited. It shall be unlawful for a minor to smoke in a retail establishment located in Augusta-Richmond County.

(c) Allowing minor to smoke prohibited. It shall be unlawful for any person knowingly to advise, counsel, compel or allow any minor to smoke in a retail establishment in Augusta-Richmond County.

(d) Penalty for violation of section—Generally. Any person failing to comply with the mandatory provisions of this section or doing any act prohibited by this section shall be guilty of an offense and, upon trial as a misdemeanor and conviction shall be punished by a fine in an amount not to exceed five hundred dollars ($500.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of thirty (30) days.

(e) Penalty for minors. In addition to any other penalty that may be imposed by the court, any minor who commits an offense under this section shall be punished as follows:

(1) By requiring the performance of community service not exceeding twenty (20) hours;

(2) By requiring attendance at a publicly or privately sponsored lecture or discussion on the health hazards of smoking or tobacco use, provided such lecture or discussion is offered without charge to the minor; or

(3) By a combination of the punishments described in paragraphs (1) and (2) of this subsection.

Sec. 3-7-5. Prostitution; transporting for purpose of prostitution or sodomy prohibited.

(a) It shall be unlawful for any person within Augusta-Richmond County to commit or offer or agree to commit an act of prostitution or to knowingly aid, abet or participate in an act of prostitution.

(b) It shall be unlawful for any person within Augusta-Richmond County to offer, procure, offer to procure, arrange or agree to arrange a meeting of two or more persons for the purpose of engaging in prostitution, to aid, abet, entice or coerce another person into committing an act of prostitution, to solicit a person to engage in any act of prostitution, or to receive anything of value from a person engaged in prostitution in return for any act defined as unlawful under this section.

(c) It shall be unlawful for anyone to knowingly transport a person into or within Augusta-Richmond County for the purpose of promoting that person’s engaging in prostitution, sodomy for hire, masturbation for hire, or pandering.

(d) It shall be unlawful for anyone to knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, sodomy for hire, masturbation for hire, or pandering, or knowingly to permit others to remain there for either such purpose.
(e) Any person who, while a pedestrian or in a motor vehicle, in or near any thoroughfare or place open to the public, attempts to induce, entice, solicit or procure another to commit an act of prostitution, sodomy for hire, masturbation for hire, or pandering shall be guilty of idling and loitering for the purpose of committing an illicit sexual act.

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

Sec. 3-7-6. Abusive or insulting language.

No person shall use to another, or of him in his presence so as to be heard by him, any abusive, offensive or insulting language in the endeavor to, or that is calculated to, annoy, insult, harass, or in a disorderly manner interfere with him while peacefully engaged in pursuit of his vocation or pleasure.

Sec. 3-7-7. Advertising matter—Indecent posters, handbills, etc.

No person shall post or otherwise exhibit to the public gaze any theatrical, circus, medical or other poster, picture or other design of an indecent, licentious or demoralizing character, or shall distribute handbills of such character.

Sec. 3-7-8. Advertising matter—Posting without consent.

No person shall post any bill or poster of any kind on any building, wall, fence, tree, billboard or other property, without the consent of the owner thereof.

Sec. 3-7-9. Advertising matter—Indiscriminate distribution.

It shall be unlawful for any person to throw over into yards, or upon the lawns, or entrance ways bounding upon the streets in Augusta-Richmond County any dodgers, circulars or other advertising matter. All such advertising matter, if desired to be distributed within the yards and entrances of private persons, shall be delivered to the occupant, or someone representing him, in person, or so placed within the enclosure as not to blow or scatter around or come back upon the sidewalks or streets of Augusta-Richmond County, the special object being to prevent the indiscriminate throwing of papers and advertising matter into the yards of citizens, thereby littering the same, and making it probable, in connection therewith, that the sidewalks and streets in front may also be littered and disfigured. The person sending out such dodgers and advertising matter, and directing the same to be distributed contrary to the provisions of this section, as well as the person actually making the distribution, shall be in violation of this section.

Sec. 3-7-10. Advertising matter—To be removed within five days after date of event advertised.

It shall be unlawful for any owner of property, or the agent of such owner, or the person permitting posted bills or advertisements of any circus, show or other entertainment to which the public is invited to permit or allow the notices so advertising said entertainment, to remain posted or exposed to public view longer than five (5) days after such entertainment has been had, Sundays excepted. Whenever the person so posting such advertising shall be a nonresident of Augusta-Richmond County, he shall deposit with the License & Inspection Department the sum of five hundred dollars ($500.00), or shall give bond, in the sum of five hundred dollars ($500.00), to insure the removal of such advertising matter within five (5) days after the date of the event so advertised.

Sec. 3-7-11. Advertising matter—Prohibited on windshield or body of vehicles.

It shall be unlawful for any person to paste or put any form of advertising upon the windshield or body of any automobile or on or in any vehicle.
Sec. 3-7-12. Advertising matter—Removal of posters from billboards without permission.

The tearing off of posters from the billboards of Augusta-Richmond County, except by a person authorized to do so by the owners of such billboards, is hereby prohibited. Any person violating this section shall be punished as provided in section 1-6-1 of this Code.

Sec. 3-7-13. Ammunition—Sale, etc. to minors.

It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen (17) years of age and under with any other kind of ammunition, including rifle and shotgun ammunition.

Sec. 3-7-14. Gun sales.

(a) Compliance with section. It shall be unlawful for any person, partnership, association or corporation to sell to any purchaser any pistol, revolver or handgun without complying with the provisions of this section.

(b) Report required. The merchant or dealer from whom a prospective buyer seeks to purchase any weapon, shall, before making a sale to such buyer, complete a gun sale report on a form furnished by the Richmond County Sheriff's Department.

(c) Contents of report. The gun sale report shall contain the following information:

1. Make of weapon, caliber, model, serial number, color, length of barrel, and whether said weapon is new or used.

2. Dealer's name and address.

3. The signature of sales person.

4. Buyer's name, address, age, sex, race, height, weight, complexion, and signature.

5. Buyer's identification information: valid driver's license, birth certificate, United States Military Identification Card, or employment identification card, provided said employment identification card shows age and address.

(d) Return of report to Sheriff's Department. The completed gun sale report shall be returned to the detective division of the Sheriff's Department in conformity with this section.

(e) Sales to certain persons prohibited. No merchant or dealer within Augusta-Richmond County shall sell or otherwise dispose of a pistol, revolver, or other type handgun to anyone whom the merchant or dealer has reasonable cause to believe is not of sound mind, is less than twenty-one (21) years of age, is a drug addict, is convicted of a felony, or is otherwise not a proper person to possess a handgun.

Sec. 3-7-14.5. Carrying or possessing dangerous or deadly weapons.

It shall be unlawful for any person within Augusta-Richmond County to carry into or possess any bludgeon, metal knuckles, firearms, box cutters, knife designed for the purpose of offense or defense, or any other dangerous or deadly weapon or instrument of like character in a terminal building of an airport facility under the jurisdiction of the city, except when such unloaded firearms/weapons or instruments are packaged for shipment and checked as baggage. The licensing of any weapon described above shall not constitute a defense to this offense, except that certified law enforcement officers, judges, magistrates, solicitors and district attorneys may carry pistols in municipal airports, pursuant to O.C.G.A. 16-11-127.

(Ord. No. 6664, § 1, 12-16-03)

Sec. 3-7-15. Breaking glass in doors or windows.

It shall be unlawful for any person, carelessly, negligently or through lack of due care and circumspection, to break any glass door or window in any shop, store or other building in Augusta-Richmond County; provided, that it shall be a defense for any person charged with a violation of this section to show by competent evidence that he has paid, or in good faith offered to pay, to the owner of such building or to the occupant thereof,
the fair value of such glass broken, together with the cost of replacing such glass in such door or window.

Sec. 3-7-16. Children—Duty of sheriff's department to report truants.

Every child of school age found upon the streets of Augusta-Richmond County during regular school hours, holidays excepted, by any officer of the Sheriff's Department, shall be stopped and examined by such officer as to the reason for being out of school and upon the streets, and such officer shall make a written report upon a form to be provided by the board of education of the county, which form shall contain a space for the child's name, age, the names of his parents or guardian, his address, together with the child's reasons for being out of school at the time. Such report shall be turned in by such officer to his superior officers at the Sheriff's Department in the same manner as other reports are handled. It shall be the duty of the Sheriff to immediately turn such reports over to the superintendent of schools of the county, daily. The authority of the Sheriff's Department shall not extend further than to make such report as required above. No arrests shall be made for failure by such child to explain why he was out of school during school hours.

Sec. 3-7-17. Officers of sheriffs' department—Assaulting, interfering with, etc. Prohibited.

It shall be unlawful for any person to assault, strike or in any way oppose, molest, interfere with, interrupt or abuse, by word or act, any officer of the Sheriff's Department in the execution of his duty.

Sec. 3-7-18. Credit, etc.—Use of another's name.

It shall be unlawful for any person in Augusta-Richmond County to buy goods or obtain the extension of credit in any other name than his own, or that of a business for which he has obtained a business tax certificate.

Sec. 3-7-19. Defacing or injuring public or private property—Generally.

It shall be unlawful for any person to write, paint, draw, cut or carve any letter, word or device on, or to otherwise mutilate, deface or injure any public or private property within Augusta-Richmond County.

Sec. 3-7-20. Discarded personal property—Definitions.

For the purposes of sections 3-7-25 to 3-7-29, the following words and phrases shall have the meanings below:

(a) **Appliance.** A washing machine, dryer, stove, refrigerator, dishwasher, disposal unit or any other such machine used for aid of household duties.

(b) **Automobile wrecking company.** Any person, firm or corporation which is called upon by the Sheriff's Department to pick up, tow away, and store abandoned or wrecked vehicles, discarded appliances, household furnishings and other personal property.

(c) **Household furnishings.** Furniture, furnishings, and fixtures used in a household.

(d) **Motor vehicle.** Any automobile, truck or foreign vehicle which does not exceed three hundred dollars in retail value according to the current red book or blue book published or other publication then accepted and used by automobile dealers in establishing the value of automobiles, or by securing three bids.

(e) **Property.** Any real property within Augusta-Richmond County which is not a street or highway.

(f) **Street, highway or alleyway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 3-7-21. Abandonment of property—Prohibited—Generally.

No person shall abandon any motor vehicle, discharged appliances, household furnishings and
other personal property within Augusta-Richmond County and no person shall leave any vehicle, discarded appliances, household furnishings and other property at any place within Augusta-Richmond County for such time and under such circumstances as to cause such vehicle, discarded appliances, household furnishings and other personal property reasonably to appear to have been discarded or abandoned.

Sec. 3-7-22. Abandoned property—Prohibited on streets.

No person shall leave any partially dismantled, wrecked, scrapped, ruined or junked motor vehicle, discarded appliances, household furnishings and other personal property on any streets, highway or alleyway within Augusta-Richmond County.

Sec. 3-7-23. Abandoned property—Disposition within twenty-four hours.

No person in charge or control of any property within Augusta-Richmond County, whether as owner, tenant, occupant, lessee or otherwise, shall allow any discarded, dismantled, wrecked, scrapped, ruined or junked vehicles, discarded appliances, household furnishings and other personal property to remain on such property longer than twenty-four hours; and no person shall leave any such vehicle, discarded appliances, household furnishings and other personal property within Augusta-Richmond County for a longer time than twenty-four hours; except, that the section shall not apply with regard to a motor vehicle or part thereof, appliances, household furnishings and other personal property which is completely enclosed within a building where it is not visible from the street or other public or private property, or to an such motor vehicle which shall be located within the premises of any junkyard complying with the laws of this state relating to the licensing and regulating of motor vehicle junkyards.

Sec. 3-7-24. Abandoned property—Authority for impoundment and disposal.

The sanitary inspector is hereby authorized to contract with private automobile wrecking firms for the removal and impounding of discarded, dismantled, wrecked, scrapped, ruined or junked vehicles, discarded appliances, household furnishings and other personal property. Such vehicles or parts thereof, discarded appliances, household furnishings and other personal property shall be disposed of in accordance with terms and procedures set out in the Official Code of Georgia.

Sec. 3-7-25. Same—Skating on streets prohibited.

It shall be unlawful for any person to participate in any form of skating or roller skates or scooters in or upon the streets of Augusta-Richmond County.

Sec. 3-7-26. Hotels, inns, boardinghouses, etc.—Registration of guests, inspections, etc.

Every person operating a hotel, inn or boardinghouse within Augusta-Richmond County shall provide a book and pen and ink for all persons stopping at such hotel or inn or boardinghouse to register in such book upon entering such hotel, inn or boardinghouse, giving their names and addresses.

Every person operating hotels, inns, boardinghouses and lodging houses within Augusta-Richmond County who takes transient boarders or lodgers shall require every person obtaining lodging or board at such place to write in the registration book required by the preceding paragraph his name in ink, his place of residence and time of registering.

All such boardinghouses taking transient boarders or lodgers as defined in the preceding paragraph shall at all times be subject to inspection by the Sheriff's Department, and it is hereby declared to be the duty of the Sheriff's Department to keep general supervision of and from time to time to inspect all places in Augusta-Richmond County where transient boarders or lodgers are entertained.

Sec. 3-7-27. Same—Registration of bellboys, porters, etc.

The owner, manager or person in charge of any hotel, motel, inn or lodging house employing bell-
boys, porters, elevator operators or house detectives, shall maintain a register or list of such employees, which register shall show the correct name of each such employee, his nickname, his address, the date when such employee first became an employee, the date his employment was terminated, and such other information as the Sheriff’s Department shall require.

Such register shall be available at all times for inspection by the Sheriff’s Department.

Sec. 3-7-28. Iceboxes, refrigerators, etc.—Leaving abandoned, unattended, etc.

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock which may not be released for opening from the inside of such icebox, refrigerator or container. It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap-lock or other device thereon without first removing such snap-lock or doors from such icebox, refrigerator or container. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Sec. 3-7-29. Lewdness, indecent exposure, obscene language, etc.

It shall be unlawful for any person within Augusta-Richmond County, on any street or public place, including hotels, apartment houses and boardinghouses, to engage in any indecent, lewd or immoral act or behavior, or make any indecent exposure of his person, or who shall use obscene, vulgar or profane language.

Sec. 3-7-30. Failure to obey an officer.

Any person found idling, loitering or loafing upon the streets or in any public place of Augusta-Richmond County who refuses, upon demand, to furnish to an officer of the Sheriff’s Department some object of identification such as driver’s license, social security card, charge card or something similar thereto, or who refuses to give his name and address and to explain why he is present, shall be punished as provided herein.

Sec. 3-7-31. Loitering or loafing—Obstructing streets or sidewalks.

Any person who shall loiter on any street, sidewalk or crossing in such a manner as to be an obstruction to free passage thereon, and who shall fail to promptly move on when notified to do so by any officer of the Sheriff’s Department, or by any citizen in front of, or near, whose residence or place of business such loitering is carried on, shall be punished as provided herein.

Sec. 3-7-32. Prohibition—Ticket brokers—Masters Golf Tournament.

Editor’s note—State Laws has pre-empted Augusta’s Ordinance No. 6467, § 1, adopted April 2, 2002, on Master Sales Tickets, Public Events.

Sec. 3-7-33. Marijuana.

(a) It shall be unlawful for any person to manufacture, compound, mix, cultivate, grow or otherwise prepare or produce, sell, barter, smoke, exchange, give away, dispense, distribute, leave with, dispose of, deliver, administer, prescribe or offer to do any of them, possess or have under his control any marijuana, except for bona fide medical or scientific purposes, or for the bona fide purpose of applying marijuana for such medical or scientific purposes.

(b) It shall be unlawful for any person to manufacture, compound, smoke, mix, cultivate, grow or otherwise prepare or produce, or possess or have under his control any marijuana on or near the grounds of any school, college or other educational institution, or any prison, jail, reformatory or other penal or corrective institution, or to sell, barter, exchange, give away, dispense, distribute, leave with, dispose of, deliver, administer, prescribe or offer to do any of them, any marijuana to any person attending any school, college or other educational institution, or to any inmate of any prison, jail, reformatory or other penal or corrective institution.
(c) The provisions of this section shall not apply to common carriers or to warehousemen, while engaged in lawfully transacting their businesses as such, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of marijuana; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

(d) The following words and phrases, as used in this section, shall have the following meanings, unless the context otherwise requires:

1. **Marijuana** includes the following substances, by whatever names they may be designated:
   a. the dried, flowering or fruiting tops of the pistillate plant Cannabis Sativa L., from which the resin has not been extracted.
   b. the resin extracted from such tops, and
   c. every compound, manufacture, salt derivate, mixture of preparation of such resin, or such tops from which the resin has not been extracted.

2. **Medical purposes** include only such uses as may be prescribed or authorized in the course of his professional practice by a person authorized by law to practice medicine, dentistry or veterinary medicine, or by any other person authorized by law to treat sick or injured human beings or animals.

3. **Person** includes any corporation, association, copartnership or one or more individuals.

4. **Scientific purposes** include any use for research, instruction or analysis.

Sec. 3-7-34. Parades—Commercially sponsored parades prohibited on Saturday; exception.

It shall be unlawful for any person to promote, stage or participate in any commercially spon-

Sec. 3-7-35. Impersonation of law enforcement officer.

It shall be unlawful for any person to impersonate or attempt to impersonate or otherwise pass himself off as a law enforcement officer or other person invested by the Commission with the authority of a law enforcement officer.

Sec. 3-7-36. Public monuments—Injuring, defacing, etc.

Any person who shall deface, injure or commit any trespass upon the Confederate Monument on Broad Street between McIntosh and Jackson Streets, or the monument to the signers of the Declaration of Independence on Greene Street in front of the Municipal Building, or the Confederate Cenotaph on Greene Street, between Elbert and Center Streets, or the Powder Works Chimney on the canal, or any other public monument, cenotaph or memorial structure now or hereafter erected in Augusta-Richmond County or who shall deface, injure, or commit any trespass upon the enclosure thereof, or shall enter within such enclosure, without permission shall be punished as provided herein.

Sec. 3-7-37. Trespassing prohibited.

It shall be unlawful for any person to:

(a) Enter or remain upon land or premises of another in defiance of a legal request or order by the owner or some other authorized person;

(b) Enter into or upon land or a building that is posted, locked, or otherwise fenced or enclosed in such a manner that a reasonably prudent person would understand that the owner does not want any such person on the land or in the building;

(c) Climb on any building or other structure belonging to Augusta-Richmond County or under the possession and control of Augusta-Richmond County without hav-
ing first obtained authorization from the Administrator or the Sheriff's Department;

(d) Enter any property belonging to Augusta-Richmond County or under the possession and control of Augusta-Richmond County that is fenced or otherwise designed to exclude intruders or is posted with signs that forbid entry without having first obtained authorization from the Administrator or the Sheriff's Department; or

(e) Enter any motor vehicle of another without permission of the owner; provided, however, that it is a specific defense to a charge under this subsection (3) that the entry was for a brief period of time to secure the vehicle from harm, or was directed or authorized by a public official.

Sec. 3-7-38. Smoking in theaters.

The smoking of cigarettes, cigars, pipes or tobacco in any manner inside indoor motion picture theaters within Augusta-Richmond County, exclusive of the lobbies, approaches or corridors thereto, is prohibited.

Sec. 3-7-39. Smoking and eating on buses operated by transit department.

It shall be unlawful to smoke or eat on the buses operated by the Augusta-Richmond County transit department. Such buses shall be posted with a sign giving notice of the existence of this section.

Sec. 3-7-40. Street signs—Injury or interference with.

The wilful and malicious interference with, injury to or destruction of any street signs within Augusta-Richmond County shall be punished as provided herein.

Sec. 3-7-41. Vagrants, etc.—Generally.

Any able-bodied person who has no visible means of supporting himself and is not engaged in the pursuit of some business or occupation calculated to maintain and support himself, and who shall remain within Augusta-Richmond County after being warned to depart therefrom by the Mayor or Sheriff's Department, shall be punished as provided herein.

Sec. 3-7-42. Vagrants—Bringing into city.

Any person who shall knowingly and willingly bring or introduce, or cause to be brought or introduced, into Augusta-Richmond County any pauper, vagrant or any person not having property to support him, and who is unable or unwilling to work or otherwise support himself, with intent to make such pauper or vagrant or person chargeable upon the charity of Augusta-Richmond County, or the citizens thereof, shall be punished as provided herein.

Sec. 3-7-43. Wells-digging, etc. prohibited; exception.

From and after the passage of the ordinance from which this section derived [April 5, 1982], it shall be unlawful to dig, operate or maintain any well which is not in operation before the adoption of this section within the Urban Services District for the purposes of producing water, except those wells which are recommended to be permitted by the commissioner of public works and approved for drilling or operation by the Commission for the exclusive use of providing water for medical or municipal purposes and subject to approval of the Richmond County Health Department.

Sec. 3-7-44. Penalty.

Any person or persons failing to comply with the lawful provisions hereof or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be punished by a fine in an amount not to exceed one thousand dollars ($1000.00) and/or imprisonment in Augusta-Richmond County jail for a period of not to exceed sixty (60) days.

Sec. 3-7-45. Dangerous or deadly weapons prohibited in airport facility.

It shall be unlawful for any person within Augusta-Richmond County to carry into or possess any bludgeon, metal knuckles, firearms, box cutters, knife designed for the purpose of offense
or defense, or any other dangerous or deadly weapon or instrument of like character in a terminal building of an airport facility under the jurisdiction of the city, except when such un-loaded firearms/weapons or instruments are packaged for shipment and checked as baggage. The licensing of any weapon described above shall not constitute a defense to this offense, except that certified law enforcement officers, judges, magistrates, solicitors and district attorneys may carry pistols in municipal airports, pursuant to O.C.G.A. 16-11-127.
(Ord. No. 6664, § 1, 12-16-03)
Chapter 8

STREETS AND SIDEWALKS

ARTICLE 1 IN GENERAL

Sec. 3-8-1. Trespassing upon railroads.

(a) It shall be unlawful for any person to enter upon the tracks, rights-of-way, yards, piggyback facilities, agencies, buildings or other properties of any railroad company operating in Augusta-Richmond County.

(b) It shall be unlawful for any person to tamper with any railroad switch, wire line or signal or to place any object on the track that would otherwise obstruct the movement or operation of a train.

(c) It shall be unlawful for any person to get on or off any locomotive engine, railroad car, trailer or container; provided that this section shall not apply to on-duty officers, agents or employees of any railroad company operating in the county or those persons conducting bona fide business with the railroad company.

Sec. 3-8-2. Soliciting employment of business prohibited.

No person shall stand on or in proximity to a street or highway in Augusta-Richmond County for the purpose of soliciting employment of business from the owner or operator of any vehicle, except as provided in section 3-5-55.

Sec. 3-8-3. Building material on streets, etc.—Permit required; to be lighted at night.

Any person who shall deposit building materials or appliances in or upon any street or alley without a permit from the public works director, or otherwise than as allowed by such permit, or who shall fail to keep a lamp burning so as to show the situation of such material or appliances from dark to daylight, shall be punished as provided in section 1-6-1.

Sec. 3-8-4. Same—Maximum area which may be occupied, etc.

No permit shall be given under the provisions of the preceding section, nor shall any such permit be valid, to occupy more than one-third of any sidewalk, nor more than five feet of any street outside the curb line. No office or other temporary building shall be permitted in any street.

Sec. 3-8-5. Same—Allowing to remain.

Any person who shall deposit in any street or public alley any shavings, brickbats or other refuse of building materials, and permit them to remain for a longer period than twelve hours, or any owner or contractor who shall fail to remove building material at his own expense, shall be punished as provided in section 1-6-1.

Sec. 3-8-6. Vehicles spilling, etc., Loads.

It shall be unlawful for any person to load, transport or carry anything on any vehicle of any sort used in hauling so as to cause building materials or excavated material from building lots, or any other materials or things hauled by him, to be spilled or thrown upon the streets of Augusta-Richmond County. Should any person driving any vehicle loaded with building materials, excavations from building lots or any other materials or things so haul or move the same as to cause such materials or things to be wasted, spilled or thrown upon the streets of Augusta-Richmond County, such person shall immediately stop the vehicle hauling such materials and shall pick up from the streets any such materials or matter spilled or wasted thereon, so that the street where such matter is spilled or wasted shall be left in as clean condition as the same was before such material or debris was wasted or spilled thereon. Any person violating any of the provisions of this section shall be punished as provided in section 1-6-1.

Sec. 3-8-7. Vehicles and implements injuring streets.

(a) It shall be unlawful for any person to operate or transfer from one place to another any tractor, road machine, steam shovel, concrete mixer, truck or automobile with defective tires,
truck or automobile running on a rim without a tire, or any other machinery or vehicle containing lugs, cleats, chains or any other things coming in contact with the pavement that will injure or have a tendency to injure or make any impression in the pavement on the streets of Augusta-Richmond County. It shall be the duty of the Sheriff's Department to immediately arrest any person operating or transferring a vehicle, road machine, steam shovel, tractor, concrete mixer, truck or automobile violating the provisions hereof, upon discovery of such violation, and to remove such machines from the streets of Augusta-Richmond County.

(b) Any person who shall drag or run any disk, wheel, harrow or other vehicle, implement, tool or machine, liable to cut or in any way injure the surface of any asphalt pavement or macadamized or otherwise improved street upon such pavement or street whereby the same may be injured shall be punished as provided in section 1-6-1.

(c) No tractor or any other motor vehicle of any description equipped with lugs shall be operated, driven, towed or in any manner propelled on any paved street within Augusta-Richmond County, and any person operating or responsible for the operation of such vehicle in violation of this provision shall be punished as provided in section 1-6-1.

Sec. 3-8-8. Discharge of stormwater upon sidewalks.

The stormwater from the roofs of buildings, etc., shall be conducted through the gutter or sewer under the sidewalk, and not be allowed to be discharged upon the sidewalk.

Sec. 3-8-9. Obstructing drains with stones, dirt, etc.

Any person who shall throw or place in the drain along the face of any curbing of any street or gutter any bricks, stones, dirt, wood or anything whatsoever that will or may obstruct the free flow of water therein shall be punished as provided by section 1-6-1; provided, however, that property owners or tenants shall have forty-eight hours after notice in which to repair any defect in a bridge from street to curbing, and to remove any obstruction therefrom.

Sec. 3-8-10. Swinging gates.

It shall be unlawful to hang a gate facing on any street or public alley otherwise than so as to open inside the lot, or to allow any gate opening out on a street or public alley to remain open longer than necessary for ingress and egress to and from the lot.

Sec. 3-8-11. Sidewalk encroachments.

(a) There shall be no physical encroachments or conduct of business on public sidewalks in Augusta-Richmond County, except where buildings on lots which adjoin such public sidewalks are set back ten (10) feet or less from the right-of-way line upon which such sidewalks are located. On the sidewalks in front of such lots there is hereby designated a sidewalk encroachment zone defined as follows:

No more than five (5) feet, or \( \frac{2}{3} \) of the distance from the front property line provided, however, a minimum of five (5) feet shall be provided at all times for continuous, unobstructed pedestrian traffic on the sidewalk between the sidewalk encroachments and the curb or nearest obstacle.

The following items may be placed within the sidewalk encroachment zone directly in front of such lots, subject to the other provisions of this section: sandwich board type signs (not to exceed twelve (12) square feet in area nor five (5) feet in height, nor be less than three (3) feet in height); tables and chairs; planters; benches; trash receptacles; and merchandise which, by local community standards, is not deemed to be objectionable, vulgar, distasteful, obscene or offensive.

(b) All items placed on public sidewalks except large planters and trash receptacles shall be removed daily from the sidewalk after normal business hours. No items may be placed on public sidewalks that have not been approved by the Augusta-Richmond County Planning Commis-
sion. Such approval shall be in the form of an annual permit obtained from the Planning Commission.
(Ord. No. 6319, § 1, 10-17-00)

Sec. 3-8-12. Obstructing streets, etc., With temporary or permanent structures.

It shall be unlawful for any person to place any obstruction whatsoever upon any streets, parkways or greens, boulevards or highways of the city as a temporary or permanent structure, for any purpose whatsoever, without a permit to do so. Every person guilty of a violation of this section shall be punished as provided in section 1-6-1.

Sec. 3-8-13. Moving buildings through streets.

No person shall move any building through the streets of the city without first obtaining the approval of the building inspector and the Sheriff's Department and paying a fee of fifty dollars ($50.00) to the building inspector; provided, that the building inspector and the Sheriff's Department shall not be authorized to grant permission to move any building over twenty-five feet wide or over fifty feet long or over fifteen feet high from the ground unless in their opinion the route to be traveled can be used without seriously hampering the movement of traffic and without injuring public or private property.

Sec. 3-8-14. Trees, etc., Obstructing view of street intersections and fire hydrants; duty of sheriff's department to make study.

Traffic Engineering shall make a study of intersections of the various streets of Augusta-Richmond County and determine the intersections that trees, shrubbery and hedging protrude over on the sidewalks of the city and thereby obstruct the view of traffic and pedestrians using the streets and sidewalks, thereby making such intersections a nuisance and a hazard to life and property. Traffic Engineering shall also make investigation and determine all trees, shrubbery, hedging, etc., that may interfere with the proper operation of fire hydrants in Augusta-Richmond County.

Sec. 3-8-15. Same—Determining intersections, etc., To be hazardous; notice to owner to remove trees, etc.

Upon Traffic Engineering having determined any intersection to be hazardous to life and property, under the provisions of the preceding section, in the use of streets and sidewalks by the public, or that trees, hedging, shrubbery, etc., may interfere with the operation of fire hydrants by the fire department of Augusta-Richmond County, he shall notify the owner of the property having trees, shrubbery, hedging, etc., at such intersection or having trees, hedging, shrubbery, etc., that may interfere with the operation of such fire hydrants, to remove such trees, shrubbery, hedging, etc., which notice shall provide that such removal shall be accomplished within ten days from the date of such notice.

Sec. 3-8-16. Same—Failure of owner to comply with notice; penalty; form of judgment.

It shall be unlawful for any person to refuse to comply with any notice of Traffic Engineering, under the provisions of the preceding section, and should any person fail to comply with same within the ten days as provided in such notice by Traffic Engineering, then the case shall be made against such person.

Sec. 3-8-17. Skateboards, skates, and in-line skates regulated; prohibited on certain streets.

(a) The use of skateboards and skates is prohibited on any street, alley, sidewalk, park, median or parking area within the area between the Levee and Walton Way lying between 15th Street and 4th Street, except that nothing herein contained shall be construed to prohibit the use of in-line skates as a method and means of transportation, but such in-line skaters must at all times exercise care so as not to endanger the lives, safety or property of pedestrians, store keepers,
vehicular traffic and/or other citizens of Augusta-Richmond County, and must obey all rules applicable to pedestrians, and all sections of this Ordinance.

(b) Each in-line skater is solely responsible for knowing the range of his own ability to negotiate any street, alley, sidewalk, park, median or parking area and to skate within the limits of such ability. Each in-line skater has the duty to maintain control of his speed and course at all times when skating, and to maintain a proper lookout so as to be able to avoid pedestrians, vehicles, objects and/or other skaters or travelers. Each in-line skater has the duty to heed all posted information, rules and/or signals and to refrain from acting in a manner which may cause or contribute to injury of pedestrians, vehicles, objects and/or other skaters or travelers. No in-line skater shall travel on any street, alley, sidewalk, park, median, parking area or other public thoroughfare while under the influence of alcohol and/or any drug and/or controlled substance as defined in O.C.G.A. § 16-13-21, to the extent that it is less safe for the person to operate, steer, manipulate or otherwise be in actual physical control of said in-line skates.

(c) The use of skateboards and skates, including in-line skates, is prohibited on private property in Richmond County without the permission of the owner or tenant in lawful possession of said private property.

(d) Any person found in violation of any provision of this Ordinance shall be punished as a misdemeanor.

(e) This Section shall become effective on April 9, 1997.

(f) Any person violating this section shall be punished as provided in section 1-6-1 of this Code.

Secs. 3-8-18—3-8-25. Reserved.
TITLE 4

PUBLIC HEALTH

Article 1  In General
Sec. 4-1-1. Short title.
Sec. 4-1-2. Creation of Animal Control Department; duties of Animal Control Officers—Generally.
Sec. 4-1-3. Organization.
Sec. 4-1-4. Implementation of State dangerous dog control law.
Sec. 4-1-5. Riding horses, etc., in disorderly manner.
Sec. 4-1-6. Duties and responsibilities of board members.
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Sec. 4-1-17. Vaccination; when required.
Sec. 4-1-18. Evidence of vaccination.
Sec. 4-1-19. Identification and vaccination tag to be worn.
Sec. 4-1-20. Unauthorized attachment and removal of tags, collars.
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Sec. 4-1-22. Dogs on public streets to be on leash, etc.
Sec. 4-1-23. Impounding dogs and cats at large.
Sec. 4-1-24. Impounding dogs and cats where owner unknown.
Sec. 4-1-25. Disposition of impounded animals.
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Article 5  Sterilization of Dogs and Cats
Sec. 4-1-71. Definitions.
Sec. 4-1-72. Sterilization required; exceptions.
Sec. 4-1-73. Failure to comply.
Article 1. In General

Sec. 4-2-1. Smoking prohibited in Augusta-Richmond County buildings.
Sec. 4-2-2. Unlawful dumping of debris; harborage of rats or other rodents; accumulation of weeds and noxious vegetation on vacant lots and unoccupied parcels of land.
Sec. 4-2-3. Dumping of garbage and refuse collected outside county at county landfill.
Sec. 4-2-4. Trespassing, scavenging on landfill prohibited.
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Sec. 4-2-8. Certain deposits prohibited; exception.
Sec. 4-2-9. Littering streets and sidewalks prohibited.
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Sec. 4-2-11. Keeping crates, boxes, etc., on streets and sidewalks prohibited; exception.
Sec. 4-2-12. Churches and public places; littering and spitting prohibited.
Sec. 4-2-13. Distributing handbills and advertising matter in automobiles, on private property prohibited; exceptions.
Sec. 4-2-14. Transporting refuse in vehicles regulated.
Sec. 4-2-15. Duty of owner, occupant, etc., to keep property litter free.
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Sec. 4-2-21. Garbage storage areas to be kept clean.
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Sec. 4-2-25. Violations; penalties.
Sec. 4-2-26. Unauthorized interference with receptacles or contents.
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Article 3. Garbage Collection in Urban Services District

Sec. 4-2-37. Definitions.
Sec. 4-2-38. Accumulation of garbage, etc.—Generally.
Sec. 4-2-39. Collection days.
Sec. 4-2-40. When garbage to be placed at curb; no backyard garbage pickup.
Sec. 4-2-41. Paper, pasteboard boxes, etc. required to be flattened for collection.
Sec. 4-2-42. Same—Permit for removal.
Sec. 4-2-43. Reserved.
Sec. 4-2-44. Containers and receptacles—Generally.
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Article 6. Scrap Tire Management
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Sec. 4-2-73. Scrap tire storage, handling, and disposal—General.
Sec. 4-2-74. Accumulation
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Chapter 1

ANIMALS AND FOWL

ARTICLE I IN GENERAL

Sec. 4-1-1. Short title.

This chapter may be cited as the Animal Control Ordinance of Augusta-Richmond County.

Sec. 4-1-2. Creation of animal control department; duties of animal control officers—Generally.

The Augusta-Richmond County Animal Control Department is hereby established, and the Commission shall employ the necessary animal control officers to administer and enforce the provisions of this Chapter. The animal control officers shall have the authority to issue citations for violations of this Chapter and perform such other duties as are prescribed herein. An animal control officer shall wear a numbered badge identifying him as an animal control officer.

Sec. 4-1-3. Organization.

The person in charge of the Augusta-Richmond County Animal Control Department shall be known as the director. The director shall enforce the provisions of this Chapter, and he or his duly authorized representative shall perform any duty imposed upon him by this Chapter.

(a) **Director.** The director may appoint such numbers of officers and other employees as shall be authorized to carry out the duties of the department.

(b) **Assistant director.** The director may designate an assistant director in the department, who shall, during the absence or disability of the director, exercise all the powers of the director.

- a. Dr. Gary Wilkes
- b. VACANT
- c. Mary Walker
- d. Elfriede B. Baggs
- e. Lynn Brown

Sec. 4-1-4. Implementation of state dangerous dog control law.

(a) **Designation of dog control officer.** Pursuant to the provisions of the Dangerous Dog Control Law of the State of Georgia (Ga. L. 1988, p. 824), the director of animal control of Augusta-Richmond County is hereby designated dog control officer and shall administer and enforce the provisions of the Dangerous Dog Control Law.

(b) **Animal control board.** There is hereby created an animal control board of ten (10) members (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be appointed for terms of four (4) years, to conduct hearings as required by O.C.G.A. § 4-8-24; provided, however, the initial appointments shall be made as follows:

1. Except as provided herein, members of the animal control board and dangerous dog board of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.

2. Members of the Animal Control Advisory Board and the Dangerous Dog Control Board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:

- District 1
- District 2
- District 3
- District 4
- District 5
f. Dr. Lamar T. Walker  
g. Carolyn Ann Marks  
h. Linda Workman Bragg  
i. Eleanor B. Shepherd  
j. VACANT

(3) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.

(4) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.

(5) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 3 and 4 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(6) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(7) All terms shall expire on March 30 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(e) Fee for ownership of dangerous dog. The owner of a dangerous dog or potentially dangerous dog shall pay an annual fee to Augusta-Richmond County in the amount of one hundred dollars ($100.00).

Sec. 4-1-5. Riding horses, etc., in disorderly manner.

It shall be unlawful for any person to run or ride any horse, mule or other animal in a disorderly manner through the streets of Augusta-Richmond County.

Sec. 4-1-6. Duties and responsibilities of board members.

Members of the Animal Control Board shall have as their duties and responsibilities, in addition to administering the Dangerous Dog Control Law, as provided in Section 4-1-4 hereof, the following:

(a) To work actively in educating the public as to the need for sterilization of dogs and cats;

(b) To review and make recommendations to the Augusta-Richmond County Commission through the Administrator concerning the job performance of the Director of the Animal Control Department;

(c) To review and make recommendations to the Augusta-Richmond County Commission through the Administrator concerning the budgets and fiscal needs of the animal control department;

(d) To attend meetings of the Animal Control Board;

(e) To review and make recommendations to the Augusta-Richmond County Commission concerning the policies governing the operation of the Animal Control Department, including rules and regulations for the operation of animal shelter facilities consistent with rules and regulations of the Georgia Department of Agriculture;

(f) To review and make recommendations to control the animal population; and

(g) To notify the appropriate authorities of a vacancy on the Animal Control Board so that a person may be appointed to complete unexpired or full terms.

(Ord. No. 6254, § 1, 4-4-00)

Secs. 4-1-7—4-1-15. Reserved.
ARTICLE 2. ANIMALS

Sec. 4-1-16. Definitions.

(a) Domestic animals. Dogs and cats and others that live and breed in a tame condition.

(b) Livestock. All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals.

(c) Own. To have legal ownership of, or to possess, keep, have custody or control over, or harbor.

(d) Owner. Any person, association, firm or corporation, natural or artificial, owning, possessing, having custody of or control or authority over, or harboring any domestic animal or livestock.

(e) Public roads. Any street, road, highway, or way, including the full width of the right-of-way, which is open to the use of the public for vehicular travel.

(f) Running at large or straying. Any animal which is not under manual control of a person or in an authorized off-leash Dog Park and which is on any public road or street of Augusta-Richmond County, or on any property not belonging to the owner of the animal, unless by permission of the owner of such property.

(g) Urban services district. That area coterminous with the boundaries of former City of Augusta, Georgia as said boundaries existed as of December 31, 1995.

(h) Dog Park. A Dog Park recognized and operated as a secure place where dogs are allowed to play without a leash, so long as Handlers of such dogs comply with Dog Park Rules.

(i) Handler. Anyone, owner or other, responsible for a dog(s) utilizing the off-leash area of a Dog Park. A Handler must be age eighteen (18) or older.

(Ord. No. 7041, § 1, 4-1-08)

Sec. 4-1-17. Vaccination; when required.

(a) No owner shall own any dog or cat over four (4) months of age within Augusta-Richmond County unless such dog or cat is vaccinated. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government-operated or licensed animal shelter. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization published by the National Association of State Public Health Veterinarians.

(b) No person shall vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine.

Sec. 4-1-18. Evidence of vaccination.

(a) Certificate of vaccination. Evidence of vaccination shall consist of a certificate of vaccination. The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering the vaccine. One (1) copy of the certificate shall be given to the owner, one (1) copy filed with the Richmond County health department, and one (1) copy retained by the veterinarian. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization published by the National Association of State Public Health Veterinarians. The certificates of vaccination furnished to the Richmond County health department shall be maintained in an orderly indexed file for a period of not less than three (3) years.

(b) Vaccination tags. Coincident with the issuance of the certificate of vaccination, the person authorized to furnish the certificate shall also furnish to the owner of the vaccinated dog or cat a serially numbered tag bearing the same number as the certificate and the year thereon to be attached to the collar or harness worn by the dog or cat for which the certificate has been issued.

(c) Where three-year vaccine used. When the animals have been vaccinated with a three-year rabies vaccine, the director may issue or cause to be issued an annual certificate of vaccination and a rabies vaccination tag each year for the two (2) additional years of the three-year vaccination period provided the Richmond County health department's file copy of the certificate of vaccination shows that the animals have been given a three-year rabies vaccine; in the event the Rich-
Sec. 4-1-18. Identification and vaccination tag to be worn.

(a) Collar required. It shall be unlawful for the owner of any dog in Augusta-Richmond County to allow such dog to be without a collar which shall have attached a valid vaccination tag, as required by this Chapter and an identification showing the name and address of the owner of the dog.

(b) Duty of owner to provide collar. It shall be the duty of each dog owner to provide a collar with identification as provided herein and inoculation tag for each dog, except when such dog is under immediate control of the owner or is participating in a dog show or exhibition.

Sec. 4-1-20. Unauthorized attachment and removal of tags, collars.

It shall be unlawful for any person to attach a vaccination tag to any dog for which it was not issued, or to remove a vaccination tag or collar from a dog without the consent of its owner or custodian.

Sec. 4-1-21. Duty of owner to keep dog and cat under control; stray animals prohibited.

It shall be unlawful for any animal to be out of control and/or unattended off the premises of its owner, and/or upon the premises of another person without the permission of such other person. This section shall not apply to those dogs which are actively engaged in hunting or field trials, dogs in off-leash Dog Parks or to those dogs and cats which are participating in animal shows or exhibitions.

Sec. 4-1-22. Dogs on public streets to be on leash, etc.

It shall be unlawful for any dog to be upon the public streets, except on a leash and accompanied by an individual, or except when enclosed within a vehicle, cage, carton, crate, box or other suitable container to prevent escape.

Sec. 4-1-23. Impounding dogs and cats at large.

Any and all dogs and cats found running at large upon public places (other than Dog Parks) or found on the premises of another in violation of this Article shall be immediately impounded by the Animal Control Department of Augusta-Richmond County.

Sec. 4-1-24. Impounding dogs and cats where owner unknown.

In the event the owner of a dog or cat is not known and such animal is upon the streets, alleys, sidewalks, school grounds, public places, or premises of another, any law enforcement officer or agent or employee duly authorized by Augusta-Richmond County shall be authorized to take possession of such dog or cat and impound it in Augusta-Richmond County Animal Control Department shelter for detention, control and disposition as provided in this Article.

Sec. 4-1-25. Disposition of impounded animals.

(a) Impounded animals. If any animal be seized or impounded at the Augusta-Richmond County Animal Control Department Shelter, the officers, agents and employees of the shelter shall notify by telephone the owner of such animal, if known or if the owner can be reasonably ascertained, that the animal has been impounded. The owner of any animal impounded may, within five (5) days after impoundment of such animal, reclaim the animal upon payment for the period of time the animal is impounded, including payment for any treatment rendered to said animal.

(b) Adoption of animals impounded. In the event an animal is not claimed within the time provided herein, the Augusta-Richmond County Animal Control Department may offer for adoption, by any person, any animal unredeemed or unclaimed by the owner, upon payment of an adoption fee. The person adopting an animal shall
carry the animal to a licensed veterinarian for treatment and rabies vaccination within five (5) days of adoption.

(c) Unclaimed animals. If an animal is not reclaimed by the owner within the time prescribed herein or adopted out, then the Augusta-Richmond County Animal Control Department shall be authorized to dispose of said animal in as humane and painless a manner as possible. Such animal, if not claimed or adopted as provided, may be donated to any public or private institution for disposition.

(d) Injured animals. In the event that an animal is impounded which is injured beyond hope of any recovery, it shall be within the discretion of the director to destroy said animal.

Sec. 4-1-26. Abandonment.

(a) No person shall release an animal on any property, public or private, with the intention of abandoning the animal.

(b) No person shall intentionally abandon a dead animal on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the animal is being left.

(c) No person shall abandon a dead animal on any public property or public right-of-way unless the place on which the animal is being left is an approved sanitary landfill or other facility designed for receiving such and has been designated by the Augusta-Richmond County Commission as a public facility for receiving trash or refuse.

Sec. 4-1-27. Cruelty.

(a) Prohibited. No person shall, by his act, omission or neglect, cause unjustifiable physical pain, suffering or death to any living animal. This section does not apply to killing of animals raised for the purpose of providing food, nor does it apply to any person who hunts wild animals in compliance with the game and fish laws of this state. Killing or injuring an animal for humane purposes or in the furtherance of medical or scientific research is justifiable.

(b) Permitted acts. No person shall perform a cruel act on any animal, nor shall any person harm, maim or kill any animal, or attempt to do so; except that a person may:

1. Defend his person or property or the person or property of another from injury or damage being caused by an animal; or
2. Kill any animal causing injury or damage to livestock or poultry.

(c) Physical abuse. It is unlawful for any person to willfully or maliciously kill; maim; disfigure; torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance; drive over or otherwise cruelly set upon any animal; except that reasonable force may be employed to drive off vicious or trespassing animals.

(d) Failure to care for and maintain. It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal and which meets all requirements established by the Health Department regarding same.

(e) Keeping diseased or crippled animal. It is unlawful for any person to have, keep or harbor any animal which is infected with any dangerous disease or any incurable, painfully crippling condition. The Animal Control Department may impound such diseased or painfully crippled animal, and all such animals impounded may be destroyed as humanely as possible as soon thereafter as conveniently possible. In the case of destruction of such animal, the Animal Control Department shall not be required to give any notice. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.

(f) Authority of Animal Control Department in case of animal neglect. Whenever the Animal Control Department finds that any animal is or will be without proper care because of injury, illness, incarceration or other voluntary absence
of the owner or person responsible for the care of such animal, the Animal Control Department may pick up such animal for protective care; and in the event of sickness or injury, the Animal Control Department may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal. In the event such animal is later released, in the discretion of the Animal Control Department, to its owner, said owner shall be required to reimburse the Animal Control Department for any expenses incurred in taking any action to care for said animal.

Sec. 4-1-27. Killing, etc., wild or migratory birds.

It shall be unlawful for any person to maim, kill or in any manner injure any wild or migratory bird within the Urban Services District.

Sec. 4-1-28. Permitting female dog in heat to roam free.

All female dogs in heat shall be restrained such that they cannot roam or run free beyond the limits of the property of their owners. It shall be unlawful for the owner or person responsible for the care of such animal not to so restrict or confine said female dog.

Sec. 4-1-29. Disposal of dead animals and fowl.

(a) It shall be unlawful to throw or place any dead fowl or animal on the streets or alleys of Augusta-Richmond County. Such fowl or animal, where size will permit, shall be placed in a covered receptacle and the sanitary department notified immediately.

(b) It shall be unlawful for the owner of any dead animal carcass to allow the same to remain in Augusta-Richmond County without disposing of same as provided for herein. Such owner shall immediately dispose of the same. If any such owner violates this section, the Commission, through its agents and employees, shall proceed to remove and dispose of such dead animal carcass, and the owner shall be liable to the Commission and shall pay to Augusta-Richmond County the sum of twenty dollars for such removal and disposal.

Sec. 4-1-30. Urban services district declared bird sanctuary.

The territory within the Urban Services District is hereby declared to be a bird sanctuary.

Sec. 4-1-31. Killing, etc., wild or migratory birds.

It shall be unlawful for any person to maim, kill or in any manner injure any wild or migratory bird within the Urban Services District.

Sec. 4-1-32. Trapping wild birds; robbing nests.

It shall be unlawful for any person to trap any mocking bird or any other wild bird, or rob the nests thereof of eggs or young, in any of Augusta-Richmond County cemeteries or upon or around the basin, reservoir or pumping station of the waterworks, or elsewhere within the Urban Services District.

Sec. 4-1-33. Fowl running at large.

It shall be unlawful for chickens, geese, ducks or other fowl to run at large upon the streets or in the confines of public or private parks of Augusta-Richmond County.

Sec. 4-1-34. Dog Parks and Dog Park rules.

Anyone using any Augusta-Richmond County Dog Park must comply with the Dog Park Rules provided in this code section as well as any other Dog Park Rules posted at a particular Dog Park facility. It shall be unlawful for anyone to violate Dog Park Rules. Anyone who fails to comply with Dog Park Rules is subject to removal and suspension from all Dog Parks. In addition, any person or persons failing to comply with any Dog Park rules shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be subject to the penalties provided by Code section 1-6-1. Dog Park rules are as follows:

(a) Dog Parks shall only be used during normal hours of operation.

(b) Handlers who chose to off-leash their dog (at their own risk) may do so in the designated area of the park only.

(c) Handlers must be at least eighteen (18) years old.

(d) Handlers are legally and personally responsible for all damages/injury caused by the dog under their control.
(e) All Dog Parks shall be equipped with a double gate entrance, such that dogs cannot sneak out of the Dog Park while Handlers come in and out of the Dog Park. All persons entering a Dog Park must keep Dog Park gates closed at all times.

(f) Handlers must clean up after their dog and properly dispose of waste.

(g) Dogs must have current rabies vaccinations and wear current tags.

(h) Off-leash Dog Park is for dogs, Handlers and those accompanying them; no other use is allowed.

(i) No animals other than dogs are permitted in the Dog Park.

(j) Dogs must be leashed when entering and existing any Dog Park. Handlers must carry a leash at all times while in a Dog Park.

(k) Handlers must remain in the Dog Park and monitor their dog’s behavior and stay within view and voice command at all times.

(l) Aggressive dog behavior is not allowed. Any dog exhibiting aggressive behavior toward people and other dogs is to be leashed and removed from the park immediately.

(m) Handlers must stop their dogs from digging immediately and fill in all holes.

(n) Female dogs “in heat” are not permitted in any Dog Park.

(o) Children under sixteen (16) must be accompanied by an adult. Children should not run with the dogs or chase them while in a Dog Park. Dog Parks are playgrounds for dogs, not children.

(p) Each adult Handler may bring a maximum of two (2) dogs into a Dog Park at the same time.

(q) Puppies under 4 months of age are prohibited from the Dog Parks.

(r) Smoking is prohibited in all areas of all Dog Parks.

(s) All food (human and dog) are prohibited except for training treats.

(t) All glass containers and bottles are prohibited.

(u) Alcoholic beverages are prohibited at all times.

(v) Grooming of dogs at dogs parks is prohibited.

(w) All spike collars must be removed prior to entry into any Dog Park.

(x) All Augusta-Richmond County Dog Parks are subject to patrol by police authorities, animal services and City Staff.

(y) Dogs are not allowed in the water features, ponds or fountains of any Dog Park, unless it is specifically designated for dogs to use.

(Ord. No. 7041, § 2, 4-1-08)

Sec. 4-1-35—4-1-50. Reserved.

ARTICLE 3 LIVESTOCK

Sec. 4-1-51. Stock pens, etc., allowed by permission of Board of Health only; removal and abatement.

It shall be unlawful for any person to establish, keep or maintain any stock pen, or place of like character, for stock, cattle, hogs, sheep or goats, or any like purpose, in the Urban Services District, except by the permission and under the direction of the Board of Health. In place of any action imposing a fine, any court with jurisdiction to enforce this code may, acting under the provision made in O.C.G.A. § 41-2-5, order the abatement of such stock pen or like place. No case shall be tried under this section except upon institution and prosecution of it by the Board of Health.

Sec. 4-1-52. Livestock running at large or stray.

It shall be unlawful for any livestock to run at large or to stray upon the public roads of Augusta-Richmond County or any property not belonging to the owner of the livestock, except by permission of the owner of such property.
Sec. 4-1-53. Impoundment of livestock straying.

(a) It shall be the duty of the Augusta-Richmond County Animal Control Department officers to impound livestock found to be running at large or straying. Owners or operators of a farm may also impound such livestock, provided that
the livestock is kept in a suitable place and cared for properly. Such owners or operators shall receive the feed and care fee for such animal.

(b) If the owner or operator of a farm impounds livestock, it shall be his duty to notify the owner of such livestock immediately. If the owner of the livestock is unknown and is not determined within three (3) days, the person who impounds the livestock shall notify the Augusta-Richmond County Animal Control Department of such impoundment, and the Animal Control Department shall transport the livestock as soon as possible to a suitable place and care for it properly, with the owner responsible to Augusta-Richmond County for the feed and care fee for such animal.

Sec. 4-1-54. Notice of impoundment of livestock.

Upon the impounding of any livestock by the Augusta-Richmond County Animal Control Department, said department shall notify the owner, advising such owner of the livestock that the animal is impounded at the shelter, the amount due as a result of such impounding, and that unless such livestock is redeemed within five (5) days from date of impoundment the livestock shall be offered for adoption. In the event the owner of such livestock is unknown or cannot be found, service upon the owner shall be obtained by publishing a notice one (1) time in a newspaper of general circulation where the livestock is impounded.

Secs. 4-1-55—4-1-60. Reserved.

ARTICLE 4 ENFORCEMENT

Sec. 4-1-61. Penalty.

Any person or persons failing to comply with the lawful provisions of this chapter or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be subject to the penalties provided by Sec. 1-6-1.

Sec. 4-1-62—4-1-70. Reserved.

ARTICLE 5. STERILIZATION OF DOGS AND CATS

Sec. 4-1-71. Definitions.

As used in this article, the term:

(a) Animal shelter. Any facility operated by or under contract for the state or any county, municipal corporation, or other political subdivision of the state for the purposes of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

(b) Humane society. Any unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.

(c) Public or private animal refuse. Harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.

(d) Sexually mature animal. Any dog or cat that has reached the age of one hundred eighty (180) days or six (6) months or more.

(e) Sterilization. The surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Sec. 4-1-72. Sterilization required; exceptions.

(a) Any public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or
private animal refuse shall make provisions for the sterilization of all dogs or cats acquired from such shelter, agency, society, or refuge by:

1. Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

2. Entering into a written agreement with the person acquiring such animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty (30) days after acquisition of such animal in the case of an adult animal or within thirty (30) days of the sexual maturity of the animal in the case of an immature animal; provided, however, that the requirements of this Code section shall not apply to any privately owned animal which any such shelter, agency, society, or refuge may have in its possession for any reason if the owner of such animal claims or presents evidence that such animal is the property of such person.

(b) All costs of sterilization pursuant to this Chapter shall be the responsibility of the person acquiring such animal and, if performed prior to acquisition, may be included in any fees charged by the shelter, agency, society, or refuge for such animal.

(c) Any person acquiring an animal from a public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuse, which animal is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal refuge a signed statement from the licensed veterinarian performing the sterilization required by paragraph (2) of subsection (a) of this Code section within seven (7) days after such sterilization attesting that such sterilization has been performed.

(d) Every public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuse selling or offering for sale or exchange any dog or cat shall maintain and furnish to any person acquiring an animal from such shelter, agency, society, or refuge a current list of veterinarians licensed in this state who have notified the shelter, agency, society, or refuge that they are willing to perform sterilizations and the cost for such procedures.

Sec. 4-1-73. Failure to comply.

It shall be a misdemeanor to fail or refuse to comply with the requirements of Sec. 4-1-72 and any person convicted of said misdemeanor shall be subject to a fine not to exceed two hundred dollars ($200.00).
Chapter 2

HEALTH AND SANITATION

ARTICLE 1. IN GENERAL

Sec. 4-2-1. Smoking prohibited in Augusta-Richmond County buildings.

(a) Definitions. For purposes of this section, the following definitions shall apply:

(1) **Public building.** Any enclosed building, structure or indoor facility owned, operated, leased or managed by Augusta-Richmond County which is used by or open to the public, including without limitation, public transportation, enclosed areas occupied by Augusta-Richmond County staff, open office areas, shared offices, private offices, hallways, restrooms, escalators, elevators, stairways, lobbies, reception and waiting rooms, classrooms, meeting or conference rooms and auditoriums, on-site cafeterias, lunchrooms, lounges and any facility, school or educational institution being used by Augusta-Richmond County for the purpose of providing classroom instruction.

(2) **Smoking.** Inhalation, exhalation, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.

(b) No person shall smoke in any public building as defined in this section.

(c) Nothing in this section shall be deemed, interpreted, or construed to permit smoking in any public place or area where smoking is prohibited or restricted by other applicable law.

(d) No Smoking signs with letters of not less than one (1) inch in height shall be conspicuously posted in every building, structure or facility where smoking is prohibited by this section by the operator, manager or other person having control of such building, structure, facility or other place.

(e) If any provision of this section or the application thereof to any person or circumstances are held to be invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are severable.

(f) Any person or persons failing to comply with the lawful provisions hereof or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be subject to the penalties provided by section 1-6-1.

Sec. 4-2-2. Unlawful dumping of debris; harborage of rats or other rodents; accumulation of weeds and noxious vegetation on vacant lots and unoccupied parcels of land.

(a) **Prohibition.** No owner of any vacant lot or parcel of land within Augusta-Richmond County shall permit or allow the harborage of rats or other rodents, debris to be dumped or old lumber and building material to be piled thereon, nor shall he permit or allow grass, weeds, vines, underbrush or other growth to grow or accumulate thereon, or on the area between the lot or parcel of land and the street curb, so as to constitute an unclean, unhealthy, unsanitary, unsightly, filthy, dangerous, objectionable or offensive condition.

(b) **Abatement.** Whenever the code enforcement officer discovers that the provisions of the subsection (a) are being violated, he shall give the owner, his agent or other representative ten (10) days' written notice by mail, directed to his last-known address, that the condition shall be remedied within ten (10) days; and if, after the expiration of the ten (10) days the condition is not remedied, the zoning enforcement officer shall cause the work to be done and tax the cost of the work against the owner and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property, and the delinquent tax collector shall issue a fi. fa. in the name of Augusta-Richmond County, acting by and through its Commission, for the cost, and
levy the f. fa. upon, and expose for sale, the
property in the same manner as levies and sales
under tax f. fas. are now executed.

(c) Violation; penalty. In addition to causing
the condition of the property to be remedied as
authorized in subsection (b), in the event that the
condition is not remedied by the owner at the
expiration of ten (10) days, the zoning enforce-
ment officer shall make a case against the offend-
ing party and upon trial and conviction thereof,
the offending party shall be subject to the penal-
ties provided by section 1-6-1.
(Ord. No. 6718, § 1, 9-4-04)

Sec. 4-2-3. Dumping of garbage and refuse
collected outside county at county
landfill.

(a) Prohibited. It shall be unlawful for any
person to dump garbage and refuse at the Augusta-
Richmond County landfill, owned and operated by
Augusta-Richmond County, Georgia, when said
garbage or refuse was not collected in Richmond
County, Georgia, except pursuant to written con-
tract or prior approval by the Augusta-Richmond
County Administrator.

(b) Penalty for violation of section. Any person
who shall violate this section shall be charged
with each and every violation, and upon trial and conviction, shall be subject to the penalties pro-
vided in Sec. 1-6-1.

Sec. 4-2-4. Trespassing, scavenging on land-
fill prohibited.

(a) No person shall knowingly and without
authority enter upon the land or premises, now or
in the future, designed as an Augusta-Richmond
County landfill site without the express permis-
sion of the director of the landfill or his delegate;
nor shall any person knowingly and without au-
thority remain upon the land or premises, now or
in the future, designed as a landfill site, after the
permission of the director of the landfill or his
delegate has been withdrawn.

(b) No person shall knowingly and without
authority remove any materials from the land or
premises now or in the future designed as a
landfill site, including but not limited to material
constituting residential and commercial solid waste,
trash, tin cans, glass bottles, garbage, rubbish,
discarded materials, sand, gravel, slag, or other refuse.

(c) Any person or persons failing to comply
with the lawful provisions of this section or any
act prohibited hereby or failing to do any act
mandated hereby shall be guilty of an offense and
upon trial as a misdemeanor and conviction, shall
be subject to the penalties provided in Sec. 1-6-1.

Sec. 4-2-5. Refuse acceptable for disposal at
solid waste landfill.

(a) The following refuse shall be considered to
be acceptable for disposal by the county:

(1) Garbage. Putrescible animal and vegeta-
ble wastes resulting from the handling,
preparation, cooking and/or consumption
of foods.

(2) Ashes. The residue from the burning of
wood, coal, coke or other materials.

(3) Rubbish. Non-putrescible solid wastes ex-
cluding ashes, consisting of paper, card-
board, tin cans, yard clippings, wood, glass,
bedding, crockery, metals and any tree
trunks, limbs or other wood products,
provided that any such items larger than
four (4) inches in diameter, shall be cut
into four-foot lengths.

(4) Dead animals. Small dead animals, not
exceeding seventy-five (75) pounds in
weight, which die in the normal course of
community activity, excluding condemned
animals, shall be accepted at the disposal
site upon request.

(b) The following refuse shall be considered to
be unacceptable for disposal by the county:

(1) Dangerous materials or substances, such
as poisons, acids, caustics, infected mate-
rials and explosives.

(2) Unusual quantities of materials resulting
from the repair, excavation or construc-
tion of buildings or structures, such as
earth, plaster, mortar and roofing materi-
als.
(3) The solid wastes resulting from industrial processes.

(4) Solid waste that has been burned and has any evidence of smoke, spark or fire remaining.

(5) Sealed drums. Each drum must have an open top for inspection. No drum for liquid storage will be accepted for disposal.

(c) A separate area shall be provided at the landfill for the disposal of stumps, logs, other building materials, and tires that cannot be deposited in the regular landfill site.

(d) All industrial, governmental and commercial waste haulers shall place a decal furnished by Augusta-Richmond County on their vehicle that denotes the cubic yard capacity being hauled into the landfill.

(e) The fees for the disposal of refuse shall be fixed from time to time by the Augusta-Richmond County Commission and kept on file in the office of the county administrator and shall be published at the landfill site.

Sec. 4-2-6. Fees for use of Augusta-Richmond County solid waste landfill.

(a) Fees. The following fees shall be charged for the use of the Augusta-Richmond County solid waste landfill:

<table>
<thead>
<tr>
<th>Item</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>Asbestos</td>
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<td>Inert waste disposal</td>
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<td>Metal</td>
<td>0.00 per ton</td>
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<td>Mulch purchase (small pickup truck)</td>
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<td>Mulch purchase (large pickup truck)</td>
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<td>Mulch purchase (commercial)</td>
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<td>Non-profit organizations waste disposal (with administrator's approval)</td>
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<td>Non-tarped loads/private vehicle</td>
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<td>Residential disposal (three bags or less)</td>
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<td>Residential disposal (four bags to six bags)</td>
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<td>Residential disposal (small truck or trailer)</td>
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</tr>
<tr>
<td>Solid waste (municipal solid waste, construction and demolition, special waste) disposal</td>
<td>33.50 per ton</td>
</tr>
<tr>
<td>Solid waste (2,000—4,999 tons per month) disposal</td>
<td>30.50 per ton</td>
</tr>
<tr>
<td>Solid waste (5,000—9,999 tons per month) disposal</td>
<td>27.50 per ton</td>
</tr>
<tr>
<td>Solid waste (10,000 or greater tons per month) disposal</td>
<td>24.50 per ton</td>
</tr>
<tr>
<td>Solid waste with beneficial use—Such materials as are usable at the landfill for daily cover and other uses and shall include, but not be limited to brick slag and other usable materials.</td>
<td>10.00 per ton</td>
</tr>
</tbody>
</table>

The director of the landfill or his designee reserves the right to determine what is "usable", to limit the quantity of "usable" materials received by the landfill for any given period of time, and to receive only so much "usable" materials as are consumable by the landfill in the sole discretion of the director.

Tires (17 inch or smaller)... | $3.00 each
Tires (larger than 17 inch)... | 8.00 each
Tires (truckload)............... | 180.00 per ton
Vehicle permit sticker........... | 100.00 per calendar year

(b) Fee increases. Fees for each item listed above may from time to time be increased at the discretion of the administrator. The increase allocated for any calendar year shall not exceed one dollar ($1.00) for any item listed above. Should a full one dollar ($1.00) increase not be exercised the allocation of a portion equaling up to one dollar ($1.00) from that year within the unused allocation may carry forward and be used in the following year not to exceed two dollars ($2.00), and so on up to a maximum of three (3) years. At no time shall the increase at the administrator's discretion exceed three dollars ($3.00) for any item listed above.
(c) **Fee decrease.** Fees for each item listed above may from time to time be decreased at the discretion of the administrator. The decrease allocated for any calendar year shall not exceed one dollars ($1.00) for any item listed above. Should a full one dollar ($1.00) decrease not be exercised the allocation of a portion equaling up to one dollar ($1.00) from the year within the unused allocation may carry forward and be used in the following year not to exceed two dollars ($2.00) and so on up to a maximum of three (3) years. At no time shall the decrease at the administrator’s discretion exceed three dollars ($3.00) for any item listed above.

(Ord. No. 6238, § 1, 1-4-00; Ord. No. 6778, § 2, 8-1-04; Ord. No. 6793, § 2, 5-17-05)

**ARTICLE 2 LITTER CONTROL**

**Sec. 4-2-7. Definitions.**

(a) **Commission.** The Augusta-Richmond County Commission, or its designated representative.

(b) **Litter.** All sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description.

(c) **Person.** Any person, firm, partnership, corporation or unincorporated association.

(d) **Public or private property.** The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests in Augusta-Richmond County.

(e) **Road or street** shall be mutually inclusive and shall likewise be deemed to include any alley, lane, court and other thoroughfare, however described or designated.

**Sec. 4-2-8. Certain deposits prohibited; exception.**

It shall be unlawful for any person to dump, deposit, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in Augusta-Richmond County unless:

(a) The property is designated by Augusta-Richmond County for the disposal of litter and the person is authorized by the proper public authority to use such property;

(b) The litter is placed into a litter receptacle or container installed on such property; or

(c) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a matter consistent with the public welfare.

**Sec. 4-2-9. Littering streets and sidewalks prohibited.**

It shall be unlawful for any person to place, store, dump, park or broadcast any junk, metal, brickbats, stones, plaster, lumber, trash, garbage, litter, paper or similar rubbish and junk upon any public street or sidewalk in Augusta-Richmond County. As used in this Section, "junk" includes without limitation appliances, furniture and other bulk items not considered usual household garbage. The sanitation department is not responsible for collection and/or disposal of such junk, and such junk shall not be collected by the sanitation department, but must be disposed of by the owner of the property on which it is located.

**Sec. 4-2-10. Placing, throwing, etc., dangerous objects in streets and sidewalks prohibited.**

It shall be unlawful for any person to place or to throw or to leave or abandon on any street in Augusta-Richmond County any glass bottle or car or the fragments thereof, or any broken glass bottle or crockery or any kind. or nails, tacks, brickbats, or any article or object likely to injure barefoot persons using such streets or sidewalks or to injure or puncture the tires of vehicles utilizing pneumatic tires for their locomotion.
Sec. 4-2-11. Keeping crates, boxes, etc., on streets and sidewalks prohibited; exception.

It shall be unlawful for any person to keep on the streets or sidewalks in Augusta-Richmond County any crates, boxes, or any similar containers, except authorized trash receptacles.

Sec. 4-2-12. Churches and public places; littering and spitting prohibited.

It shall be unlawful for any person to spit or throw hulls, peelings or other litter upon the sidewalk or in or upon the floors of churches, public halls, theaters, buses, auditoriums, and other similar public places.

Sec. 4-2-13. Distributing handbills and advertising matter in automobiles, on private property prohibited; exceptions.

(a) It shall be unlawful to place in or on any automobile in Augusta-Richmond County any handbill, circular, pamphlet, poster, postcard, or other literature except with the permission, express or implied, of the owner or occupant of such automobile.

(b) It shall be unlawful for any person to place on private property any handbill, circular, pamphlet, poster, postcard, or other literature except with the permission, express or implied, of the owner of the property or intended recipient.

Sec. 4-2-14. Transporting refuse in vehicles regulated.

(a) Regulations for all vehicles.

(1) It shall be unlawful for any person, firm or corporation to transport any garbage, trash, refuse or other cargo upon the public thoroughfares in Augusta-Richmond County if the same is of a character or substance which is likely to be deposited from the motor vehicle onto the public rights-of-way, unless the same is secured by containers, tarpaulin, or other device in such fashion as to effectively prevent such deposit on the public rights-of-way.

(2) No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.

(3) It shall be unlawful for any person, firm, business, or corporation to transfer refuse between vehicles on any public property, including without limitation public rights-of-way.

(b) Additional regulations for commercial solid waste collection and transportation vehicles and containers. It shall be unlawful for any person, firm, business, or corporation to engage in the business of transporting refuse as defined in Augusta-Richmond County Code section 4-2-5 unless and until the following conditions are met:

(1) Business tax certificate. Prior to commencing business to transport refuse, a business tax certificate to conduct such business must be obtained as provided in Augusta-Richmond County Code Section 2-1-1, et seq. Prior to the use and operation of any solid waste collection and transportation vehicle, such vehicle shall be thoroughly inspected and examined by the Marshall's Department and found to comply with the Augusta-Richmond County Code. All such businesses shall indicate compliance with this Section by displaying on each commercial solid waste collection and transportation vehicle a sticker issued for such purpose by the Marshall's Department. Business tax certificates and vehicle stickers shall be renewed annually. The annual inspection fee for compliance with this section shall be twenty-five dollars ($25.00) upon enactment of this section.

(2) Vehicle and container construction. Solid waste collection and transportation vehicles and containers shall be enclosed with a non-plyable material, substantially leak-proof, durable, and of easily cleanable construction, and shall be inspected by the Marshall's Department every six (6) months to ensure the continued maintenance of such vehicles and containers.
The date showing the last inspection shall be shown on the sticker described herein.

(3) Vehicle and container maintenance. Solid waste collection and transportation vehicles and containers shall be maintained at all times in clean condition and in good repair, and free of excessive noise, odor and emissions.

(4) Littering and spillage. Solid waste collection and transportation vehicles and containers shall be loaded and moved in such manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent blowing of material from the vehicle.

(Ord. No. 6235, § a, 12-21-99)

Sec. 4-2-15. Duty of owner, occupant, etc., To keep property litter free.

The owners, occupants and lessees of all property, jointly and severally, are required to remove all litter and place the same in proper containers. Vacant lots, borders, parking lots, embankments, fences, walls and sidewalks shall be kept free of litter. Parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

Sec. 4-2-16. Duty of proprietors, business managers to insure cleanliness of areas surrounding businesses.

(a) The proprietor and person in charge of every business and commercial establishment in Augusta-Richmond County, jointly and severally, is hereby required to keep the driveways, yards, parking lots and areas adjacent thereto and under his control clean at all times and to place sweepings in a container to prevent rescattering.

(b) Any proprietor or person in charge of a business which offers curb service shall be responsible for all paper, trash or other refuse deposited on the street or sidewalk by his customers. Any person in front of whose place of business retail or wholesale transactions are made shall be responsible for all trash or other refuse deposited on the street or sidewalk as the result of such transactions.

(c) It shall be unlawful for any property owner or tenant to permit waste paper, paper cups or food containers of any kind to remain unsecured on his property, but the same shall be placed in a closed container immediately after use. It shall also be unlawful for any property owner or tenant to permit any waste paper, paper cups or other paper products to blow from any premises owned or controlled by him onto the streets of Augusta-Richmond County.

Sec. 4-2-17. Grass, leaves, tree trimmings, etc.

(a) Prohibited in streets or gutters. It shall be unlawful to place grass, leaves, shrubbery trimmings, brush, limbs, trees or parts thereof, or any similar materials in the streets or gutters within Augusta-Richmond County. Any person engaged in the business of horticulture or landscape gardening or landscape maintenance such that such materials are created as a result of said business shall be responsible for disposing of said materials.

(b) Collection. Grass, leaves or shrubbery trimmings and similar materials in the Urban Services District shall be placed in closed containers or bags, and only brush, limbs, trees or parts thereof, and similar materials which are no more than four feet long and/or four inches in diameter and weigh no more than fifty (50) pounds, all of which are required to be placed in a neat, orderly pile between the curb and sidewalk for collection according to the collection schedule published by Augusta-Richmond County.

(c) Disposal required. Material not eligible for collection as set out in subsection (b) hereof shall not be collected, and it shall be the responsibility of the property owner, or the person engaged in the business of horticulture or landscape gardening or landscape maintenance, to dispose of said material.

(d) Cleaning of property at owner’s expense; violations. In the event Augusta-Richmond County discovers such material on property within Augusta-Richmond County, Augusta-Richmond County shall leave a written notice at the property which notifies the owner of his/her responsibility to dispose of the material, or shall provide
written notice by mail to the person engaged in the business of horticulture or landscape gardening or landscape maintenance. In the event the material is not disposed of according to this Section within fifteen (15) days of said written notice, Augusta-Richmond County shall have the option, but shall not be required, to collect and dispose of said material, with the cost of such collection and disposal billed to the property owner or other responsible party. If such cost is not paid by the property owner within ten (10) of the date of billing, then execution may be issued by the Augusta-Richmond County Commission against the property upon which such service is rendered for the cost thereof, and such execution shall constitute a lien against the property until fully paid and satisfied. Said execution may be enforced in the same manner, and with the addition of interest and costs, as provided by law for the enforcement of executions for ad valorem taxes. Any person or party violating this section may be prosecuted and, if convicted, shall be subject to the penalties provided in section 1-6-1.

Sec. 4-2-18. Owners, occupants, etc., of commercial, institutional or industrial properties to provide containers for litter generated by customers, licenses or invitees.

Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide litter containers of such character, size, number and type as may be specified by Augusta-Richmond County to be reasonably required to hold litter generated by operations of the premises. Specifically, and without limiting the generality of the foregoing, the requirement for such containers shall apply to shopping centers, supermarkets, convenience stores, fast-food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges, and churches.

Sec. 4-2-19. Parking lot owners to provide containers for litter generated from lot operations.

Every owner and every operator of a private or commercial parking lot shall provide litter containers of adequate size, character and number, as specified by Augusta-Richmond County, to contain the litter generated by the operations of such parking lot.

Sec. 4-2-20. Work areas to be kept in clean condition.

All work areas, including, but not limited to, loading and unloading areas, shall be provided with containers for the deposit of litter created by packing or repacking operations; and the owner of the premises and the occupant thereof shall jointly and severally maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.

Sec. 4-2-21. Garbage storage areas to be kept clean.

Every owner, occupant and lessee of a house or building shall be jointly and severally required to maintain garbage storage areas in a clean condition and to ensure that all garbage is properly containerized.

Sec. 4-2-22. Removal of litter, trash and debris resulting from special occasions.

Litter, trash and debris resulting from special occasions such as holidays, moving or cleanup will be made into bundles weighing not more than fifty (50) pounds each and not more than four (4) feet long, two (2) feet wide and two (2) feet high, and made secure. Empty cartons will be broken down before being placed in bundles. Bundles will be placed at or near the front property line for pickup.

Sec. 4-2-23. Removal of construction-site litter.

Property owners and prime contractors in charge of a construction-site are jointly and severally required to furnish litter containers for construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each workday.
Sec. 4-2-24. Cleaning of property at owner's expense.

In the event Augusta-Richmond County discovers that litter has been illegally placed on private property within Augusta-Richmond County, written notice shall be posted at the property which notifies the owner of his/her responsibility to dispose of the material. In the event said litter is not disposed of according to this section within fifteen (15) days of said written notice, the sanitation department shall have the option, but shall not be required, to collect and dispose of said material, with the cost of such collection and disposal billed to the property owner or other responsible party. If such cost is not paid by the property owner within ten (10) days of the date of billing, then execution may be issued by the Augusta-Richmond County Commission against the property upon which such service is rendered for the cost thereof, and such execution shall constitute a lien against the property until fully paid and satisfied. Said execution may be enforced in the same manner, and with the addition of interest and costs, as provided by law for the enforcement of executions for ad valorem taxes. In addition, any person or party violating this section may be prosecuted and, if convicted, shall be subject to the penalties provided in Sec. 1-6-1.

Sec. 4-2-25. Violations; penalties.

All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in Sec. 1-6-1.

Sec. 4-2-26. Unauthorized interference with receptacles or contents.

It shall be unlawful for any unauthorized person to deposit or throw any article or substance in any receptacle for garbage and trash (including without limitation, garbage and trash dumpsters belonging to commercial establishments) or to remove, injure or destroy, uncover or in any manner move or disturb such receptacle or any portion of its contents. 

(Ord. 5935, July 15, 1997)

Sec. 4-2-27—4-2-36. Reserved.

ARTICLE 3. GARBAGE COLLECTION IN URBAN SERVICES DISTRICT

Sec. 4-2-37. Definitions.

(a) Business district. The area of the Urban Services District bounded on the north by the Savannah River, on the east by the eastern side of Fifth Street, on the south by the southern side of Walker Street and on the west by the western side of Thirteenth Street, and any other area which may, from time to time, be so designated by the Commission.

(b) Residential district. All areas of the Urban Services District other than the business district.

Sec. 4-2-38. Accumulation of garbage, etc.—Generally.

It shall be unlawful for any person to accumulate garbage and trash except between regular collections as specified by the sanitation department, it being the purpose and intention hereof to require the placing for collection of all garbage and trash accumulated up to the time of collection and to prohibit the holding over of garbage or trash beyond such regular collections.

Sec. 4-2-39. Collection days.

(a) Garbage shall be collected in the business district each night, Monday through Friday, except holidays. Garbage shall be collected from restaurants and business establishments in the business district each week day night Monday through Saturday, except holidays.

(b) Garbage shall be collected in the residential district on week days as specified by the sanitation department for the different areas. Tree trimmings, leaves and rough trash will be collected on such week days, holidays excepted, as shall be determined by the sanitation department under the provisions of Sec. 4-2-41.

Sec. 4-2-40. When garbage to be placed at curb; no backyard garbage pickup.

In the residential district, garbage shall be placed on the edge of the curb not later than 8:00
A. M. on all days upon which garbage is to be collected, and in the business district not later than 9:00 P. M. on days upon which garbage is to be collected. No garbage shall be placed on the streets in the residential district after the last collection on Friday and before the following Monday. No garbage shall be placed on the streets in the business district after the last collection on Saturday and before the following Monday. No garbage shall be picked up from the backyard of any property in the residential district.

**Sec. 4-2-41. Paper, pasteboard boxes, etc. Required to be flattened for collection.**

All paper, pasteboard boxes, cardboard boxes or other similar containers when placed at proper points for collection shall be flattened so as to occupy as little space as possible. When flattened, such containers shall be stacked in a manner that will permit convenient removal. Garbage, bits of paper, and other debris shall not be placed in the aforementioned containers.

**Sec. 4-2-42. Same—Permit for removal.**

It shall be unlawful for any person to pick up or remove any paper, pasteboard boxes or other material that may be placed outside stores and places of business in Augusta-Richmond County unless such person has the permission of the business owner.

**Sec. 4-2-43. Reserved.**

**Sec. 4-2-44. Containers and receptacles—Generally.**

(a) Special provisions applicable to manufacturers, merchants, hospitals, hotels, etc., producing large amounts of refuse. Manufacturers, merchants or operators of business and public service establishments including hospitals, hotels, apartment buildings and multiple unit dwellings, which produce more than five thirty-gallon cans of refuse between specified collections shall use such type of container therefor as the Commission may from time to time prescribe, and shall pay a fee for the collection thereof at the rate of fifty cents per cubic yard of refuse removed. The computation of such fees shall be made by the sanitation department and the fees shall be paid monthly on being billed therefor by the Commission. If such bill is not paid within ten days from its receipt there shall be added thereto a penalty computed at ten (10) percent of the amount of such bill. Should such firm or person decline or refuse to pay for such service, then such firm or person shall be required to remove its refuse and garbage at its expense, subject to the supervision thereof by the sanitary department. There shall be a minimum of two garbage collections per week.

**Sec. 4-2-45. Notice to occupant or owner to secure receptacle.**

Upon written notice to the occupant or owner of any premises required to provide himself with a suitable receptacle as provided in this article, or upon written notice to a manufacturer or merchant to provide himself with a suitable receptacle as provided in this article, it shall be the duty of the manufacturer, merchant or person to at once provide himself with the required receptacle. It shall be unlawful to fail to comply with such notice within five (5) days after issuance of same.

**Sec. 4-2-46. Unauthorized interference with receptacles or contents.**

It shall be unlawful for any unauthorized person to deposit or throw any article or substance in any receptacle for garbage and trash or to remove, injure or destroy, uncover or in any manner move or disturb such receptacle or any portion of its contents.

**Sec. 4-2-47. Putting acids or harmful fluids in receptacles.**

It shall be unlawful for any person to put any acid or harmful fluids liable to do injury to persons or property in any trash or garbage receptacle. This shall not be construed to prevent the use of disinfectants.

**Sec. 4-2-48. Sanitation department employees to replace containers after collection.**

**Sec. 4-2-49. Removal of receptacles from streets or sidewalks following collections.**

It shall be unlawful for any merchant, manufacturer, owner or occupant to allow any garbage
receptacle, filled or empty, to remain on the streets, sidewalks or any public place in the residential district after 6:00 p.m. following the regular garbage collection. All containers in the business district shall be removed from the streets by 9:00 a.m. following the regular night collection. This section shall not apply to closed containers with six (6) cubic yards or more capacity, where special permission has been granted by the sanitary department to place such container on the sidewalk.

Sec. 4-2-50. Fees for collection of commercial garbage.

The fees charged for collection of commercial garbage shall be as follows:

(a) For all customers who were being charged at the rate of seventy-five cents ($0.75) per cubic yard of container prior to January 1, 1988, the rate shall be one dollar ($1.00) per cubic yard of container; provided, however, that all such customers which have more than two (2) containers which are picked up more than two (2) times per week shall be charged at the rate of seventy-five cents ($0.75) per cubic yard of container.

(b) For all customers who were not charged for pickup prior to December 31, 1987, shall be charged at the rate of one dollars ($1.00) per cubic yard of container for pickup two (2) times per week.

ARTICLE 4. DISPOSAL OF ASBESTOS AND BIOLOGICAL WASTE

Sec. 4-2-51. Definitions.

(a) Asbestos. Any naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtomite-grunerite,amosite, rieheckite, crocidolite, anthophyllite,tremolite and actinolite.

(b) Biomedical waste means and includes the following:

(1) Pathological waste, which means all recognizable human tissues and body parts which are removed during surgery, obstetrical procedures, autopsy and laboratory procedures.

(2) Biological waste, which means bulk blood and blood products, exudates, secretions, suctionings, and other bulk body fluids which cannot be or are not directly discarded into a municipal sewer system.

(3) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, oscillate, and mix cultures.

(4) Contaminated animal carcasses, body parts, their bedding and other wastes from such animals which have been exposed to infectious agents, capable of causing disease in man, during research, production of biological, or testing of pharmaceuticals.

(5) Sharps, which means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.

(6) Chemotherapy waste, which means any disposal material which has come in contact with cytotoxic/antineoplastic agents (agents toxic to cells) and/or antineoplastic agents (agents that inhibit or prevent the growth and spread of tumors or malignant cells) during the preparation, handling and administration of such agents. Such waste includes, but is not limited to, masks, gloves, gowns, empty IV tubing bags and vials, and other contaminated materials. The above waste must first be classified as empty, which means such in quantity that it is not subject to other federal or state waste management regulations prior to being handled as biomedical waste.
Discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, that were in contact with infectious agents.

(c) Collector. Any person or persons, firm or corporation who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting asbestos and/or biomedical-waste from industries, offices, retail outlets, businesses, institutions and/or similar locations, or from residential dwelling.

Sec. 4-2-52. Manifest form required.

No collector shall be allowed to dispose of asbestos and/or biomedical waste at the Augusta-Richmond County landfill without obtaining, at least ten (10) days prior to disposal of the asbestos and/or biomedical waste at the landfill, a manifest form from the solid waste engineer of the landfill and/or his representative providing the required information as to material generation, transportation and disposal in accordance with Georgia Department of Natural Resources, Environmental Protection Division, Rules and Regulations.

Sec. 4-2-53. Inspections.

All collectors shall allow authorized representatives from the landfill, during the period of time prior to disposal of the asbestos and/or biomedical waste at the landfill, access to the removal site for inspections.

Sec. 4-2-54. Out-of-county waste prohibited.

No collector shall deposit asbestos and/or biomedical waste at the landfill that is not generated within the boundaries of the county, except pursuant to a contract with Augusta-Richmond County.

Sec. 4-2-55. Penalty for violation of article.

Any collector failing to comply with the lawful provisions of this Article or doing any act prohibited by this Article or failing to do any act mandated by this Article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in section 1-6-1. Any collector who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant to this Article shall, upon conviction, be subject to the penalties provided in section 1-6-1.

ARTICLE 5. SMOKE ABATEMENT

Secs. 4-2-56—4-2-71. Reserved.

ARTICLE 6. SCRAP TIRE MANAGEMENT*

Sec. 4-2-72. Definitions.

(a) Scrap tires. All tires which are no longer suitable for their original intended purpose because of wear, damage, or defect as defined in O.C.G.A. § 12-8-22(31).

(b) Scrap tire generator. Any person who generates scrap tires as defined in section 391-3-4-19(2)(i) of the Georgia Rules of Solid Waste Management.

(c) Scrap tire carrier. Any person engaged in picking up or transporting scrap tires not otherwise exempted under section 391-3-4-19(5)(g) for the purpose of removal to a scrap tire processor, end use, or disposal facility as provided in O.C.G.A. § 12-8-22(32).

(d) Tire retailer. Any person engaged in the business of selling new replacement tires as provided in O.C.G.A. § 12-8-22(39).

Sec. 4-2-73. Scrap tire storage, handling, and disposal—General.

(a) The owner or occupant of any property shall be responsible for the sanitary and lawful handling and disposition of scrap tires on the property.

(b) All persons defined as scrap tire generators, scrap tire carriers and tire retailers shall be subject to rules as defined in Section 391-3-4-19.

*Editor’s note—Ord. No. 6146, § 1, adopted April 6, 1999 provided for this Art. 6 to read as herein set out. See the Code Comparative Table.
and handle scrap tires in accordance with the provisions of O.C.G.A. § 12-8-20, et seq. and the rules for Solid Waste Management, Chapter 391-3-4 applicable to solid waste.

(c) The provisions of O.C.G.A. § 12-8-20, et seq. are hereby incorporated in this section as if set out in full herein.

Sec. 4-2-74. Accumulation

(a) It shall be unlawful for any person in a residential zone to accumulate or store any amount of any type of tire, to include new tires, used tires or scrap tires, outside in the weather where water could potentially accumulate and cause blight or potential health threats due to mosquito infestation on or around property which he/she may own or occupy.

(b) It shall be unlawful for any commercial business other than those excepted in O.C.G.A. § 12-8-40.1(g) to accumulate more than one hundred (100) scrap tires of any type, to include new tires, used tires or scrap tires, outside in the weather where water could potentially accumulate and cause blight or potential health threats due to mosquito infestation on or around property which it owns or occupies at any given time.

(c) It shall be unlawful for any person or entity authorized by this Article and/or State law to handle, store and/or dispose of scrap tires, to do so in any manner other than the following: permitted quantities of scrap tires may be stored outside the property of an authorized business in a container enclosed on all four sides by a solid screen and having a secure top cover, which container is not visible from any public right-of-way or any adjoining property.

(d) It shall be unlawful for any person or entity to store new or used tires outside in the weather in such a manner, as determined by the Richmond County Health Department, so as to provide harborage for mosquitoes. New or used tires stored outside are not to be visible from any public right-of-way, or adjoining property.

(Ord. No. 6798, § 1, 6-7-08)

Sec. 4-2-75. Enforcement

(a) Enforcement of this Article shall be the responsibility of the License and Inspection Department by and through its Environmental Code Enforcement Officer and his or her designee.

(b) (1) Any person or persons authorized to enforce this Article on behalf of the License and Inspection Department Environmental Code Enforcement Officer shall be empowered to enter any private or public property, upon reasonable cause, at reasonable times in order to inspect the property for violations of this Article, subject to the condition that to allow entry on private property for inspection, such officer shall have observed the alleged violation from the public right-of-way, or shall have received a written complaint signed by a resident of Richmond County, Georgia alleging a violation of this Article.

(2) If such property is occupied, the inspecting officer must first present proper credentials and request entry. If such property is unoccupied, the inspecting officer shall first make a reasonable effort to locate the owner or other person having charge, care or control of such and request entry. If entry is refused, the investigating official shall have recourse to every remedy provided by law to secure entry.

(3) When the investigating officer shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of the property shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the investigating officer, for the purpose of inspection and examination pursuant to this code section.

(c) The License and Inspection Department or the Environmental Code Enforcement Officer shall be authorized to issue summons for hearings on alleged violations of this Article in the Magistrate Court of Richmond County.
Sec. 4-2-76. Penalties

Any person failing to comply with the lawful provisions of this Article or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor shall be subject to both the penalties provided by section 1-6-1, and to any or all of the following penalties:

(a) In the sound discretion of the trial court, the violator may be ordered to remove from any property for which the violator is responsible the unlawful accumulation of scrap tires and to come in full compliance with this Article.

(b) In the sound discretion of the trial court, the violator may be ordered to remove from the property of another any unlawful accumulation of scrap tires for which the violator is responsible.

(c) The violator shall be subject to civil redress by Augusta, Georgia in a court of competent jurisdiction, it being the intent of Augusta, Georgia to have both the civil and criminal rights of prosecution in this area.
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Chapter 1

STORMWATER MANAGEMENT

Sec. 5-1-1. Generally.

This Chapter shall be known as the Stormwater Management Ordinance of Augusta-Richmond County.

Sec. 5-1-2. Findings.

(a) Uncontrolled stormwater drainage/discharge may have a significant, adverse impact on the health, safety, and welfare of the citizens of Augusta-Richmond County. Surface water runoff can carry pollutants and nutrients into receiving waters.

(b) Uncontrolled stormwater drainage can increase the incidence of flooding and the level of floods which occur, endangering roads, other public and private property and human life.

(c) Altered land surfaces can change the rate and volume of runoff.

(d) Adverse water quality and quantity consequences described above could result in substantial economic losses. Potential losses include, but are not limited to, increased water treatment costs, as well as state and federal fines associated with water quality violations.

(e) Many future problems can be avoided through proper stormwater management.

(f) Every parcel of real property, both public and private, either uses or benefits from the maintenance of Augusta-Richmond County's stormwater system.

(g) Current and anticipated growth will contribute to and increase the need for improvement and maintenance of the stormwater system.

Sec. 5-1-3. Objectives.

The objectives of this chapter include the following:

(a) To protect, maintain, and enhance the public health, safety, and general welfare. This objective will be achieved by provid-

(b) To comply with State Department of Natural Resources and Federal Environmental Protection Agency stormwater regulations developed pursuant to the Federal Clean Water Act. These requirements include:

(1) Control of the contribution of pollutants to the municipal storm sewer system by stormwater discharges associated with commercial and industrial activity and the quality of stormwater discharged from sites of commercial and industrial activity;

(2) Prohibition of illicit connections to municipal separate storm sewers;

(3) Control of discharge to municipal separate storm sewers of spills, dumping or disposal of materials other than stormwater; and,

(4) Control, through intergovernmental agreements, of contribution of pollutants from one municipal system to another.

Sec. 5-1-4. Definitions.

(a) For the purposes of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word shall connotes mandatory and not discretionary; the word may is permissive.

(b) Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other Augusta-Richmond County Ordinances and as used elsewhere in this Code.

(1) Accidental discharge. A discharge prohibited by this chapter into the municipal
storm sewer system which occurs by chance and without planning or consideration prior to occurrence.

(2) Appeals authority. The Augusta-Richmond County Commission, one of whose purpose is to review appeals to this chapter and render decisions and variances.

(3) Best Management Practices (BMPs). A wide range of management procedures, activities, and prohibitions on practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.


(5) Cooling water. Water used exclusively as a cooling medium in an appliance, device or apparatus.

(6) Conveyance. Stormwater features designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, or swales.

(7) Department. The department of public works responsible for all stormwater management activities and implementation of the provisions of this chapter.

(8) Development means:

a. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed;

b. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;

c. Clearing, scraping, grubbing, or otherwise significantly disturbing the soil, vegetation, mud, sand or rock or a site; or

d. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation mud, sand or rock of a site.

(9) Director. Either the director of department of public works or any duly authorized representatives of the director.

(10) Easement. An acquired legal right for the specific use of land owned by others.


(12) Illicit connection. A connection to a municipal separate storm sewer system which results in discharge that is not composed entirely of stormwater runoff, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer).

(13) Maintenance. Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter and to prevent structural failure of such facilities.

(14) Municipal storm sewer system. A conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other stormwater facilities) which is:

a. Owned or operated by Augusta-Richmond County;

b. Designed or used for collecting or conveying stormwater;

c. Not a combined sewer; and,

d. Not a part of a Publicly Owned Treatment Works (POTW).

(15) National Pollutant Discharge Elimination System (NPDES). A regulatory mechanism established by the U.S. Environmental Protection Agency pursuant to the Water Quality Act and the Clean Water Act with permit application requirements as set forth in 55FR47990 as implemented by the Georgia Environmental Protection Division of the Department of
Natural Resources in accordance with the State Water Quality Control Act, O.C.G.A. § 12-5-21.

(16) Person. Any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

(17) Pollution. The contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(18) Private. Property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.

(19) Procedure. A procedure adopted by the utility, by and through the director of public works, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this code or other codes, ordinances or resolutions of Augusta-Richmond County.

(20) Regulation. Any regulation, rule or requirement prepared by the department and adopted by Augusta-Richmond County pursuant to the requirements of this chapter.

(21) Sanitary sewer system. The complete sanitary sewer system of the county which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, excluding sewage treatment facilities.

(22) Site. Any lot, plot, parcel or tract of land.

(23) Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

(24) Stormwater management facilities. Constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems and modular pavement.

(25) Stormwater runoff. The direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

(26) Variance. The modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

(27) Water quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

(28) Water quantity. Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.
Sec. 5-1-5. Scope of responsibility.

(a) The provisions of this chapter shall apply throughout Augusta-Richmond County.

(b) The director of the department of public works or designee shall be responsible for the coordination and enforcement of the provisions of this chapter.

(c) The department of public works shall be responsible for the conservation, management, maintenance, extension, and improvement of the Augusta-Richmond County stormwater system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in Augusta-Richmond County’s NPDES stormwater permit.

(d) The application of this chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer’s responsibility to exceed the minimum requirements as necessary.

Sec. 5-1-6. Powers of the department of public works.

(a) The department of public works shall have the power to administer and enforce all regulations and procedures adopted to implement this chapter, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or to restrain any violation of this chapter.

(b) The department of public works shall:

(1) Administer, coordinate and oversee acquisition, design, construction, and operation and maintenance of municipal stormwater facilities and conveyances;

(2) Establish or oversee establishment of development standards and guidelines for controlling stormwater runoff;

(3) Determine the manner in which stormwater facilities should be operated;

(4) Inspect private systems which discharge to the Richmond County's stormwater system;

(5) Advise the Augusta-Richmond County Commission and other Augusta-Richmond County departments on issues related to stormwater;

(6) Protect facilities and properties controlled by the Department of Public Works and prescribe how they are used by others;

(7) Require new, increased, or significantly changed stormwater contributions to comply with the terms of this chapter.

(8) Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system; and,

(9) Adopt and implement the stormwater management program for Augusta-Richmond County.

Sec. 5-1-7. Stormwater runoff quantity controls.

(a) Water quantity controls will be provided as a part of all development pursuant to the provisions of the Augusta-Richmond County Soil Erosion and Sediment Control Ordinance, Zoning Ordinance, Water and Wastewater Disposal Ordinance, and Subdivision of Land Ordinance, and regulations adopted pursuant to those ordinances.

(b) Augusta-Richmond County may allow stormwater runoff that otherwise is of unacceptable quantity or which would be discharged in volumes or at rates in excess of those otherwise allowed by its ordinances and regulations to be discharged into drainage facilities off-site of the development, provided the following conditions are met:

(1) It is not practicable to completely manage runoff on-site in a manner that meets the design and performance standards found in the ordinances and regulations.
(2) Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of those ordinances; and,

(3) Adequate provision is made for sharing of construction, maintenance and operating costs of facilities.

Sec. 5-1-8. Prohibition.

(a) It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal separate stormwater system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.

(b) The director may require controls for or exempt from the prohibition provision above the following, provided he/she determines they are not a significant source of pollution:

(1) Unpolluted industrial cooling water, but only under the authorization and direction of the director and appropriate NPDES permit. (Per State requirements, the discharge should not raise the temperature of the receiving stream more than five (5) degrees after the discharge has thoroughly mixed with receiving waters. In secondary trout streams, there shall be no elevation in temperature exceeding two (2) degrees above the natural stream temperature).

(2) Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.

(3) Unpolluted pumped ground water.

(4) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.

(5) Discharges or flows from fire fighting.

(6) Other unpolluted water.

(c) In the event of an accidental discharge or an unavoidable loss to the municipal storm sewer system of any material or substance other than stormwater runoff, the person concerned shall inform the department of public works within twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain the waste, treat the waste or other actions to minimize affects of the discharge on the municipal system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

Sec. 5-1-9. Illicit connections.

(a) It is unlawful for any person, to connect any pipe, open channel, or any other conveyance system that discharges anything except stormwater or unpolluted water which is approved by the director, based on the exemptions listed in section 5-1-8(b), to Augusta-Richmond County's stormwater system.

(b) Improper connections in violation of this Code must be disconnected and redirected, if necessary, to the Augusta-Richmond County sanitary sewer system upon approval by the director of the water and sewer department.

Sec. 5-1-10. Maintenance and inspection.

(a) Any stormwater management facility or BMP which services a single lot or commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows for access for maintenance.

(b) All other stormwater management control facilities and BMPs shall be publicly owned and/or maintained only if accepted for maintenance by Augusta-Richmond County.

(c) The director may require dedication of privately owned stormwater facilities which discharge to the stormwater system to Augusta-Richmond County.
(d) The department of public works director shall determine inspection schedules necessary to enforce the provisions of this chapter.

(e) The director or designee, bearing proper credentials and identification shall be permitted to enter, without hindrance, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this chapter. The director or designee shall duly notify the owner of said property or the representative on-site, except in the case of an emergency.

(f) The director or designated employee of the department of public works, bearing proper credentials and identification, shall be permitted to enter, without hindrance, all properties for which Augusta-Richmond County holds a negotiated easement for repairs, maintenance and other purposes related to any portion of the stormwater management facilities lying within said easement. The director or designee shall duly notify the owner of said property or the representative on-site, except in the case of an emergency.

(g) Measurements, tests and analyses performed by the department of public works or required of any discharger to the municipal system shall be in accordance with 40 CFR Part 136, unless another method is approved by the director.

(h) If, after inspection, the condition of a facility presents any immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, Augusta-Richmond County shall have the right, but not the duty, to take action as may be necessary to protect the public and make the facility safe.

(i) Inspection reports shall be maintained in a permanent file located at the department of public works office for a period of three (3) years. All such records shall be open to the public.

Sec. 5-1-11. Variances for requirements.

(a) The director may grant a variance from requirements of this chapter if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this chapter will result in unnecessary hardship and will not fulfill the intent of this chapter.

(b) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

(c) The director will conduct a review of the request for a variance within thirty (30) working days of receiving the request.

Sec. 5-1-12. Appeals.

(a) Any person aggrieved by a decision of the director (including any decision with reference to the granting or denial of a variance from the terms of this chapter) may appeal same by filing a written notice of appeal with the director within ten (10) days of the issuance of said decision by the director. A notice of appeal shall state the specific reasons why the decision of the director is alleged to be in error.

(b) The director may reverse his/her decision giving written reason for reversal. In the event the director does not reverse his/her decision, the director shall prepare and send to the board of appeals and appellant a written response to said notice of appeal within thirty (30) days of receipt of the notice of appeal.

(c) All appeals shall be heard by a board of appeals to be constituted of the county administrator, the director of inspections, and the Director of the Augusta-Richmond County Planning and Zoning Commission. The hearing shall be held within thirty (30) days after receipt of notice of appeal or on a date mutually agreed upon in writing by the appellant and the board of appeals. The board of appeals shall then make its finding within ten (10) days of the appeal hearing. Decisions of the board of appeals shall be based upon guidelines for appeals established by the Augusta-Richmond County Commission as amended from time to time.

(d) If the appellant is dissatisfied with the decision of the board of appeals, he/she can appeal said decision to the Augusta-Richmond County
Commission within thirty (30) days of the hearing decision being rendered to appellant. The Commission shall notify appellant of a time and place for hearing the appeal, and said time shall be within thirty (30) days of receipt of notice from appellant. The Commission shall make a finding on the appeal within ten (10) days of the hearing.

(e) If the appellant is dissatisfied with the Commission’s decision, he/she can appeal said decision to the Superior Court of Richmond County within thirty (30) days of the date of that decision. Said appeal shall consist of a review of the record in the appeal process.

Sec. 5-1-13. Cooperation with other governments.

Augusta-Richmond County may enter into agreements with the State of Georgia or with other local governments to carry out the purpose of this chapter. These agreements may include, but are not limited to enforcement of provisions, resolution of disputes, cooperative monitoring, and cooperative management of stormwater system and management programs.

Sec. 5-1-14. Property owner liability, supplemental charges.

Any person in violation of any portion of this chapter shall pay for all costs of Augusta-Richmond County associated with the violation, including (but not limited to) containment, cleanup, injury, death, legal, or other costs.

Sec. 5-1-15. Enforcement; penalties.

(a) This chapter shall be enforced by the office of the director of public works. Citations for violation may be issued by inspectors from the department of public works. Citation shall specify the nature of violation and the potential penalty involved.

(b) Any person, cited for violating this chapter shall be tried as a misdemeanor and shall upon conviction, shall be subject to the penalties provided in section 1-6-1.

(c) In addition, Augusta-Richmond County may institute appropriate action or proceedings at law or in equity for the enforcement of this chapter or to correct violations of this chapter. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent Augusta-Richmond County from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

Sec. 5-1-16. Severability.

If any term, requirement or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this chapter shall be valid and be enforced to the fullest extent permitted by law.

Sec. 5-1-17. Prior inconsistent ordinances.

Any provisions and ordinances adopted prior to the date of adoption of this chapter and that are inconsistent with this chapter are hereby voided, but only to the extent of such inconsistency.
Chapter 2

WATER AND SEWERS

ARTICLE 1. IN GENERAL

Sec. 5-2-1. Standard and special water service.

The standard water service shall consist of a one inch tap and service pipe with a five-eighths inch meter. Any larger service than this shall be considered special.

Sec. 5-2-2. Who may renew services, move curb stops, etc.

No person other than waterworks workmen shall renew any service or move any curb stop or meter, or meter box, except by written permission of the Director of Public Utilities.

Sec. 5-2-3. Water and sewer lines in same ditch.

Water and sewer lines may be laid in the same ditch.

Sec. 5-2-4. Use of pipes previously run to the curb.

In putting in a water or sewer service, no plumber will be permitted to make use of pipe previously run to the curb which does not conform to rules existing at the time such service is to be used, but before making such connections, the plumber or owner shall first get the utilities department either to reject or consent to such connection. If rejected, the owner will be required to have it changed at his expense, and if an entirely new service shall be put in, the old one shall be disconnected at the main at the expense of the owner before water is turned on to the new service.

Sec. 5-2-5. Compliance with plumbing code, etc., and payment of inspection fees prerequisite to introduction of water.

Water will not be introduced into any premises where fixtures do not meet the requirements of the plumbing code and other ordinances of Augusta-Richmond County relative to plumbing or where inspection fees have not been paid.

Sec. 5-2-6. When sewer connections required.

(a) Where property is located within 200 feet of Augusta's sanitary sewer system and may be served by a sanitary sewer, every building shall be connected thereto. If there should be more than one building on the property, each building shall be connected separately to the sewer if the number of fixtures in all buildings exceeds ten (10). The word fixture as used herein shall mean any water appliance emptying into the sewer.

(b) Upon connection to Augusta's sanitary sewer system, the property owner shall fill in any previous septic tank system.

(c) The Augusta Utilities Department is authorized to disconnect the water supply to any customer whose property is required to be connect to Augusta's sewer system, but who fails to connect same, as provided in subparagraph (a). The water shall then remain disconnected until the customer has complied with the connection requirements, and paid a disconnection fee and/or a reconnection fee in the same amount as provided by Augusta's policy for the disconnection and reconnection of water service for a delinquent account, as provided in Article 2 of this Chapter. This is in addition to any other penalties provided under this Article.

(Ord. No. 6549, § 1, 9-3-02)

Sec. 5-2-7. Who may tap mains and pipes, run service lines, etc.

Water and sewer mains and pipes shall be tapped and necessary curb stop, meter and meter boxes set by the waterworks employees and by no other person whatsoever. Any person not a waterworks employee and without a permit from the Augusta-Richmond County water and sewerage department, who so taps, sets, or tampers with any water main or pipe, or permits such activities to take place on property owned or rented by him, or uses water obtained from such unauthorized connections, or supplies water through such unauthorized connections, shall be punished as provided herein.
Sec. 5-2-8. Reselling or distributing water prohibited.

(1) Owners or operators of property which is provided with water and/or sewer service by the Augusta water and sewer system, and which contain residential or commercial units not billed directly by the city may on and after March 21, 2006, separately charge the tenants or occupants of those units for the costs of providing water and wastewater service provided the conditions hereinafter set forth are met.

(2) The total amount charged to the tenants or occupants (customers) shall not exceed the amount charged by the city to the property owner or operator for the same period and equivalent usage, plus an administrative fee for servicing the account.

(3) The administrative fee for water and sewer service must be separately itemized on each bill to the customer.

(4) The administrative fee for water and sewer service shall not exceed $5.00 per invoice or bill to any customer unless the fee rate has been first approved by the Augusta Utilities Department Director and the Augusta Administrator.

(5) The full terms of service and a description of all charges shall be clearly disclosed to the customer in a contractual agreement prior to billing.

(6) The owner or operator shall provide customers with a toll-free customer service phone number.

(7) An electronic or written copy of all rates and customer bills issued for the previous 24 months shall be maintained and such records shall be made available upon request to the city and/or to the customer billed.

(8) The owner or operator shall remain solely responsible for timely payments of all city water and sewer charges. Payment to the city shall not be dependent upon collections from the tenants or occupants.

(9) If individual meters are installed, they shall be of a type and quality approved for such use by the Augusta Utilities Department.

(Ord. No. 6863, §§ 1, 2)

Sec. 5-2-9. Notice of leaking fixtures.

Notice of leaking fixtures shall be sent to the property owner or his agent, where the address of such owner or agent is known. Otherwise, notice shall be sent to the tenant who shall be instructed by the owner or agent to give him notice personally of any such leaking fixture.

Sec. 5-2-10. Installation, etc., of meters—Generally.

It shall be in the authority and discretion of the Augusta-Richmond County Commission to require meters of such style and character as it may approve, to be put, at any time, in the service pipes of railroad companies, mills, manufactories and other industrial establishments, public buildings, hotels, etc., at the expense of the party for whose use they are applied, and if furnished in any case by Augusta-Richmond County, the cost of such meter shall be collected from the party using the same before the use of water is permitted. The care and repair of meters shall be at the expense of parties using the same.

Sec. 5-2-11. Where meter service required.

A meter service shall be required for each premises utilizing Augusta-Richmond County water. No person, whether owner or tenant, receiving water supplied from Augusta-Richmond County through a meter approved for their premises shall supply any other, separate premises with water. Premises shall mean each separate house, building, trailer, mobile home, manufactured home or similar structure, whether or not located on the same tract of land. Any person supplying another with water in violation of this section shall have his water turned off until such unauthorized use of water is stopped and he shall have paid to Augusta-Richmond County any charges the Director of Public Utilities may determine to be due for water used in violation of this section and for the expense of cutting off and restoring water service.
Sec. 5-2-12. Water obtained through false pretenses.

If water has been supplied to any premises, and afterwards it shall be found that false representation has been made by such applicant, or that water is being used in or upon the premises for purposes not set forth in the application made for water supply to the premises, the water shall be shut off, and shall remain shut off, until all unauthorized use of water has been stopped, and any sum of money determined due for the use thereof has been paid to Augusta-Richmond County.

Sec. 5-2-13. Unauthorized turning on or off of water, tampering with meters, etc.

It shall be unlawful for any person other than duly authorized employees of Augusta-Richmond County to turn on or turn off water, or tamper with meters or curb stops, without permission.

Sec. 5-2-14. Use of water from fire hydrant for purposes other than fire extinguishment.

Permit required. Any person desiring to use water from any fire hydrant or other public water opening for any purpose except for the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the superintendent of the court water and sewerage system. All water so used shall be supplied through a portable meter at regular meter rates.

Sec. 5-2-15. Covering tops of meter boxes.

It shall be unlawful for any person to willfully, maliciously or carelessly cover the tops of meter boxes belonging to the utilities department with dirt, rocks or debris, so as to hide such meter boxes from view or render same difficult of access.

Sec. 5-2-16. Augusta-Richmond County to keep metered services in repair; liability of property owner for damage.

After payment of charges for metered services by the property owner, Augusta-Richmond County will keep the same in repair and make replacements when necessary without further cost, except as otherwise provided in this article. The property owner shall be liable, however, for any damage to a meter caused by hot water from a boiler or range tank backing out into the main, or any damage caused by himself, his family, employees or occupants of the property.

Sec. 5-2-17. Reduction in size of meter.

If Augusta-Richmond County is requested to reduce the size of meter, for example, from three-fourths (\(\frac{3}{4}\)) inch to five-eighths (\(\frac{5}{8}\)) inch, no refund will be allowed on the larger meter. Any special fittings used in making the change shall be paid for by the property owner.

Sec. 5-2-18. Change of location of meter.

The moving of a water meter serving one property to another location to serve another property shall not be allowed except with permission of the Director of Augusta-Richmond County Utilities Department, and only then upon the receipt by the Director of Augusta-Richmond County Utilities Department of a release in written form of the obligation to serve the property from which the meter is removed. A renewal of such abandoned service shall be paid for at the rate set out for new services.

Sec. 5-2-19. Removing, etc., meters, valves and other appurtenances of utilities.

It shall be unlawful for any unauthorized person to remove, alter, tamper with or in any way interfere or intermeddle with any of the wells, reservoirs, basins, water mains, pipes, plugs, meters, valves, curb cocks or other appurtenances of the utilities.

Sec. 5-2-20. Curb stops—Generally; lawn and yard hydrants.

(a) All persons taking Augusta-Richmond County water shall provide a brass curb stop, ground from bottom, with water pressure under core, similar to Mueller make, or its equal, to be approved by the Director of Augusta-Richmond County Utilities Department, fitted with a tee
handle extension rod with pipe casing. The handle shall be not less than eight inches across, easily accessible to occupants, and at such point that all water may be drained out of the pipes for the protection of such occupants in enabling them to turn off water in case of leaks, and to drain the pipes inside to prevent freezing, which should be fully explained to occupants by the plumber doing the work, when possible. These curb stops shall be so placed as to accomplish the purpose for which they are designed. They shall be placed at a point where they will never freeze. All the service pipe between the curb stop and curb shall be laid so that it will not be exposed to frost. This section shall apply to yard hydrants as well as house service pipes.

(b) The curb stops shall not be put in an inaccessible place. This rule will require pipes to be run down outside of cellar walls, and come in under the wall at least six inches below the cellar floor. Draincocks shall be put in pipes to drain them when traps are unavoidable.

c) Yard hydrants may be placed in yards of residences without pipes being extended into the house, but shall not be placed in unenclosed premises, or where there is access to them by persons occupying adjoining premises, either on the sides, rear or front, except by special permit from the Director of Augusta-Richmond County Utilities Department.

d) A separate curb stop shall be required on a branch to lawn or yard hydrants. Key-top cocks will be allowed in exposed places on lawns. When the consumer desires to discontinue use of a lawn or yard hydrant, the plumber will be required to disconnect the full run of pipe back to the connection with the main run of pipe.

Sec. 5-2-21. Curb stop requirements; curb stop box.

A curb stop with a round waterway shall be inserted in each service or supply pipe to premises in every case, and shall be protected by an iron box to be supplied by the utilities department at the expense of the owner of the premises. It shall be unlawful for any person to put in any curb stop box other than that furnished by the utilities department.

Sec. 5-2-22. Duty of persons taking water as to service pipes and fixtures.

All persons taking Augusta-Richmond County water shall keep their own service pipes and all fixtures connected therewith in good repair and protected from frost, at their own expense.

Sec. 5-2-23. Change in location of fire hydrant, etc.

If it becomes necessary to change the location of any fire hydrant or other fixture of the utilities system at the request and for the convenience of a property owner or tenant, the cost of labor and material, plus twenty percent, shall be charged for such work; provided, that the change or removal has the approval of the Director of Augusta-Richmond County Utilities Department and has been applied for in writing.

Sec. 5-2-24. Liability of plumber not properly replacing curb stop box or injuring property.

Should any plumber, in making an attachment, or in shutting off or in turning on water, not properly replace the curb stop box, or should he in any manner injure the property of the utilities department, or property owner, he shall pay the sum of such damage, and upon refusal to pay same, he shall be refused any plumbing permit until such bill is paid.

Sec. 5-2-25. Fire protection service—Generally.

Fire protection service shall be put in such manner that all pipes will be open and easily accessible for inspection at any time. No connection for any other purpose whatever will be permitted with fire service, and all existing connections with fire systems designed for any purpose shall be disconnected.

Sec. 5-2-26. Same—Air pressure tanks for dry systems.

Service tanks to furnish air pressure for dry systems shall be connected with a metered service and not with fire service.
Sec. 5-2-27. Use of water from public water openings.

Any person desiring to use water from any fire hydrant or other public water opening for any purpose except the extinguishment of fires shall make application for the use of water from such fire hydrant or other public water opening to the Director of Augusta-Richmond County Utilities Department or his designee. All water so used shall be supplied through a portable meter at regular meter rates, unless authorized by the Director.

Sec. 5-2-28. Permitting waste of water.

Any water tenant who shall let the water from his hydrant or other fixtures run to waste or any other person who shall cause a waste of water from the utilities department shall be punished as provided in herein. Any water tenant who permits such waste to exist, after being so fined, shall also be liable to have the water shut off upon twenty-four hours' notice, until the proper repairs have been made at such tenant's expense. Where the water supply is shut off as herein provided, the water shall not again be turned on until all water bills and the cost of shutting off and turning on the water shall have been paid.

Sec. 5-2-29. Injuring, obstructing, etc., houses, pipes, fireplugs, etc., pertaining to utilities department.

It shall be unlawful for any person to use a pipe wrench on the stem of a fire hydrant, to injure any house, wall, bank, fence, bridge, pipe, curb stop, fireplug or other fixtures pertaining to the Augusta-Richmond County utilities department, or to obstruct the passage thereto, or in any way prevent the proper use thereof. Any person violating this section shall be liable for the expense of repairing any damage done, and shall be punished as provided in herein.

Sec. 5-2-30. Trespass at reservoir, etc.

It shall be unlawful for any unauthorized person to be within the fence enclosing the reservoir and basin, or within the fence enclosing the pumping station, at any time.

Sec. 5-2-31. Bathing in, throwing articles into, or washing dogs, clothes, etc., in reservoirs.

It shall be unlawful for any person to bathe in any of the basins or reservoirs of the utilities department of Augusta-Richmond County or to throw or deposit anything whatever therein or to wash any dog, clothes or anything in the waters thereof.

Sec. 5-2-32. Opening curb cock.

It shall be unlawful for any person to open any curb cock found closed without permission from the Director of Augusta-Richmond County Utilities Department.

Sec. 5-2-33. Interference with water supply for extinguishing fires.

It shall be unlawful for any person to interfere in any way with the supply of water for the extinguishing of fires.

Sec. 5-2-34. Leaving valve closed or in bad order.

It shall be unlawful for any person, permitted by the Director of Augusta-Richmond County Utilities Department to shut down any valve, to leave such valve closed or in bad order without reporting the same to the Director of Augusta-Richmond County Utilities Department.

Sec. 5-2-35. Installation of water services prior to paving streets.

The owners of all vacant lots or lots without water services abutting on a street of Augusta-Richmond County which is to be paved shall be given thirty days' written notice by the engineering or public utilities department that such street is to be paved. Within such thirty-day period the property owners shall have installed all water services required to serve their property, and if they shall fail to do so the Commission may:

(a) Do all work required to serve such properties without thereafter causing a cut to be made in the pavement and charge the cost thereof to the property owner and
enforce the same by lien upon such property and execution to be issued thereon; or

(b) Refuse to cut such pavement to install such water services and connections for a period of five (5) years from the date of the completion of the pavement except in extreme cases of emergency.

Sec. 5-2-36. Acceptance of water mains in subdivisions.

It shall be unlawful for the Commission or any committee thereof to accept as a part of the water works system of Augusta-Richmond County any subdivision having water mains running through such subdivision that are less than six inches in diameter, except that water mains installed in dead-end roads or streets, also known as cul-de-sacs, may be less than six (6) inches in diameter, subject to the approval of the Director of Augusta-Richmond County Utilities Department.

Sec. 5-2-37. Police powers of certain employees.

The superintendent and assistant superintendents of the pumping station and the filter plant are each vested with the full power of a law enforcement officer in the enforcement of the provisions of all laws, rules and regulations applicable to any portion of the public utilities, or to the grounds around the same.

Sec. 5-2-38. Refusal to admit public utilities personnel to make inspections.

It shall be unlawful for any person to refuse to admit the authorized employees of the utilities department to his premises for inspection of water supply or appliances.

Sec. 5-2-39. Rules and regulations as to public utilities.

(a) The director of the Augusta Utilities Department is authorized to make such rules and regulations with reference to the public utilities and the use of water therefrom as he may deem expedient.

(b) Any person, corporation, partnership or other entity violating this article shall be tried as a misdemeanor and upon conviction, shall be punished by a fine not to exceed one thousand ($1000.00) or imprisonment not to exceed sixty (60) days.

(c) Upon violation of any provision of this article, or any other water conservation plan made by the Director of Augusta's Utilities Department, pursuant to this section, the Augusta Utilities Department is authorized to disconnect the water supply to the property which is in violation of this article. The water shall then remain disconnected until the customer has paid a disconnection fee and/or a reconnection fee in the same amount as provided by Augusta's policy for the disconnection and reconnection of water service for a delinquent account, as provided in Article 2 of this Chapter.

(Ord. No. 6545, § 1, 8-6-02)

Sec. 5-2-40. Penalty.

Any person or persons failing to comply with the lawful provisions hereof or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be subject to the penalties provided in section 1-6-1.

ARTICLE 2. RATES AND CHARGES

Sec. 5-2-41. Payment of charges prerequisite to making connections, etc.

No connection or tap shall be made or water or sewer service installed until proper payment of charges has been made and deposited with Augusta-Richmond County. Such deposit or payment shall include all water connection charges, sewer connection charges and plumbing fees, the intention of this section being that all charges of whatsoever nature shall be paid before any of the work above set out is done, unless the house to be served cannot be served by a sewer main, in which case no charge shall be made for sewer connection but all other charges as set out shall
be paid. Water connections shall not be made until proper payment is made for sewer connection where the sewer is available.

Sec. 5-2-42. Charges and use of water and sewer main regulations.

The Commission shall from time to time establish charges, rates and regulations through ordinances for the use of the water and sewer mains of Augusta-Richmond County.

Sec. 5-2-43. Application for use of water and manner of billing—Generally.

Application for the use of water on any premises shall be made by the property owner or his agent, who shall sign the form of agreement prescribed by the Director of Augusta-Richmond County Utilities Department. Meters will be read and bills rendered once each month to the person designated in the agreement.

Sec. 5-2-44. Measurement by meters.

All water furnished from Augusta-Richmond County mains shall be, except as provided in section 5-2-50, paid for by meter measurement.

Sec. 5-2-45. Schedule of water and sewer rates and minimum charges.

(a) Effective September 1, 1996, the following rates for water and sewer are established for the Augusta-Richmond County Consolidated Water and Sewer System:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Water</th>
<th>Sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL METERS &gt;3kgal</td>
<td>$8.00</td>
<td>$6.70</td>
</tr>
<tr>
<td>ALL METERS &lt;3kgal</td>
<td>5.53+ $0.76/kgal</td>
<td>9.40+ $0.87/kgal</td>
</tr>
</tbody>
</table>

COMMERCIAL (NON-RESIDENCE) RATE STRUCTURE:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Water</th>
<th>Sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/8&quot; - 1/4&quot;</td>
<td>$6.00+ $0.97/kgal</td>
<td>$9.90+ $1.10/kgal</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$8.50+ $0.97/kgal</td>
<td>14.15+ $1.10/kgal</td>
</tr>
<tr>
<td>11/4&quot; &amp; 11/2&quot;</td>
<td>14.10+ $0.97/kgal</td>
<td>23.65+ $1.10/kgal</td>
</tr>
<tr>
<td>2&quot;</td>
<td>20.25+ $0.97/kgal</td>
<td>34.15+ $1.10/kgal</td>
</tr>
<tr>
<td>3&quot;</td>
<td>33.90+ $0.97/kgal</td>
<td>57.50+ $1.10/kgal</td>
</tr>
<tr>
<td>4&quot;</td>
<td>49.10+ $0.97/kgal</td>
<td>83.80+ $1.10/kgal</td>
</tr>
<tr>
<td>6&quot;</td>
<td>82.80+ $0.97/kgal</td>
<td>140.80+ $1.10/kgal</td>
</tr>
<tr>
<td>8&quot;</td>
<td>120.10+ $0.97/kgal</td>
<td>204.40+ $1.10/kgal</td>
</tr>
<tr>
<td>10&quot;</td>
<td>160.40+ $0.97/kgal</td>
<td>273.25+ $1.10/kgal</td>
</tr>
<tr>
<td>12&quot;</td>
<td>208.15+ $0.97/kgal</td>
<td>346.05+ $1.10/kgal</td>
</tr>
<tr>
<td>00</td>
<td>8.50+ $0.97/kgal</td>
<td>14.15+ $1.10/kgal</td>
</tr>
</tbody>
</table>

(b) Effective April 1, 2009, the monthly residential sewer rate shall be charged based on the lesser of the actual water usage for the month or average water usage for that address from the previous December, January and February billing cycles.

(c) In cases where a December, January and February consumption is not previously established for that address, the monthly residential sewer charge shall be the lesser of fifteen dollars and eighty cents ($15.50), or the amount calculated for actual water usage for that month.

(d) The rate for wastewater from co-generation facilities is established at the rate of $1.25/kgal. Effective April 1, 2002, and annually thereafter, the rate for wastewater from co-generation facilities as set forth in this section shall be adjusted equal to the percentage increase in the Consumer Price Index (CPI) for all Urban Consumers for the South Region.

(e) The rates for water and sewer set forth in this section shall be adjusted as established in the budget adopted by the Augusta-Richmond County Commission for such year. Any change in the rate shall be effective on April 1 of each year following adoption of this ordinance.

(f) Multi-family dwellings with a water meter size of one (1) inch or greater are considered commercial accounts for billing purposes, regardless of the type of entity that is being billed.

Ord. No. 6023, 3-18-98; Ord. No. 6237, § 1, 1-4-00; Ord. No. 6441, § 1, 12-3-01; Ord. No. 7126, § 1, 5-5-09; Ord. No. 7127, § 1, 5-5-09)

Sec. 5-2-46. Charges when meter supplies houses of different ownership.

If a meter supplies a house of different ownership than the house from the address of which the meter is installed, it shall carry a minimum charge for each such house, as provided in section 5-2-45. The charges for water used through such meter shall be collected from the consumer at the address at which the meter is installed.

Sec. 5-2-47. Minimum charge when two or more houses are on the same meter. (Reserved)

Sec. 5-2-48. Assessments against tenements; supply of water to two or more families through same service pipe.

Water supplied to tenement houses, that is, houses wherein two (2) or more families reside, shall be assessed against the owner of such property as follows, that is to say, each tenement separately. In case two (2) or more parties or families are supplied with water from the same service pipe, if either of the parties fails to pay the water rent when due, or to comply with the rules of the utilities department, the water will be turned off from such pipe until the rent is paid or the rules are complied with.

Sec. 5-2-49. Effect of failure to pay bills when due; fees in connection with cut-off and/or unauthorized obtaining of water; removal of dead meters.

(a) Each and every bill for water consumed shall be subject to a penalty of ten (10) percent if not paid by the penalty date shown on the bill.

(b) If any bill is not paid by the shut off date established for said bill by the Augusta-Richmond County Utilities Department, the water will be shut off until all arrears are paid.

The water will not be turned on until all arrears are paid together with a delinquent fee of twenty-five dollars ($25.00) for cutting on and off.

In cases where shutting off water would be contrary to special health needs at the customer's site or would severely impact the conduct of business at a customer's site; the Utilities Department may opt not to shut off the water. A notice of a shut off date or a proposed shut off date will be hand delivered to the customer and the twenty-five dollar ($25.00) delinquent fee will be added to the bill.

(c) Where water has been cut off due to non-payment, but is being received through tampering with the water meter, a fee of sixty-five dollars ($65.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's placing of a locking device on the water meter. This fee will be in addition to any other fee previously assessed.

(d) Where a locking device placed on a water meter has been broken or otherwise made ineffective, a fee of one hundred five dollars ($105.00) will be charged to the account in connection with the Augusta-Richmond County Utilities Department's removal of the water meter. This fee will be in addition to any other fee previously assessed.

(e) Where a water meter has been removed and water is being obtained through an unauthorized meter or "straight line", a fee of one hundred twenty-five dollars ($125.00) will be charged to the account in connection with the Augusta Utilities Department's removal of the unauthorized meter or "straight line". This fee will be in addition to any other fee previously assessed.

In addition, the responsible party may be cited with a violation of this Code and subject to punishment as provided in Code section 1-6-1. Any additional costs or fines ordered by the Court would also be required to be paid prior to restoration of service.

(Ord. No. 6045, 6-2-98)
Sec. 5-2-50. Adjustment of excessive bills caused by leaking fixtures—Generally.

In cases of a bill deemed excessive, the utilities department, on complaint or request of the property owner or his agent or tenant, will make an investigation of the plumbing. This section shall not apply to minimum charge bills and shall not apply to property occupied by the owner.

Sec. 5-2-51. Same—Plumber's certificate of repairs prerequisite to reduction in water bill.

No reduction shall be made in any water bill until the manager, public utilities sales, has received a certificate from a licensed plumber certifying that repairs have been made to water works, plumbing fixtures or piping upon or leading to the property served by the meter whose reading furnishes the basis of such water bill, and that such repairs have been completed so that leaks in any such fixtures or piping no longer exist.

Sec. 5-2-52. Same—Authority of manager, public utilities sales, to reduce water bill.

Upon receipt by the manager, public utilities sales, of a plumber's certificate issued in accordance with the preceding section, he shall have the authority to reduce the water bill to which such certificate relates in such an amount as may appear to him to be appropriate under the circumstances.

Sec. 5-2-53. Same—Spot-checks of plumbers' certificates.

It shall be the duty of the plumbing inspector to spot-check such plumbers' certificates as are received by the utilities department, in accordance with instructions from the manager, public utilities sales, who shall cause such spot-checks to be made with sufficient frequency to make the provisions of sections 5-2-51 to 5-2-54 effective.

Sec. 5-2-54. Same—Repairs to be made before issuance of plumbers' certificates.

It shall be unlawful for any person engaged in the plumbing business to issue any certificate certifying that repairs or replacements have been made to any water works, plumbing fixtures or piping in Augusta-Richmond County until the repairs certified to in such certificate have been made and completed. When the manager, public utilities sales, receives confirmation satisfactory to him that any person has issued a plumber's certificate without having first made and completed the repairs as shown on such certificate, he shall cause such person to be prosecuted for violation of this section. Conviction of such person may result in the revocation of his plumbing license in addition to any other penalty that may be imposed.

Sec. 5-2-55. How water rents to be collected; defaults.

Water charges shall be collectible from the property owner or his agent, and upon default for the period prescribed the water shall be shut off from the premises, and shall not be furnished until all sums due for the water shall have been paid.

Secs. 5-2-56—5-2-69. Reserved.

ARTICLE 3. SEWERS

Sec. 5-2-70. Sewer assessment charges—Generally.

(a) An assessment shall be made for the privilege of connecting or continuing connections of premises within Augusta-Richmond County with the sanitary sewer system of Augusta-Richmond County and upon the use of the sanitary sewer system of the Commission by persons residing within Augusta-Richmond County.

(b) The assessment charge for this privilege and use shall be made against the person in whose name the water meter serving the premises for which the charge is made is listed upon the records of the utilities department of Augusta-Richmond County.

(c) Effective September 1, 1996, the rates for sewer are established for as set forth in section 5-2-45.
(d) Where Augusta-Richmond County water is available, no connection to the sanitary sewer system of the Commission shall be made or permitted until the consumer is supplied with water from the water system of the Commission.

(e) Where the sanitary sewer system of the Commission is accessible and Augusta-Richmond County water is not available, the assessment charge for the residential use of the sanitary sewer system of the Commission will be eight dollars and thirty cents ($8.30) per month. Any industrial user shall pay based upon the measured sewer in accordance with the rates set forth above.

(f) The assessment charge shall be shown upon the monthly water bill if there is one, otherwise for sewer charge only, and shall be paid and collected as water bills are paid and collected. All bills for such assessment charges shall be subject to a penalty of ten (10) percent if not paid by the expiration date shown on the bill.

(g) If any assessment charge is not paid within twenty (20) days from the date of the bill, water shall be shut off and sanitary sewer disconnected until arrears are paid, together with the additional fee for cutting on and off the water or reconnecting the sewer.

Sec. 5-2-71. Same—Special commercial or industrial users.

(a) Where a person contributes industrial wastes to the sanitary system of Augusta-Richmond County, such person shall pay an industrial waste surcharge in addition to any sewer service charges to defray the cost of treating the above "normal" strengths waste in the amount of fourteen cents ($0.14) per pound.

(b) The Commission as it may be constituted at the time shall have authority to negotiate and fix an assessment charge for any commercial or industrial user of water of the Commission for the manufacture of a product where the volume of water consumption would result in unjust sanitary sewer charges, except as may be prohibited by law.

ARTICLE 4. BACKFLOW PREVENTION AND CROSS-CONNECTIONS

Sec. 5-2-72. Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein unless more specifically defined within other sections of this Article. When not inconsistent with the content, words used in the present tense include the future tense, and words in the single number include the plural number. The word "shall" is always mandatory and not discretionary.

(a) Augusta is a political subdivision of the State of Georgia that includes all of Richmond County.

(b) Public Water Supply means the waterworks system furnishing water to Augusta for general use, excluding the area furnished water by the City of Hephzibah, and which supply is recognized as the public water supply by the Georgia Department of Natural Resources/Environmental Protection Division.

(c) Cross-Connection means any physical connection whereby the public water supply is connected with any other water supply, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(d) Auxiliary Intake means any piping connection or other device whereby water may be secured from a source other than that normally used.

(e) By-pass means any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant or public water distribution system.

(f) Inter-connection means any system of piping or arrangement whereby the public water supply is connected directly with a
sewer, drain, conduit, pool, storage reservoir or other device which does or may contain sewage or other waste or liquid which is capable of importing contamination to the public water supply.

(g) Person means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-73. Purpose.

The Augusta Utilities Department’s Public Water Supply shall comply with Chapter 391-3-5-13 of the Georgia Rules for Safe Drinking Water and PL 933-523 of the Federal Safe Drinking Water Act, Legally adopted by this Code, and which pertains to cross-connections, establishes an effective Policy and Procedures for Backflow Prevention By Containment Program to control these undesirable water uses.

(Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-74. General provisions.

(a) No person shall cause a cross-connection, auxiliary intake, by-pass or inter-connection to be made or allow one (1) to exist for any purpose whatsoever.

(b) Any person whose premises are supplied with water from the Augusta Public Water Supply, and who has also on the same premises a separate water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director of the Augusta Utilities Department a statement attesting to the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses or interconnections. Such Statement shall also contain an agreement that no cross-connections, auxiliary intakes, bypass or interconnection will be permitted on the premises.

(Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-75. Inspection.

(a) It shall be the duty of the Augusta Utilities Department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, and shall be established by the Director of the Augusta Utilities Department.

(b) The Director of the Augusta Utilities Department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection in the Augusta Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-76. Other instances where protective devices required.

(a) Where the nature of use of the water supplied a premises by the Augusta Utilities Department's Public Water Supply is such that it is deemed:

(1) Impractical to provide an acceptable air gap separation; or

(2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply; or

(3) That the nature and mode of operation within the premises are such that frequent alterations are made to the plumbing; or

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected;
The Director of the Augusta Utilities Department, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be suitable for the service being protected and shall be of a type back-flow preventer approved by the Director of the Augusta Utilities Department as to the manufacturer, model and size. The method of installation of the backflow protective devices shall be approved by the Director of the Augusta Utilities Department prior to installation and shall comply with the criteria set forth by the Augusta Utilities Department.

(b) The installation shall be at the expense of the owner or occupant of the premises.

(c) The Augusta Utilities Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of the Augusta Utilities Department, or his designated representative.

(d) Water Service shall not be interrupted to test the device without the knowledge of the occupant of the premises.

(e) When the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one (1) unit is installed and the continuance is critical, the Director of the Augusta Utilities Department shall notify in writing, the occupant of the premises of the plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the Director of the Augusta Utilities Department.

Sec. 5-2-77. Sign requirements.

(a) The potable water supply made available on the properties served by the Augusta Utilities Department's Public Water Supply shall be protected from possible contamination as specified herein.

(b) Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

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WATER UNSAFE FOR DRINKING
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(c) Minimum acceptable sign shall have black letters one-inch high located on a red background. (Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-78. Timeframe for compliance.

Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of this policy shall be allowed a reasonable time within which to comply with the provisions of this policy. After a thorough investigation or the existing conditions and an appraisal of the time required to complete the work the amount of time shall be designated by the Director of the Augusta Utilities Department. (Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-79. Penalty.

Whenever any person neglects or refuses to comply with any of the provisions of this Article the Director of the Augusta Utilities Department shall discontinue the public water supply service at the premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-80. Right of director to sever cross-connection.

Whenever the Augusta water supply is involved, and in the opinion of the Director of the
Augusta Utility Department any cross-connection endangers or potentially endangers the Augusta water supply, then the Director shall have the right to sever the cross-connection by shutting off the Augusta water supply.

(Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-81. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions herein.

(Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-82. Penalty for violation of article.

Any person or persons failing to comply with the lawful provisions of this Article or any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in section 1-6-1.

(Ord. No. 6223, § 1, 12-7-99)

Sec. 5-2-83. Reserved.

Editor's note—Ord. No. 6223, § 1, adopted Dec. 7, 1999, repealed § 5-2-83 in its entirety. Formerly, said section pertained to penalty for violation of article.

Secs. 5-2-84—5-2-109. Reserved.

ARTICLE 5. WATER CONSERVATION RESTRICTIONS

Sec. 5-2-110. Definitions.

(a) Commercial. Any type of building other than residential.

(b) Construction. The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

(c) Residential. Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

Sec. 5-2-111. Residential standards.

On or after July 1, 1991, no construction may be initiated within Augusta-Richmond County for any residential building of any type which:

(a) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six tenths (1.6) gallons of water per flush; however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992.

(b) Employs a shower head that allows a flow of more than an average of two and half (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure.

(c) Employs a urinal that uses more than an average of one (1.0) gallon of water per flush.

(d) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0) gallons of water per minute.

(e) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and half (2.5) gallons of water per minute.

Sec. 5-2-112. Commercial standards.

On or after July 1, 1992, there shall be no construction of any commercial building initiated within Augusta-Richmond County for any commercial building of any type which does not meet the requirements of subparagraphs (a) through (e) of section 5-2-111.

Sec. 5-2-113. Applicability.

The requirements of section 5-2-111 shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction...
Sec. 5-2-114. Exemptions.

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 5-2-111, 5-2-112 and 5-2-113 when:

1. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or

2. When such plumbing or sewage system within such existing building, because of its capacity, design or installation, would not function properly if the toilets, faucets or showerheads required by this article were installed; or

3. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or

4. Units to be installed are:
   a. Specifically designed for use by the handicapped;
   b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
   c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsections (a)(2), (3) or (4) of this section shall obtain the exemption by applying at the office of the building inspector. A fee of fifty dollars ($50.00) shall be charged for the inspection and issuance of such exemption.

Sec. 5-2-115. Enforcement; penalty.

(a) This article shall be enforced by the office of the building inspector and/or the License & Inspection Department. Citations for violations may be issued by the chief building inspector or any inspector authorized to do so by the director of such departments.

(b) Any person, corporation, partnership or other entity violating this article shall be tried as a misdemeanor and upon conviction, shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed sixty (60) days.
Chapter 3

WASTEWATER*

Sec. 5-3-1. General provisions.

This chapter shall be known as Augusta, Georgia Sewer Use Ordinance.

(a) Purpose and Procedure. Augusta is a political subdivision of the State of Georgia and operates under enabling legislation enacted by the General Assembly of Georgia (GA Laws 1995, p. 3648) and the authority invested by the Constitution of the State of Georgia. Legal authority is vested in Augusta, Georgia to carry out the provisions of the Ordinance, particularly the Pretreatment Program. The Augusta-Richmond County Commission, on behalf of Augusta, Georgia has full legal authority and power to apply any of the applicable sections of the federal Water Pollution Control Act for purposes of enforcement.

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Augusta, Georgia and enables Augusta to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This ordinance shall apply to all users of Augusta's POTW, which includes both the James B. Messerly (JBM) and Spirit Creek (SC) Water Pollution Control Plant (WPCP) and all conveyances to same. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) Administration. Except as otherwise provided herein, Augusta's Assistant Director of Utilities shall administer, implement, and enforce the provisions of this ordinance. The Assistant Director of Utilities may delegate any powers granted to or duties imposed upon the Assistant Director of Utilities to other duly authorized representatives or agents.

(c) Definition. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

(1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(2) Administrative Action. An enforcement action authorized by Augusta's legal authority that is taken without the involvement of a court.

*Editor's note—Ord. No. 6557, adopted October 3, 2002, amended this chapter in its entirety to read as herein set out. Formerly said chapter pertained to similar subject matter.
(3) **Administrative Fine.** A punitive monetary charge unrelated to actual treatment costs which is assessed by Augusta rather than a court.

(4) **Administrative Order.** A document, which orders the violator to perform a specific, act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging or undertake activities pursuant to a compliance schedule.

(5) **Applicable Pretreatment Standards.** For any specified pollutant, Augusta’s prohibitive standards, Augusta’s specific pretreatment standards (local limits), or EPA’s Categorical Pretreatment Standards (when effective), whichever standard is appropriate or most stringent.

(6) **Approval Authority.** The State of Georgia, Department of Natural Resources Environmental Protection Division. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs including an evaluation of the effectiveness of local enforcement.

(7) **Assistant Director of Utilities.** The person designated by Augusta to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance.

(8) **Augusta, Georgia or Augusta.** A political subdivision of the State of Georgia governed by Augusta-Richmond County Commission.

(9) **Authorized Representative of the User.**
   a. If the user is a corporation:
      1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

   2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

   b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

   c. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

   d. The individuals described in paragraphs (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Augusta.

(10) **Biochemical Oxygen Demand (BOD).**
The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°
centigrade, usually expressed as a concentration in milligrams per liter (mg/l).

(11) Board of Health. The Richmond County Board of Health or an authorized agent or representative.

(12) Building Inspector. The chief building inspector of Augusta or his authorized agent or representative.

(13) Building Sewer. The extension from the building drain to the public sewer or other place of disposal also called house connection.

(14) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appeal in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(15) Categorical User. A user covered by one of EPA's Categorical Pretreatment Standards.

(16) Chain-of Custody. A written record of sample possession for all persons who handle (collect, transport, analyze, dispose) a sample, including names, dates and times.

(17) Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize organic and oxidizable inorganic compounds in water.

(18) Cooling Water. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

(19) Color. The optical density at the visual wavelength of maximum absorption relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(20) Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.


(22) Community Sewer. Any public sewer containing wastewater from more than one premise.

(23) Compatible Pollutant. BOD, TSS, pH, fecal coliform bacteria, ammonia, and such additional pollutants as are now, or may in the future, be specified and controlled in Augusta's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove pollutants.

(24) Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

(25) Control Authority. Augusta's Director of Utilities or his duly authorized representative or agent.

(26) Conventional Pollutants. Pollutants described as BOD, suspended solids pH, fecal coliform bacteria, oil and grease, phosphorus, total Kjeldahl nitrogen and such additional pollutants as are now or may in the future be specified and controlled in Augusta's NPDES for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutant.

(27) Discharge. The discharge of a pollutant or the discharge of pollutants.

(28) Direct Discharge. The discharge of treated or untreated wastewater directly to the Waters of the State of Georgia.

(29) Domestic User (Residential User). Any person who contributes, causes, or allows the contribution of wastewater into Augusta's POTW that is of a similar volume and/or chemical
make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically do not exceed 200 mg/L of BOD and 200 mg/L of TSS.

(30) Environmental Protection Division (EPD). The State of Georgia Department of Natural Resources, Environmental Protection Division or its duly authorized representative.

(31) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

(32) Existing Source. For a categorical industrial user, an "existing source" is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(33) Existing User. For non-categorical users an "existing user" is defined as any user which is discharging wastewater prior to the effective date of this ordinance or include a specific date such as the date the code will become effective.

(34) Flammable. To be defined by existing fire regulations covering Augusta.

(35) Floatable Grease. Grease in a state such that it is insoluble in the liquid waste and will separate from the liquid by gravity in properly operating grease separation facilities.

(36) Flow Proportioned. A composite sample that is collected continuously or discreetly. Discreet sampling may be flow-proportioned by varying the time interval between each aliquot. All composites must be flow-proportioned to each stream flow at time of collection of aliquot or to the total flow since the previous aliquot.

(37) Grab Sample. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

(38) Grease. Such materials include fats, oils, waxes and related compounds of animal, vegetable of mineral origin.


(40) Holding Tank Waste. Any waste from a holding tank such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks utilized to store, treat or transport waste.

(41) Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

(42) Industrial Wastes. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

(43) Influent. The wastewaters entering at Augusta’s wastewater treatment plant for treatment.

(44) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its sludge processes, use or disposal;
or (3) is a cause of a violation of Augusta’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(45) **Legal Authority.** The source of Augusta’s jurisdiction and regulatory powers.

(46) **Maximum Allowable Discharge Limit.** The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected.

(47) **Medical Wastes.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(48) **National Pollutant Discharge Elimination System (NPDES).** The program for issuing, conditioning and denying permits for the discharge pollutant from point sources into navigable waters pursuant to Section 403 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(49) **New Source.**

a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section a. 1. or 2. above but otherwise alters, replaces, or adds to existing process or production equipment.
c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction program
   (i) any placement, assembly, or installation of facilities or equipment; or
   (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(50) New User. A "new user" is not a "new-source" and is defined as a user that applies to Augusta for a new building permit or any person who occupies an existing building and plans to discharge wastewater to Augusta's collection system after the effective date of this ordinance or include a specific date such as the date the code will become effective. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.

(51) Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(52) Pass Through. A discharge which, exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Augusta's NPDES permit (including an increase in the magnitude or duration of a violation)

(53) Permittee: A person or user issued a wastewater discharge permit.

(54) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, or local governmental entities.

(55) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

(56) pH Violation. Where a permittee continuously monitors pH, a violation shall be defined as any 60-minute excursion outside of the permitted range. The total time during which the pH values are outside the required range of pH value shall not exceed 8 hours in any calendar month. Where a permittee analyzes grab samples for pH analyses, a violation shall be defined as any excursion outside of the permitted range.
(57) **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor].

(58) **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

(59) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(60) **Pretreatment Standards or Standards.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits established by Augusta, Georgia.

(61) **Priority Pollutant.** Any contaminant in water which is identified as being toxic, carcinogenic, mutagenic, teratogenic or is chemically similar to compounds identified as such by EPA. This list includes 129 compounds and such other compounds as may be added from time to time.

(62) **Process Wastewater.** Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

(63) **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 5-3-5 and 5-3-6 of this ordinance.

(64) **Proprietary Information.** Information about a commercial chemical, product or process which is considered to be confidential business information or a trade secret by an industrial user because if divulged, the information could put the industrial user at an unfair competitive disadvantage with competitors in the same industry.

(65) **Publicly Owned Treatment Works (POTW).** A "treatment works," as defined by the Act (33 U.S.C. 1292), which is owned by Augusta. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means Augusta.

(66) **Self-Monitoring.** Sampling analysis of wastewater performed by the industrial user or its designee.

(67) **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(68) **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.)

(69) **Sewer.** Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.
(70) Sewerage. The entire system of sewage collection, treatment and disposal.

(71) Shall, May. "Shall" is mandatory, "may" is permissive.

(72) Significant industrial User (SIU).
   a. A user subject to categorical pretreatment standards; or
   b. A user that:
      1. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or
      2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
      3. Is designated as such by Augusta on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
      4. Upon a finding that a user meeting the criteria in Subsection two (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, Augusta may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6) determine that such user should not be considered a significant industrial user.

(73) Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Section 5-3-9 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.


(75) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(76) Surcharge. A charge for treating pollutant loading above design domestic levels.

(77) Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(78) Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.

(79) Treatment Plant Effluent. The discharge from the POTW into waters of the United States.

(80) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, im-
properly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

(81) User or Industrial User. A source of indirect discharge. The source shall not include "domestic user" as defined herein.

(82) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(83) Wastewater Discharge Permit (Industrial Wastewater Discharge Permit, Discharge Permit). An authorization or equivalent control document issued by Augusta to individual users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.

(84) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(d) Abbreviations.

The following abbreviations shall have the designated meanings:

- ASPP - Accidental Spill Prevention Plan
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- l - liter
- LEL - Lower Explosive Limit
- mg - milligrams
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O&M - Operation and Maintenance
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classifications
- SIU - Significant Industrial User
- SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- TSS - Total Suspended Solids
- USC - United States Code
- WPCP - Water Pollution Control Plant

(Ord. No. 6557, § 1, 10-3-02; Ord. No. 6939, § 15, 1-2-07)

Sec. 5-3-2. Use of public sewer.

(a) Unsanitary Offensive Deposits on Property Generally. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within Augusta or any area under the jurisdiction of said Augusta, any human excrement, garbage or other objectionable waste.

(b) Discharging Waste to Natural Outlets. It shall be unlawful to discharge to any natural outlet within Augusta or in any area under the jurisdiction of said Augusta, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(c) Private Sewage Disposal. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) Sewer Connection Required if Available. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within Augusta
and abutting on any street, alley or right-of-way in which there is located a public sanitary or combined sewer of Augusta, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-3. Private sewage disposal.

(a) Connection to Private System. Where a public sanitary or combined sewer is not available under the provisions of Section 5-3-2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this ordinance.

(b) Refer Applications to Board of Health. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit. The application for such permit shall be made on a form furnished by the Board of Health, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Director of Utilities.

(c) Inspection of Private Systems. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Health. The Board of Health shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Board of Health when the work is ready for final inspection and before any underground portions are covered, excluding the building sewer to private sewer disposal system.

(d) Acceptable Private Sewage Disposal. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Human Resources of the State of Georgia. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than the requirements of Augusta's Groundwater Recharge Ordi-
nance, which provisions are set forth in Augusta-Richmond County Code Title 8, Chapter 6 (Sections 8-6-1 through 8-6-16). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) Connection to Public Sewer Required if Available. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 5-3-2, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt by the Owner.

(f) Private Operation and Funding. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to Augusta.

(g) Board of Health. No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the Board of Health.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-4. General requirements.

(a) Prohibited Discharge Standards

(1) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(2) Specific Prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

   a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to,
wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. Prohibited substances include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which have been determined to be a fire hazard to the system.

b. Reserved.

c. Wastewater having a pH less than 6.0 or more than 11.0 standard units at any time, or otherwise causing corrosive structural damage or hazard to structures, equipment and/or personnel of the POTW.

d. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch.

e. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

f. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C) unless the Approval Authority, upon the request of the POTW, approves alternate temperature limits.

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

h. Trucked or hauled pollutants, except at discharge points designated by Augusta.

i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating Augusta’s NPDES permit. Color, in combination with turbidity, shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established north for aquatic life.

k. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Assistant Director of Utilities in compliance with applicable State or Federal regulations.

l. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Assistant Director of Utilities.

m. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes.

n. Medical wastes, except as specifically authorized by the Assistant Director of Utilities.

o. Wastewater causing alone or in conjunction with other sources the treat-
ment plant's effluent to fail toxicity test. In the event toxicity is found in the POTW, the Assistant Director of Utilities may require industrial users to participate in a Toxicity Reduction Evaluation in accordance with the provisions of the POTW treatment plant's NPDES permit.

p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

q. Any liquid, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5%) per cent nor any single reading over ten (10%) per cent of the lower explosive limit (LEL) of the meter.

r. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.

s. Any substance which, will cause the POTW to violate its NPDES and/or other disposal system permits.

t. Any wastewater, which in the opinion of the Assistant Director of Utilities can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the Assistant Director of Utilities (except that no special waiver shall be given from categorical pretreatment standards).

u. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by Augusta and paid all fees assessed for the privilege of said discharge.

v. Any hazardous wastes as defined in rules published by the State of Georgia or in EPA regulations 40 CFR Part 261.

w. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticides Act (FIFRA)

x. Any wastewater, which causes hazard to human life, creates a public nuisance or endangers the environment.

(3) Limitations on the Use of Garbage Grinders. Waste from garbage grinders shall not be discharged into a Community Sewer except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Community Sewers. Garbage grinders shall not be used for the grinding of plastics, paper products, inert materials or garden refuse.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-5. Discharge limits and standards.

(a) Federal Categorical Pretreatment Standards. The National Categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter
N, Parts 405-471 are hereby incorporated. If federal categorical standards establish limits for a pollutant more stringent than those established in subsection (b) hereof, the categorical pretreatment standard will take precedence.

In accordance with 40 CFR 403.13, Augusta may adjust a categorical Pretreatment Standard if data specific to that Industrial User indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue.

Where process effluent is mixed prior to treatment with wastewater other than those generated by the regulated process, Augusta will derive fixed alternative (mass or concentration) discharge limitations. These limits will be applied to the mixed effluent in accordance with 40 CFR 403.6(e).

Federal Categorical Pretreatment Standards may be expressed as either concentration or mass limits. Equivalent limits (mass or concentration) will be provided so that local, state or federal authorities responsible for enforcement may use either concentration or mass in accordance with 40 CFR 403 (6).

Augusta may adjust Categorical Pretreatment Standards to reflect the presence of pollutant in the Industrial User's intake water in accordance with 40 CFR 403.15.

(b) Local Limitations. No person or User shall discharge wastewater in excess of the concentrations set forth below unless the wastewater discharge permit of the User provides as a special permit condition a higher interim concentration level and a requirement that the User construct a pretreatment facility or institute changes in operations and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the discharge permit within a fixed period of time. The following pollutant limits are established to protect both the James B. Messerly and Spirit Creek WPCP against pass through and interference. No person shall discharge wastewater containing concentrations in excess of the following:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Concentration, mg/l</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic, total</td>
<td>0.86</td>
</tr>
<tr>
<td>Cadmium, total</td>
<td>0.14</td>
</tr>
<tr>
<td>Chromium, total</td>
<td>1.74</td>
</tr>
<tr>
<td>Chromium, (VI)</td>
<td>1.74</td>
</tr>
<tr>
<td>Copper, total</td>
<td>0.38</td>
</tr>
<tr>
<td>Lead, total</td>
<td>0.60</td>
</tr>
<tr>
<td>Mercury, total</td>
<td>0.002</td>
</tr>
<tr>
<td>Molybdenum, total</td>
<td>0.78</td>
</tr>
<tr>
<td>Nickel, total</td>
<td>0.40</td>
</tr>
<tr>
<td>Selenium, total</td>
<td>0.68</td>
</tr>
<tr>
<td>Silver, total</td>
<td>1.82</td>
</tr>
<tr>
<td>Zinc, total</td>
<td>2.46</td>
</tr>
<tr>
<td>Cyanide, total</td>
<td>0.08</td>
</tr>
<tr>
<td>Phenols</td>
<td>2.13</td>
</tr>
<tr>
<td>Oil and Grease, Total</td>
<td>500</td>
</tr>
<tr>
<td>Petroleum and Mineral</td>
<td>100</td>
</tr>
<tr>
<td>Benzene</td>
<td>5.53</td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
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</tr>
<tr>
<td>Chlorobenzene</td>
<td>0.05</td>
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<tr>
<td>Chlorodibromomethane</td>
<td>2.93</td>
</tr>
<tr>
<td>Methyl chloride</td>
<td>0.16</td>
</tr>
<tr>
<td>1, 1, 2, 2-Tetrachloroethane</td>
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</tr>
<tr>
<td>Tetrachloroethylene</td>
<td>0.89</td>
</tr>
<tr>
<td>1,1,2-Trichloroethane</td>
<td>3.62</td>
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<tr>
<td>Trichloroethylene</td>
<td>0.04</td>
</tr>
<tr>
<td>2, 4-Dimethylphenol</td>
<td>2.69</td>
</tr>
<tr>
<td>Anthracene</td>
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<tr>
<td>Bis (2-ethylhexyl) phthalate</td>
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</tr>
<tr>
<td>1, 2-Dichlorobenzene</td>
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</tr>
<tr>
<td>1, 3-Dichlorobenzene</td>
<td>0.98</td>
</tr>
<tr>
<td>1, 4-Dichlorobenzene</td>
<td>0.09</td>
</tr>
<tr>
<td>Di-n-butyl phthalate</td>
<td>0.62</td>
</tr>
<tr>
<td>Fluoranthene</td>
<td>3.48</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
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</tr>
<tr>
<td>Hexachlorobutadiene</td>
<td>0.08</td>
</tr>
<tr>
<td>Pyrene</td>
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<tr>
<td>Naphthalene</td>
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<tr>
<td>1, 1-Dichloroethylene</td>
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</tr>
<tr>
<td>1, 3-Dichloropropylene</td>
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</tr>
<tr>
<td>Phenanthrene</td>
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<td>Acenaphthene</td>
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<tr>
<td>1, 1-Dichloroethane</td>
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<tr>
<td>1, 2-Dichloropropane</td>
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</tr>
<tr>
<td>2-Methy 4, 6-dinitrophenol</td>
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</tr>
<tr>
<td>Hexachloroethane</td>
<td>0.39</td>
</tr>
<tr>
<td>2-Nitrophenol</td>
<td>0.29</td>
</tr>
</tbody>
</table>
Parameter

1, 2, 4-Trichlorobenzene .............. 0.22

The above limits apply at the point where the wastewater is discharged to the POTW (end-of-the-pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. Augusta may limit the discharge of specific substances, listed or not listed above, on a case-by-case basis, if the discharge of that substance is shown to interfere with the operation or performance of the receiving POTW or violates any receiving stream water quality standards. The Assistant Director of Utilities may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

(c) Notification Required. Augusta is required to notify the Georgia Environmental Protection Division immediately when any industry in the Centralized Waste Treatment Point Category under 40 CFR 437 currently discharging to the Publicly Owned Treatment Works changes in the following ways:

(1) The sewer service is terminated.

(2) The industry stops discharging.

(d) Augusta’s Right of Revision. Augusta reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(e) Special Agreement. Augusta reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 403.13.

(f) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Assistant Director of Utilities may impose mass limitations on users, which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(g) Pretreatment Facilities. Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitations specified by the EPA, the State, or the Assistant Director of Utilities, whichever is more stringent. Any facilities required to treat wastewater to a level acceptable to Augusta prior to discharging to the POTW, shall be provided, operated, and maintained at the user’s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Augusta for review, and shall be acceptable to Augusta before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to Augusta under the provisions of this ordinance.

(h) Deadline for Compliance with Applicable Pretreatment Requirements for Existing Users. Compliance by existing sources (categorical users) covered by Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. Augusta shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more restrictive than EPA’s Categorical Pretreatment Standards.
Deadline for Compliance with Applicable Pretreatment Requirements for New Source or New Users. New Source dischargers and "New Users" are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed 90 days from the beginning of discharge). New Sources and "New Users" shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Compliance Schedule for Categorical and Noncategorical Users. Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to ensure compliance within the shortest time feasible.

Additional Pretreatment Measures

(1) Whenever deemed necessary, the Assistant Director of Utilities may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(2) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Assistant Director of Utilities, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Assistant Director of Utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.

(3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Accidental Discharge/Slug Control. The Assistant Director of Utilities may require any user to develop and implement an accidental discharge/ slug control plan. Where deemed necessary by Augusta, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan/ slug control plan showing facilities and operating procedures to provide this protection shall be submitted to Augusta for review and approval before implementation. Augusta shall determine which user is required to develop a plan and require said plan to be submitted within 30 days after notification by Augusta. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by Augusta. Review and approval of such plans and operating procedures by Augusta shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of Section 5-3-5.

(1) Any user required to develop and implement an accidental discharge/ slug control plan shall submit a plan which addresses, at a minimum, the following:

a. Description of discharge practices, including non-routine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in Sections 5-3-4 and 5-3-5 of this ordinance; and

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and inspection.
maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(2) Users shall notify Augusta immediately upon becoming aware of the occurrence of a "slug" or "accidental discharge" of substances regulated by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on Augusta on account thereof under state or federal law.

(3) Within five (5) days following an accidental discharge, the user shall submit to the Assistant Director of Utilities a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, or damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any expense, fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

(4) Signs shall be permanently posted in conspicuous places on the user’s premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

Sec. 5-3-6. Hauled waste.

(a) Limitations on Point of Discharge.

(1) No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he shall have been issued a permit by the Assistant Director of Utilities.

(2) Hauled waste may be discharged at the James B. Messerly Water Pollution Control Plant at times and locations established by the Assistant Director of Utilities. The designated receiving structure is located at:

James B. Messerly Water Pollution Control Plant
1820 Doug Barnard Parkway
Augusta, Georgia 30906

(3) No person shall discharge or cause to be discharged to any public sewer or to any public sewer facility or to any private sewer tributary to any public sewer any water and/or waste which has been removed and transported from any pit, sump, portable toilet, holding tank, septic tank, or wastewater treatment facility except as authorized by this ordinance. Such water and/or waste is hereinafter referred to in this ordinance as hauled waste.

(b) Waste Hauler Permit. Only permitted waste haulers may discharge hauled waste to the designated receiving structure.

(1) Any person wishing to obtain a permit to discharge hauled waste to the designated receiving structure shall satisfy all state and local certification and permitting requirements for hauling and disposing of liquid waste. Local certification is handled through Richmond County Board of Health. The James B. Messerly Water Pollution Control Plant’s pretreatment staff carries out the waste hauler discharge permitting process. A permit application form along with the information listed below must be submitted to Augusta’s pretreatment staff.

a. Proof of comprehensive general liability and auto liability insurance.
The applicant must submit proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. Additionally, the applicant must inform Augusta or its designee at least 10 days prior to the time of policy cancellations or renewals. Applicant shall maintain general liability insurance and automobile liability insurance in such amounts as he may, from time to time, deem appropriate.

b. A list of vehicles applicant has in service for transportation of liquid waste. The list shall include the make and model, the state of registration, the state vehicle license number and the tank volume in gallons for each vehicle operated.

c. Proof that waste hauled vehicles, which are to discharge at the James B. Messerly facility, are in compliance with all applicable federal, state and local regulations applicable to waste hauler-servicing Augusta.

d. Volumes and types of waste transported each year for the last three years. A new business shall submit an estimate of volumes for the first year.

(2) Any person who has been permitted to discharge hauled waste at the designated receiving structure shall annually provide proof to the Assistant Director of Utilities of continued liability insurance and proof of continued compliance with applicable federal, state, and local regulations.

(3) The Assistant Director of Utilities may revoke a permit if the hauler is found to be in violation of the provisions of this ordinance.

(c) Discharge of Hauled Waste.

(1) Under no circumstances may hauled waste which is hazardous waste, as defined in 40 CFR 261, be discharged to Augusta's POTW.

(2) Hauled waste generated at an industrial site may be discharged only if the original source of the waste has received written approval from the Assistant Director of Utilities. The generator of such waste shall submit to the Assistant Director of Utilities waste profile information on a form provided by Augusta. Additionally, prior to granting approval, the Assistant Director of Utilities may require analytical testing. Approval will be either granted or denied on a case-by-case basis.

(d) Hauled Waste Receipts and Samples.

(1) Each hauler will bear the responsibility of proving the origin of the waste being hauled. No person shall discharge or cause to be discharged hauled waste without presenting a completed manifest record on a form provided by the Assistant Director of Utilities. This manifest record must be maintained for not less than one year and must be available for inspection by Richmond County Board of Health. Additionally, a tracking log record must be signed for each load of waste disposed of at the wastewater treatment plant.

(2) Hauled waste subject to prior approval provisions of Section 5-3-6 of this ordinance may be discharged only upon receiving approval from Augusta.

(3) Trucks used for hauling wastes must be equipped with an approved device or method for determining volume of waste in the tank. Trucks not so equipped shall be charged based on tank capacity.

(4) In the event hauled waste is found to be in violation of Section 5-3-5 of this ordinance, it shall not be accepted.

(e) Conditions of Discharge. Any person permitted under Section 5-3-6 to discharge hauled waste at the point designated herein and in possession of proper manifest record assents to the conditions hereinafter stated and agrees to be bound by his conditional obligations and duties, to wit:

(1) The hauler will comply with all Augusta's regulations and follow the direction of the
James B. Messerly Water Pollution Control Plant employees while on the Augusta's premises.

(2) The hauler agrees to reimburse Augusta from any and all damage and expenses which may be suffered by it by reason of any or all of his acts done on it premises, including but not as a limitation, the discharge of the aforesaid hauled waste which violates any standard or standards of the ordinance.

(f) Refusal of Waste. The Assistant Director of Utilities has the right to refuse to accept the discharge of any hauled waste brought to the designated receiving structure. If, in the opinion of the attendant on duty, based on a review of the manifest record, waste profile and analytical testing Augusta may make the following determinations:

(1) The waste does not meet the conditions under which a prior approval was granted, or

(2) The waste could adversely impact Augusta's treatment works and/or processes.

(g) Discharge at Other Locations Unlawful. The discharge of hauled waste into any facility, manhole or other location not approved for such discharge shall be considered unlawful and the person responsible for such discharge shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollar ($1,000.00) or imprisoned in Augusta-Richmond County Detention Center for not more than one year, or by both such fine and imprisonment for each such violation.

(h) Fees for Discharge of Hauled Waste

(1) Liquid waste hauled to the treatment plant for disposal shall be charged a fee established by Augusta's Commissioners based upon the volume of waste discharged into the wastewater treatment plant and recovery of cost associated with treatment. Haulers shall be billed on a monthly cycle.

(2) For the purpose of billing, waste hauled to the treatment plant for disposal shall be divided into two classes:

a. Class A Septage from single family residence, portable toilets, and any other waste proven to have a total BOD and TSS of 20,000 mg/L or less.

Example:

\[
\begin{align*}
\text{BOD} & = 10,000 \text{ mg/L} \\
\text{TSS} & = 5,000 \text{ mg/L} \\
\text{Total} & = 15,000 \text{ mg/L,} \\
\text{and is therefore classified as Class A.}
\end{align*}
\]

b. Class B shall consist of all other waste types and has been further classified as follows:

1. Subpart B-1 includes commercial wastes grease traps and septage from other than single family residence, holding tank waste, etc.

2. Subpart B-2 includes any waste generated as a result of an industrial process.

(3) In order for waste other than septage from single family residences and portable toilets to be classified as Class A, analyses must be performed which indicate the sum of BOD and TSS concentrations is 20,000 mg/L or less. This must be established before the waste is delivered to the treatment plant. (NOTE: BOD analysis requires 5 days.) The waste hauler and company shall be responsible for all expenditures associated with performing laboratory testing.

(i) Charge for Late Payment. If any charges billed are not paid by the due date indicated on any bill rendered, then an additional late payment charge, based on the percentage established by the ordinance for late payments of wastewater user charge, is imposed for each month or portion thereof the bill remains unpaid beyond the due date.
(j) **Termination of Service for Nonpayment**

1. When any Waste hauler monthly charge has not been paid and has been delinquent for more than fifteen days after the due date, then Augusta may refuse to accept any further waste discharges from that hauler.

2. When any bill rendered to a hauler who has hauled waste from a source (i.e. Industrial user) subject to the high strength waste charges (i.e. surcharges) in Section 5-3-17 of this ordinance has not been paid and has been delinquent for more than fifteen days after the due date, Augusta may refuse to accept any further waste discharges from that source.

(Ord. No. 6557, § 1, 10-3-02)

**Sec. 5-3-7. Wastewater discharge permit requirements.**

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Assistant Director of Utilities. Additionally, no user shall discharge conventional pollutant concentrations in excess of the specific limitations described below without first obtaining a wastewater discharge permit. The Assistant Director of Utilities reserves the right to impose mass limitations for each of the conventional parameters defined below.

**Maximum Discharge, mg/L**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biochemical Oxygen Demand</td>
<td>300</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>200</td>
</tr>
<tr>
<td>Ammonia as Nitrogen</td>
<td>52</td>
</tr>
<tr>
<td>Sulfate</td>
<td>22</td>
</tr>
</tbody>
</table>

Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal pretreatment standards or requirements or with any other requirements of Federal, and local law.

Augusta shall notify industrial users concerning permit expiration at least 90 prior the expiration date. Industrial Users have a duty to reapply for a wastewater discharge permit within 45 days of receiving the notification.

The Assistant Director of Utilities may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this ordinance.

(a) **Wastewater Discharge Permitting: Existing SIU.** Any SIU that was discharging wastewater into the POTW prior to the effective date of this ordinance and that wishes to continue such discharges in the future shall, within 60 days after notification by the Assistant Director of Utilities submit a permit application to Augusta in accordance with Section 5-3-7 of this ordinance and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Assistant Director of Utilities.

(b) **Wastewater Discharge Permitting: New Source and "New user."** At least 90 days prior to the anticipated start-up, New Sources, sources that become a user subsequent to the promulgation of an applicable categorical pretreatment standard, and "New Users" considered by Augusta to fit the definition of SIU, shall apply for a wastewater discharge permit and will be required to submit to Augusta at least the information listed in paragraphs (1) - (5) of Section 5-3-7. A New Source or "new user" cannot discharge without first receiving a wastewater discharge permit from Augusta. New Sources and "New Users" shall also be required to include in their application information on the method of pretreatment the user intends to use to meet applicable pretreatment standards. New Sources and "New Users" shall give estimates of the information requested in paragraphs (4) and (5) of Section 5-3-7.

(c) **Wastewater Discharge Permit Application Contents.** All users required to obtain a
wastewater discharge permit must submit, at a minimum, the following information. The Assistant Director of Utilities shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR 403.12 (b).

1. **Identifying information.** The user shall submit the name and address of the facility including the name of the operator and owners;

2. **Permits.** The user shall submit a list of any environmental control permits held by or for the facility;

3. **Description of operations.** The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

4. **Flow Measurement.**
   
   a. **Categorical User:** The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
   
   1. Regulated or manufacturing process streams; and
   2. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).

   b. **Non-Categorical User:** The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
   
   1. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Assistant Director of Utilities.

   Augusta may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

5. **Measurements of pollutants.**
   
   a. **Categorical User:**

   1. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
   2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass) where required by the Categorical Pretreatment Standard or as required by Augusta of regulated pollutants (including standards contained in Sections 5-3-4 through 5-3-5, as appropriate) in the discharge from each regulated or manufacturing process. Both
daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section (5).

3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

4. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6 (e) for a categorical user covered by a categorical pretreatment standard this adjusted limit along with supporting data shall be submitted as part of the application.

b. **Non-Categorical User**

1. The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.

2. The user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by Augusta) of regulated pollutants contained in Sections 5-3-5 as appropriate in the discharge. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 5-3-9.

3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

4. Where the Assistant Director of Utilities developed alternate concentration or mass limits because of dilution this adjusted limit along with supporting data shall be submitted as part of the application.

(6) **Certification.** A statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in Section 5-3-7 (d), indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet the applicable Pretreatment Standards and Requirements;

(7) **Compliance Schedule.** If additional pretreatment and/or O and M will be required to meet the applicable Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment and/or O and M. The user's schedule shall conform with the requirements of Section 5-3-6 (d). The completion date in this schedule shall not be later than the compliance date established pursuant to Section 5-3-5 (h) of this Ordinance.

a. Where the user's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fun-
\section{Fundamentally Different Factors variance (40 \textit{CFR} 403.13)} at the time the user submits the report required by this paragraph, the information required by paragraphs (f) and (g) of this section shall pertain to the modified limits.

\subsection{b. If the categorical Pretreatment Standard is modified by a removal allowance (40 \textit{CFR} 403.7), the combined wastestream formula (40 \textit{CFR} 403.6(e)), and/or a Fundamentally Different Factors variance (40 \textit{CFR} 403.13) after the user submits the report required by paragraphs (f) and (g) of this section shall be submitted by the user within 60 days after the modified limit is approved.}

8. Any other information as may be deemed necessary by the Assistant Director of Utilities to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

\subsection{(d) Signatory and Certification Requirement.}

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

\subsection{(e) Wastewater Discharge Permit Decisions.}

The Assistant Director of Utilities will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Assistant Director of Utilities will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 30 days of full evaluation and acceptance of the data furnished. The Assistant Director of Utilities may deny any application for a wastewater discharge permit.

\subsection{(f) Wastewater Discharge Permit Contents.}

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Assistant Director of Utilities to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

\begin{enumerate}
\item Wastewater discharge permits must contain the following conditions.
  \begin{enumerate}
  \item A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
  \item A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from Augusta, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  \item Applicable pretreatment standards and requirements, including any special State requirements;
  \end{enumerate}
\end{enumerate}
d. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
e. Requirement for immediate notification to Augusta where self-monitoring results indicate non-compliance;
f. Requirement to report a bypass or upset of a pretreatment facility;
g. Requirement for the SIU who reports non compliance to repeat the sampling and analysis and submit results to Augusta within 30 days after becoming aware of the violation;
h. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
e. The unit charges or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
h. Any special agreements the Assistant Director of Utilities chooses to continue or develop between Augusta and user;
i. Other conditions as deemed appropriate by the Assistant Director of Utilities to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(g) Wastewater Discharge Permit Appeals. Any person, including the user, may petition Augusta to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
(2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) If Augusta fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Richmond County Superior Court for Augusta, Georgia.

(h) Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Assistant Director of Utilities. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(i) Wastewater Discharge Permit Modification. The Assistant Director of Utilities may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to Augusta's POTW, Augusta personnel, or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

8. To correct typographical or other errors in the wastewater discharge permit; or

9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

(j) Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days advance notice to the Assistant Director of Utilities and the Assistant Director of Utilities approves the wastewater discharge permit transfer. The notice to the Assistant Director of Utilities must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur; and
(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

Provided that the above occurs and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and be covered by the existing limits and requirements in the previous owner’s permit.

(k) **Wastewater Discharge Permit Revocation.** Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

1. Failure to notify Augusta of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to Augusta of changed conditions;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permits application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow Augusta timely access to the facility premises and records;
7. Failure to meet discharge limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. If Augusta has to invoke its emergency provision as cited in Section 5-3-13 (g) of the Ordinance;
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(l) **Wastewater Discharge Permit Re-issuance.** A user, required to have a wastewater discharge permit, shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application, in accordance with Section 5-3-7 (e) of this ordinance, a minimum of 45 days prior to the expiration of the user's existing wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and has submitted its re-application in the time period specified herein, shall be deemed to have an effective wastewater discharge permit until Augusta issues or denies the new wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein, will be deemed to be discharging without a wastewater discharge permit.

(m) **Continuation of Expired Permit.** If on the date of expiration of a user's permit, a new permit has not been issued, the requirements and limitations of the existing permit shall continue to be effective and enforceable unless the permittee has received notice of suspension, revocation and/or termination of the permit.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-8. **Reporting requirements section.**

(a) **Baseline Monitoring Reports.**

(1) Within either one hundred and eighty (180) days after the effective date of a
categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) (whichever is water) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to Augusta a report which contains the information listed in paragraph (2), below. At least ninety 90 days prior to commencement of their discharge, New Sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to Augusta a report which contains the information listed in paragraph 2 a-e, below. A New Source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A New Source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) Users described above shall submit the information set forth below.

a. Identifying Information. The name and address of the facility, including the name of the operator and owner.

b. Environmental Permits. A list of any environmental control permits held by or for the facility.

c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

e. Measurement of Pollutants.
1. The categorical pretreatment standards applicable to each regulated process.
2. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by Augusta) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5-3-9 of this ordinance.
3. Sampling must be performed in accordance with procedures set out in Section 5-3-9 of this ordinance.

f. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 5-3-8 (d) of this ordinance.
h. **Signature and Certification.** All baseline-monitoring reports must be signed and certified in accordance with Section 5-3-7 (d) of this ordinance.

(b) **Final Compliance Report (Initial Compliance Report).**

(1) Within 90 days following the date for final compliance by the Significant Industrial User with applicable pretreatment standards and requirements set forth in this ordinance, in a wastewater discharge permit, or within 30 days following commencement of the introduction of wastewater into the POTW by a New Source of "New Users" considered by Augusta to fit the definition of SIU, the affected user shall submit to Augusta a report containing the information outlined in Section 5-3-7 (c).

(2) For users subject to equivalent mass or concentration limits established by Augusta in accordance with procedures established in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(c) **Periodic Compliance Report**

(1) Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to Augusta during the months of June and December, unless required on other dates or more frequently by Augusta, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.

The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and shall also include any additional information required by this ordinance or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, were required) shall be reported. If a user monitors any pollutant at the location designated in the wastewater discharge permit more frequently than required using approved analytical methods as specified in 40 CFR Part 136, the results of such monitoring shall be included in calculations and reporting of values required during the reporting period. Such increased monitoring frequency shall also be indicated. Augusta may require more frequent monitoring or the monitoring of other pollutants not required in the permit by written notification.

(2) If a user sampled and analyzed more frequently than what was required by Augusta or by this ordinance, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

(3) Any user subject to equivalent mass or concentration limits established by Augusta or by unit production limits specified in the applicable categorical standards, shall report production data as outlined in Section 5-3-8 (b).

(4) If Augusta calculated limits to factor out dilution flows or non-regulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.

(5) Flows shall be reported on the basis of actual measurement; provided, however, that Augusta may accept reports of average and maximum flows estimated by
(6) Sampling shall be representative of the user's daily operations and shall be taken in accordance with the requirements specified in Section 5-3-9.

(7) Augusta may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.

(8) Augusta may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If Augusta agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by Augusta for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. Augusta is under no obligation to perform periodic compliance monitoring for a user.

(d) Compliance schedules for meeting applicable pretreatment standards.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph (1) of this section shall exceed 9 months.

(3) Net later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to Augusta including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports.

(e) Notification of Significant Production Changes. Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify Augusta within 2 business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

(f) Hazardous Waste Notification.

(1) Industrial user shall notify Augusta, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharge more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user; an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged
during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed characteristic hazardous waste. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted under 40 CFR 403.12 (j), the notification requirement in this section does not apply to pollutants already reported under the self monitoring requirements of 40 CFR 403.12 (d), and (e).

(2) Users are exempt from the requirements of paragraph (f) (1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than one such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify Augusta, the EPA Regional Waste Management Waste Division Director, and Georgia's hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical. Such notification shall include:

a. The name of the hazardous waste as set forth in 40 CFR Part 261,

b. The EPA Hazardous waste number,

c. The type of discharge (continuous, batch, or other),

d. If an industrial user discharges more than 100 kilograms of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:

1. An identification of the hazardous constituents contained in the wastes,

2. An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and

3. An estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.

(g) Notice of potential problems, including accidental spills, slug loadings. Any user shall notify Augusta immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in Section 5-3-1. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a "slug" (or slugs) of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on Augusta under state or federal law.

(h) Non-Compliance Reporting. If sampling performed by a user indicates a violation, the user shall notify Augusta within 24 hours of becoming aware of the violation. The user shall also repeat the sampling within 5 days and submit the results of the repeat analysis to Augusta within 30 days after becoming aware of the violation, except the user is not required to resample if:

(1) Augusta performs sampling at the user at a frequency of at least once per month, or
Augusta performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(i) Notification of changed discharge. All users shall notify August prior to any substantial change in volume or characteristics of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p). Formal written notification shall follow within thirty days of such introduction.

(j) TTO Reporting. Categorical users which are required by EPA to eliminate and/or reduce the levels of toxic organics (TTOs) discharged into the sewer system must follow the Categorical Pretreatment Standards for that industry. Those users must also meet the following requirements:

(1) Must sample, as part of the application requirements, for all the organics listed under the TTO limit (no exceptions);

(2) No TTOs Used at the Facility, or the user elects to develop a solvent management plan in lieu of continuously monitoring for TTO:

a. The user must routinely submit a certification statement as part of its self-monitoring report that there has been no dumping of concentrated toxic organic into the wastewater and that it is implementing a solvent management plan as approved by Augusta.

(3) Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to Augusta as the Assistant Director of Utilities may require.

(k) Record Keeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the Assistant Director of Utilities has specifically notified the user of a longer retention period. (Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-9. Sampling and analytical requirements.

(a) Sampling Requirements for Users.

(1) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The Assistant Director of Utilities will determine on a case-by-case whether the user will be able to composite the individual grab samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. Augusta may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

(2) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by Augusta and contained in the user’s wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations nec-
necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Applicable Categorical Pretreatment Standards. For other SIUs, for which Augusta has adjusted its local limits to factor out dilution flows, the user should measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

(3) All sample results shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

(b) Analytical Requirements. All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(c) Augusta Monitoring of User’s Wastewater. Augusta will follow the same procedures as outlined in Sections 5-3-9 (a) and (b). Additionally, industrial users must ensure that appropriate monitoring devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Flow monitoring devices shall be capable of measuring flows with a less than 10% error from true discharge rate throughout the expected discharge volumes.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-10. Compliance monitoring.

(a) Inspection and Sampling. Augusta shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance, and any wastewater discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Assistant Director of Utilities ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Assistant Director of Utilities will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Assistant Director of Utilities shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Assistant Director of Utilities and shall not be replaced. The costs of clearing such access shall be born by the user.

(4) Unreasonable delays in allowing the Assistant Director of Utilities access to the user's premises shall be a violation of this ordinance.
(b) **Monitoring Facilities.** Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to Augusta. In cases where no metering device is installed to measure process flow discharged to the POTW, surcharges and compliance shall be based upon water consumption metering devices. If water is obtained from sources other than Augusta Utilities Department, sewer flow must be measured with a continuous metering device approved by the Assistant Director of Utilities. Each monitoring facility shall be situated on the user’s premises, except where such a location would be impractical or cause undue hardship on the user, Augusta may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The Assistant Director of Utilities, whenever applicable, may required the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line, wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. The Assistant Director of Utilities may require the user to install monitoring equipment as necessary. The user at its own expense shall maintain the facility's sampling and monitoring equipment at all times in a safe and proper operating condition. The permittee must ensure that appropriate monitoring devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Flow monitoring devices shall be capable of measuring flows with a less than 10% error from true discharge rate throughout the expected discharge volumes. The Assistant Director of Utilities may require the permittee to ensure service and calibration is performed on all monitoring equipment by the manufacturer at least annually.

(c) **Search Warrants.** If the Assistant Director of Utilities has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of Augusta designed to verify compliance with this ordinance or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Assistant Director of Utilities shall seek issuance of a search and/or seizure warrant from the Richmond County Superior Court or other court of competent jurisdiction. Such warrant shall be served at reasonable hours by the Assistant Director of Utilities in the company of a uniformed law enforcement officer of Augusta.

(d) **Vandalism.** No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this ordinance.

(Ord. No. 6557, § 1, 10-3-02)

### Sec. 5-3-11. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Augusta inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of Augusta, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or se-
cret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-12. Publication of users in significant non-compliance.

Augusta shall publish annually, in the largest daily newspaper published in Augusta, a list of the users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;

(c) Any other discharge violation that Augusta believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Augusta personnel or the general public);

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in Augusta’s exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report non-compliance; or

(h) Any other violation(s) which, Augusta determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-13. Administrative enforcement remedies.

(a) Notification of Violation. When the Assistant Director of Utilities finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Assistant Director of Utilities may serve upon that user a written Notice of Violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Assistant Director of Utilities. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of Augusta to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
(b) **Consent Orders.** The Assistant Director of Utilities may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 5-3-13 (d) and (e) of this ordinance and shall be judicially enforceable. Use of Consent Order shall not be a bar against, or prerequisite for, taking any other action against the user.

(c) **Show Cause Hearing.** The Assistant Director of Utilities may order a user which has violated or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Assistant Director of Utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(d) **Compliance Orders.** When the Assistant Director of Utilities finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Assistant Director of Utilities may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) **Cease and Desist.** When the Assistant Director of Utilities finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user’s past violations are likely to recur, the Assistant Director of Utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) **Administrative Fines**

1. When the Assistant Director of Utilities finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Assistant Director of Utilities may fine such user in an amount not to exceed $1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
2. Unpaid charges, fines, and penalties shall, after 15 calendar days, be assessed an additional penalty of 10% of the unpaid balance. If the user has been disconnected for 30 days and settlement of the account has not been made the user will be re-
ported to the health department as a possible health hazard and the account will be finalized and turned over to collections. Services will not be restored until the outstanding balance has been satisfied.

(3) Users desiring to dispute such fines must file a written request for the Assistant Director of Utilities to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Assistant Director of Utilities shall convene a hearing on the matter within 30 days of receiving the request from the user. In the event the user’s appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. Augusta may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(g) Emergency Suspensions. The Assistant Director of Utilities may immediately suspend a user’s discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Assistant Director of Utilities may also immediately suspend a user’s discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user’s failure to immediately comply voluntarily with the suspension order, the Assistant Director of Utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Assistant Director of Utilities shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of Augusta that the period of endangerment has passed, unless the termination proceedings in Section 5-3-13 (h) of this ordinance are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Assistant Director of Utilities prior to the date of any show cause or termination hearing under Sections 5-3-13 (c) and (g) of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h) Termination of Discharge (Non-Emergency). In addition to the provisions in Section 5-3-7 of this ordinance, any user that violates the following conditions is subject to discharge termination:

(1) Violation of wastewater discharge permit conditions;
(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
(3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
(4) Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring or sampling; or
(5) Violation of the pretreatment standards in Sections 5-3-4 and 5-3-5 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 5-3-13 (c) of this ordinance why the proposed action
should not be taken. Exercise of this option by Augusta shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-14. Judicial enforcement remedies.

(a) Injunctive Relief. When the Assistant Director of Utilities finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Assistant Director of Utilities may petition the Richmond County Superior Court through Augusta's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. Augusta may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) Civil Penalties

(1) A user which has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to Augusta for a maximum civil penalty of $1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The Assistant Director of Utilities may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Augusta.

(3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) Criminal Prosecution

(1) A user which has willfully or negligently violated any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than six months or both.

(2) A user which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000.00 per day and/or be subject to imprisonment for not more than six months. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(3) A user which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation per day, or imprisonment for not more than six months, or both.

(4) In the event of a second conviction, a user shall be punished by a fine of not more
than $1,000.00 per violation per day, or imprisonment for not more than six month or both. Remedies Non-exclusive. The provisions in Sections 5-3-9 through 5-3-15 of this ordinance are not exclusive remedies. Augusta reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with Augusta’s enforcement response plan. However, Augusta reserves the right to take other action against any user when the circumstances warrant. Further, Augusta is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-15. Supplemental enforcement action.

(a) Performance Bonds. The Assistant Director of Utilities may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to Augusta, in a sum not to exceed a value determined by the Assistant Director of Utilities to be necessary to achieve consistent compliance.

(b) Liability Insurance. The Assistant Director of Utilities may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(c) Water Supply Severance. Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user’s expense, after it has satisfiedly demonstrated its ability to comply. (Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-16. Affirmative defenses to discharge violations.

(a) Upset.

(1) For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of paragraph (3) are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

c. The user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within 5 days]:

1. A description of the indirect discharge and cause of non-compliance;
2. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.

(6) Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Sections 5-3-4 and 5-3-5 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) no local limit exists, but the discharge did not change substantially in nature or constituents from the user’s prior discharge when Augusta was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) Bypass.

(1) For the purposes of this section,

a. “Bypass” means the intentional diversion of wastestreams from any portion of a user’s treatment facility.

b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least 10 days before the date of the bypass, if possible.

b. A user shall submit oral notice to Augusta of an unanticipated bypass that exceed applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps
stake or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) a. Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which, occurred during normal periods of equipment downtime or preventive maintenance; and
3. The user submitted notices as required under paragraph (3) of this section.

b. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (4)(a) of this section.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-17. Wastewater treatment surcharge rates.

(a) All persons discharging industrial waste into the Augusta, Georgia POTW shall be charged and assessed a surcharge, in addition to any sewer service charges. A surcharge shall be assessed for wastewaters, discharged to the POTW, in BOD concentrations greater than 200 mg/L and TSS concentrations greater than 200 mg/L. At the discretion of the Augusta-Richmond County Commission, pollutants discharged in excess of the permitted ceiling level would be subject to enforcement actions.

(b) Approved Analytical Procedure. The BOD and TSS content of industrial waste shall be evaluated based upon the procedures outlined in 40 CFR 136 which, cites "Standard Methods" and regulations stated elsewhere in this Chapter.

(c) Surcharge Evaluation Period. An Industrial User's BOD, TSS and flow data will be evaluated semi-annually in conjunction with the establishment of new surcharge rates. When the average BOD and TSS analyses for the six-month period indicate that the BOD and/or TSS exceeds the typical domestic level, a new surcharge rate will be established and imposed at the discretion of Augusta-Richmond County Commission. Notification will be sent to the user.

(d) Extraneous Flows. In the event that a metered water usage is not indicative of the amount of discharge introduced to the POTW, a means of determining the amount of discharge will be installed at the direction of the Assistant Director of Utilities. All proposed discharge metering devices must be submitted for approval and will be installed and maintained at no cost to Augusta. The Assistant Director of Utilities may require annual proof of service and calibration of such devices.

(e) Additional Meters.

1. Discharge is less than water usage. In the event that a person discharging industrial waste into Augusta's POTW has a discharge less than his water usage, such person can, at his option, provide a discharge metering device subject to the Assistant Director of Utilities' approval. This device will be installed and maintained at no cost to Augusta. A waste characterization study or certified engineering drawings shall be submitted as proof that all process wastewaters have been segregated and is being metered by the newly installed flow monitoring devices. An additional charge to be determined by the Assistant Director of Utilities will be made to cover the actual and administrative costs of reading the meter.
2. Discharge is greater than water usage. In the event that a person discharging industrial waste into Augusta's POTW has a discharge greater than Augusta's water usage meter, the person shall be required to install meters that account for all source waters i.e. wells and others.

(f) Multiple Discharge Locations. In the event that a person discharging industrial waste into Augusta's POTW through more than one outlet, his discharge Surcharge Rate shall be established based on his highest strength discharge unless all discharges are properly metered. If all discharges are properly metered, the wastewater strength used to establish the Surcharge Rate will be computed as follows:

For BOD:

\[
\text{Composite BOD} = \frac{(B_1 \times Q_1) + (B_2 \times Q_2) + (B_3 \times Q_3)}{(Q_1 - Q_2 + Q_3)}
\]

Where:

\[B_n = \text{BOD of Discharge Number } n\]
\[Q_n = \text{Flow of Discharge Number } n\]

For Suspended Solids:

\[
\text{Composite TSS} = \frac{(S_1 \times Q_1) + (S_2 \times Q_2) + (S_3 \times Q_3)}{(Q_1 + Q_2 + Q_3)}
\]

Where:

\[S_n = \text{Suspended Solids of Discharge Number } n\]
\[Q_n = \text{Flow of Discharge Number } n\]

Sec. 5-3-19. Effective date.

This ordinance shall be in full force and effect immediately upon adoption.

(Ord. No. 6557, § 1, 10-3-02)

Sec. 5-3-18. Miscellaneous provisions.

(a) Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

(b) Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict.

(Ord. No. 6557, § 1, 10-3-02)
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Chapter 1

ADULT ENTERTAINMENT*

Sec. 6-1-1. Findings; public purpose.

Based on the experience within Augusta, neighboring counties and in reliance on studies by the Cities of St. Marys, Georgia, Austin, Texas, Amarillo, Texas, Beaumont, Texas, Indianapolis, Indiana, Los Angeles, California, Phoenix, Arizona, St. Paul, Minnesota, Garden Grove, California, and Tucson, Arizona, which experiences and studies have been found by the Augusta-Richmond County Commission to be similar to the problems faced by Augusta, Georgia and in further reliance on federal case law reciting findings on the issue, the Commission takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within the country. Moreover, it is the finding of the Commission that public nudity (either partial or total) under certain circumstances, and the display and sale of material distinguished or characterized by an emphasis on matter depicting, describing, or related to specified sexual activities or specific anatomical areas or an establishment with a segment or section comprising five (5) per cent or more of its total floor space, devoted to the sale or display of such materials or five (5) per cent or more of its net sales consisting of printed materials which are distinguished or characterized by their empha-

*Editor’s note—Ord. No. 6607, § 1, adopted April 1, 2003, amended Ch. 1, §§ 6-1-1—6-1-27 in its entirety. Formerly, said chapter pertained to similar subject matter and derived from Ord. No. 6532, § 1, 7-18-02; Ord. No. 6540, § 1, 8-6-02.
sis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(b) **Adult dancing establishment.** A business that features dancers displaying or exposing specified anatomical areas.

(c) **Adult motion picture theater.** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(d) **Adult mini-motion picture theater.** An enclosed building with a capacity of less than fifty (50) persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(e) **Adult motion picture arcade.** Any place to which the public is permitted or invited wherein coins or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

(f) **Adult video store.** An establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five (5) per cent of its total floor space, devoted to the sale or display of such material or which derives more than five (5) per cent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(g) **Erotic dance establishment.** A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(h) **Escort bureau; introduction services.** Any business, agency or persons who, for a fee, commission, hire, reward, or profit, furnish or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

(i) **Good moral character.** A person is of good moral character according to this Chapter if that person has not been convicted of a felony involving sexual misconduct, or a crime not a felony if it involves serious sexual misconduct, in the past five (5) years. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

(j) **Reserved.**

(k) **Reserved.**

(l) **Minor.** For the purposes of this Chapter, any person who has not attained the age of eighteen (18) years.

(m) **Permitted premises.** The business location for which a permit and a Business Tax Certificate has been issued to operate an adult entertainment establishment.
Specified sexual activities. Shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship in any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoosterasty; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or

4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

6. Erotic or lewd touching, fondling or other sexual contact with an animal by human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigation.

Specified anatomical areas. Shall include any of the following:

1. Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or

2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Sec. 6-1-3. Erotic dance establishment regulations.

(a) No person, firm, partnership, corporation or other entity shall advertise or cause to be advertised an erotic dance establishment without a valid adult entertainment establishment permit and Business Tax Certificate issued pursuant to this Chapter.

(b) No later than December first of each year, an erotic dance establishment Business Tax Certificate holder shall file a verified report with the License and Inspection Department showing the Business Tax Certificate holder's gross receipts and amounts paid to dancers for the preceding calendar year.

(c) An erotic dance establishment Business Tax Certificate holder shall maintain and retain for a period of two (2) years the names, addresses and ages of all persons employed as dancers.

(d) No adult entertainment establishment Business Tax Certificate holder shall employ or contract with as a dancer a person under the age of eighteen (18) years or a person not permitted pursuant to this Chapter.

(e) No person under the age of eighteen (18) years shall be admitted to an adult entertainment establishment.

(f) An erotic dance establishment may be open only between the hours of 8:00 a.m. and 3:00 a.m. Monday through Friday, and Saturday from 8:00 a.m. through 2:30 a.m. on Sunday. No Business Tax Certificate holder shall permit his place of business to be open on Christmas Day.

(g) No erotic dance establishment Business Tax Certificate holder shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor or controlled substance upon the premises of the Business Tax Certificate holder; provided, however, nothing shall affect any vested rights of the holder of an alcohol license.

(h) An adult entertainment establishment Business Tax Certificate holder shall conspicuously display all Business Tax Certificates required by this Chapter.
(i) All dancing shall occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor and no more than one dancer shall occupy such platform at any one time.

(j) No dancer shall leave that platform without first putting on clothing that does not expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(k) No dancer, waitress, bartender, or other employee shall sit, mingle, wait on customers, or walk around inside the establishment in view of any customer without being clothed as provided in subparagraph (j) above.

(l) All dancing will be performed on permanent platforms as described above, and will be in plain view of the entire audience. No private or "one on one" dances shall be allowed.

(m) No dancing shall occur closer than ten (10) feet to any patron.

(n) No dancer shall touch, fondle or caress any portion of breasts, buttocks, pubic region, or genital area, nor shall she touch, fondle or caress any patron and no patron shall fondle or caress any dancer, or use any clothing or inanimate object to do such.

(o) All dancers shall remain on their feet at all times during their dance show or routine.

(p) Any pay or gratuity from any patron shall only be placed in a garter, worn for that purpose by a dancer on their thigh, just above the knee.

(q) No cameras of any type shall be used by any patron.

(r) If any portion or subparagraph of this section or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application of other persons or circumstances shall not be affected.

Sec. 6-1-4. Certain activities prohibited.

No person, firm, partnership, corporation or other entity shall publicly display or expose or suffer the public display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area or buttocks in a lewd and obscene fashion.

Sec. 6-1-5. Permit and business tax certificate required.

(a) It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on in or upon any premises within Augusta any of the adult entertainment establishments defined in this Chapter without a permit so to do. No permit so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States.

(b) Any business, corporation or profession operating as an adult entertainment establishment as defined in this Chapter shall be required to have a Business Tax Certificate. The requirements for obtaining, renewing and maintaining such Certificate shall be governed by the applicable provisions of the Augusta-Richmond County Code, Title 2, Chapter 2. The regulatory fee for a Business Tax Certificate issued to any adult entertainment establishment shall be as set forth in § 2-1-3(c).

Sec. 6-1-6. Operation of unpermitted premises unlawful.

It shall be unlawful for any person to operate an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult hotel or motel, adult motion picture arcade, cabaret, encounter center, escort bureau or adult business or adult dancing establishment unless such business shall have a currently valid Business Tax Certificate or shall have made proper application for renewal within the time required thereof under this Chapter, which Business Tax Certificate shall not be under suspension or permanently or conditionally revoked.

Sec. 6-1-7. Admission of minors unlawful.

It shall be unlawful for a Business Tax Certificate holder to admit or permit the admission of minors within the permitted premises.
Sec. 6-1-8. Sales to minors unlawful.

It shall be unlawful for any person to sell, barter or give or to offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult massage parlor or adult dancing establishment or other adult entertainment facility.

Sec. 6-1-9. Location.

No adult entertainment establishments shall be located in any zone other than one designated as "LI" Light Industrial or "HI" Heavy Industrial under the Comprehensive Zoning Ordinance for Richmond County, as incorporated in the Augusta-Richmond County Code, Title 8, Chapter 5. In addition, no adult entertainment establishment or use restricted hereunder shall be located;

(a) within 1,000 feet of:

(1) A church or place of religious worship;

(2) A public or private elementary or secondary school;

(3) A child care facility;

(4) A boundary of a residential district as defined in the Comprehensive Zoning Ordinance;

(5) A public park;

(6) A cemetery;

(7) The property line of a lot devoted to a residential use as defined in the Comprehensive Zoning Ordinance;

(8) Another sexually oriented business which does not have a common entrance with an already licensed or exempted sexually oriented business; or

(9) A governmental building or site, which shall be defined as all public building, parks, and recreational areas owned, operated or occupied by Augusta.

(10) Another sexually oriented business.

(b) A person commits an offense if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or its portion, or the increase of floor area of any sexually oriented business in any building, structure, or its portion, containing another sexually oriented business.

(c) For the purposes of subsection (a) (1) through (9) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or place of religious worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public corridor in the Corridor/Gateway Action Plan (2000), as presently existing or hereafter modified, adopted by the Augusta-Richmond County Commission and on file in the office of the Clerk of the Commission. Gateways and Corridors are defined as follows:

a. Gordon Highway/Doug Barnard Parkway Gateway - All property located within 1000 feet of the intersection of the centerlines of these roadways;

b. I-20/Riverwatch Parkway Gateway - All property located within 2000 feet of the intersection of the centerlines of these roadways; and

c. Peach Orchard Road/Gordon Highway Corridor - All property located within 1000 feet of the centerline of the following roadways; Peach Orchard Road from Tobacco Road to Gordon Highway, and Gordon Highway from Peach Orchard Road to Walton Way.
park, a cemetery, residential district, residential lot or governmental building or site.

(d) For purposes of subsection (a)(10) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(e) Any sexually oriented business lawfully operating as of January 1, 2003 that is in violation of subsections (a), (b) or (c) of this section shall be deemed a nonconforming use. Such use will be permitted to continue unless voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.

(f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church or place of religious worship, public or private elementary or secondary school, governmental building or site as defined herein, cemetery, residential district or residential lot or government building or site within 1,000 feet of the sexually oriented business. This subsection applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

(g) All locational requirements of this section must be approved by the Augusta License and Inspection Department within 30 days from the time the application is filed and all information required by this Ordinance has been submitted to the License and Inspection Department.

(h) Failure by the Augusta License and Inspection Department to approve or disapprove the location requirements within 30 days from the time the application is filed and all information required by this Chapter has been submitted, shall constitute a waiver of this approval requirement.

(i) Upon approval or waiver of approval by the Augusta License and Inspection Department, the application shall be submitted to the Augusta-Richmond County Commission for consideration.

Sec. 6-1-10. Adult entertainment establishment employees.

(a) Qualifications. Employees of an adult entertainment establishment shall be not less than eighteen (18) years of age. Every employee must be of good moral character as defined in this Chapter. Any employee who is convicted of a crime constituting a felony involving sexual misconduct or drug trafficking or a crime not a felony involving serious sexual misconduct or drug trafficking while employed as an adult entertainment establishment employee shall not thereafter work on any permitted premises for a period of five (5) years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term convicted shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with such a crime, and the terms employed on the permitted premises and work on any permitted premises shall include as well work done or services performed while in the scope of employment elsewhere than on the permitted premises.

(b) Approval for employment. Before any person may work on a permitted premises, he shall file a notice of his intended employment on forms supplied by the License and Inspection Department and shall receive approval of such employment from the License and Inspection Department within 14 days of application. An investigation fee of fifty dollars ($50.00) shall accompany the notice of intended employment or a receipt of the
License and Inspection Department evidencing the payment of such fee at the time the notice is filed. Upon approval or the failure of the License and Inspection Department to approve or deny within such fourteen (14) day period, the employee may begin working on the permitted premises. If approval is denied, the prospective employee may, within ten (10) days of said denial, apply to Director of the License and Inspection Department for a hearing. The Director shall conduct the requested hearing within ten (10) days and shall approve or deny the requested employment with five (5) days of the hearing. Upon the failure of the Director to approve or deny within such five (5) day period, the employee may begin working on the permitted premises. A decision of the Director of the License and Inspection Department denying approval of employment may be appealed to the Commission which shall hear such appeal at its next regularly scheduled meeting. The Commission shall issue a decision on such appeal with fourteen (14) days of the date of the hearing on the appeal. Upon the failure of the Commission to make a decision on the appeal within said fourteen (14) days, the employee may begin working on the permitted premises. The decision by the Commission, or a failure of the Commission to make a decision within the prescribed number of days, shall constitute a full exhaustion of administrative remedies, after which the applicant may immediately seek judicial relief in a court having proper jurisdiction.

(c) Independent contractors. For the purpose of this Chapter, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or Business Tax Certificate holder of any adult entertainment establishment.

Sec. 6-1-11. Application for permit.

(a) All applicants for a license to operate any adult entertainment establishment shall give notice of their intention to make such application by advertisement in the form prescribed by the director of the Augusta License and Inspection Department. Advertising as referred to in this section means there shall be a sign posted thirty (30) days prior to the hearing of the application in a prominent position on the property (i.e. front window where it can be viewed from the road); also, all new permit applications shall be required to advertise three (3) times in the legal gazette before applications are heard by the Commission. Advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission. Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove. Any problems with securing the required advertising should immediately be brought to Augusta’s attention. Augusta shall then place the appropriate advertisement on behalf of the applicant, with the applicant being responsible for all cost.

(b) Any person, association, partnership or corporation desiring to obtain a permit to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the License and Inspection Department. Prior to submitting such application, a nonrefundable fee of $200.00 shall be paid to Augusta to defray, in part, the cost of investigation, and reporting required by this Chapter. The License and Inspection Department shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the Commission at the time such application is submitted.

(c) The application for permit does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.

Sec. 6-1-12. Application contents.

Each application for an adult entertainment establishment permit shall contain the following information:

(a) The full true name and any other names used by the applicant;

(b) The present address and telephone number of the applicant;

(c) The previous addresses of the applicant, if any, for a period of five (5) years immediately prior to the date of the application and the dates of residence at each;
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(d) Acceptable written proof that the applicant is at least eighteen (18) years of age;

(e) The business license history of the applicant and whether such applicant, in previous operations in this or any other county, city, state or territory under license, has had such license or permit for an adult entertainment business or similar type of business revoked or suspended, the reason therefor and the business activity or occupation subsequent to such action of suspension or revocation;

(f) All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions;

(g) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of all partners, except limited partners having no rights to direct the day to day operations of the business. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the appropriate authority. If one or more partners is a corporation, the provisions of this Chapter pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this Chapter, but only one application fee shall be charged;

(h) The names and addresses of the owner and less or of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;

(i) The age and date of birth of the applicant, of any partners, other than limited partners without any right to direct the day to day operations of the business, or of any and all officers and/or directors of the applicant if the applicant is a corporation;

(j) If the applicant, manager or any partners, officers, or directors of the applicant if the applicant is a corporation, have ever been convicted of any crime constituting a felony, or any crime not a felony involving moral turpitude, in the past five (5) years, and if so, a complete description of any such crime, including date of violation, date of conviction, jurisdiction of any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed;

(k) If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded. If the applicant is a corporation, a copy of authority to do business in Georgia, including State of incorporation, trade name affidavit, if any, last annual report, if any;

(l) Address of the premises to be permitted;

(m) Whether the premises are owned or rented and, if the applicant has a right to legal possession of the premises, copies of those documents giving such legal right;

(n) A plat by a registered engineer, licensed by the State of Georgia, showing the location of the proposed premises in relation to the neighborhood, the surrounding zoning, its proximity to any church, school, public park, governmental building or site or other business hereunder regulated, demonstrating compliance with the location requirements of this Chapter.

(o) Each application for an adult entertainment establishment Business Tax Certificate shall be verified and acknowledged under oath to be true and correct by:

(1) If the applicant is an individual, the individual;

(2) If by a partnership, by the manager or general partner;
(3) If a corporation, by the president of the corporation;

(4) If any other organization or association, by the chief administrative official.

(p) If the answers to any of the above disclosure requirements should change for any reason whatsoever, that applicant shall submit the changes to the Augusta License and Inspection Department within thirty (30) days. Thus, if the identity of any manager, officer, or director should change, or if the information they are required to disclose at the time of the application should change, they shall report such change to the Augusta Licensing and Inspection Department within thirty (30) days.

Sec. 6-1-13. Application; investigation.

After approval (or waiver of approval) by the Augusta License and Inspection Department, the Augusta-Richmond County Commission shall have fourteen (14) days to investigate the application and the background of the applicant. Upon completion of the investigation, the Commission, at the next regularly scheduled meeting following such fourteen (14) day period, shall grant the permit if it finds:

(a) The required fee has been paid;

(b) The application conforms in all respects to the provisions of this Chapter;

(c) The applicant has not knowingly made a material misrepresentation in the application;

(d) The applicant has not had an adult entertainment establishment permit or other similar license or permit denied or revoked for cause by the Augusta-Richmond County Commission, or by any other county or city located in or out of this state prior to the date of application within the previous 12 months;

(e) The applicant is at least eighteen (18) years of age;

(f) That the applicant, his or her employee, agent, partner, director, officer, or manager has not, within five (5) years of the date of the application, knowingly allowed or permitted any of the specified sexual activities as defined herein to be committed or allowed in or upon the premises where such adult entertainment establishment is to be located or to be used as a place in which solicitations for the specified sexual activities as defined herein openly occur;

(g) That the proposed premises meets all of the location requirements under section 6-1-9 of this Chapter;

(h) Failure by the Augusta-Richmond County Commission to approve or disapprove an application within the time provided in this Section shall constitute a waiver of this approval requirement. In such event a permit shall be issued to the applicant.

Sec. 6-1-14. Reserved.

Sec. 6-1-15. Same—Nontransferable.

No adult entertainment establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case the permit, upon notification to Augusta, shall be placed in the name of the surviving partner.

Sec. 6-1-16. Change of location or name.

(a) No adult entertainment establishment shall move from the location specified on its permit until such change has been approved by the Commission. Such approval shall not be given
unless all requirements and regulations as contained in the Augusta-Richmond County Code have been met.

(b) No permittee shall operate, conduct, manage, engage in or carry on an adult entertainment establishment under any name other than his name and the name of the business as specified on his permit.

(c) Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require inspection and shall comply with the provisions and regulations of this chapter.

Sec. 6-1-17. Appeal; procedure.

(a) Upon an adverse decision by the Augusta License and Inspection Department, the applicant or the Business Tax Certificate holder shall, within ten (10) days after he has been notified of an adverse determination, submit a written notice of appeal to the Augusta-Richmond County Commission;

(1) The notice of appeal shall be addressed to the Commission and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the Commission and the name and address of the applicant;

(2) The appeal shall be placed on the agenda of the next regular meeting occurring not less than five (5) nor more than thirty (30) days after receipt of the appeal;

(3) When an appeal is placed on the Commission agenda, the Clerk shall give the applicant reasonable notice of hearing.

Sec. 6-1-18. Commission hearing of appeal.

Whenever an appeal is heard by the Commission, the Commission shall receive all relevant testimony and evidence from the applicant or Business Tax Certificate Holder, from interested parties and from Augusta's staff. The Commission shall render a decision on the appeal within 14 days of the hearing. Upon an adverse decision by the Augusta-Richmond County Commission, such decision shall constitute a full exhaustion of administrative remedies and the applicant may exercise the right to prompt judicial review by filing an action with a court having proper jurisdiction. A failure by the Commission to render a decision within said fourteen (14) days shall constitute a reversal, upon which a permit shall be issued.

Sec. 6-1-19. Rules of evidence inapplicable.

The Commission shall not be bound by the traditional rules of evidence in hearings conducted under this Chapter. The rules of evidence as applied in an administrative hearing shall apply.

Sec. 6-1-20. Violations; penalty.

Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand ($1,000.00) per violation or by imprisonment. In addition to such fine or imprisonment;

(a) Augusta is given full power to suspend, for fifteen days, any permit issued under this Chapter, where Augusta determines, upon sufficient cause, that:

(1) The Business Tax Certificate Holder, or its agents, officers, servants or employees, maintains or continues to maintain a nuisance on the licensed premises.

(2) The licensed premises are unsanitary as certified by the Richmond County Health Department.

(3) The licensed premises are unsafe, as certified by the Building Inspection Department or by the Chief of the Fire Department.

(b) Before Augusta shall suspend a permit for more than fifteen (15) days or revoke a permit, Augusta shall furnish the permittee a written statement, by certified or registered mail or by personal service, of
the cause for suspension or revocation of the license and the length of time of suspension.

(1) Augusta shall, within ten (10) days of notification, seek judicial review of the proposed decision in a court of competent jurisdiction.

(2) The Business Tax Certificate Holder may seek judicial review of the proposed decision in a court of competent jurisdiction at anytime after notification.

(3) Augusta shall have the burden of demonstrating the validity of the proposed suspension or revocation in any judicial review, whether review is brought by the applicant or Augusta.

(c) The permit shall be suspended if more than three violations of this Chapter have been committed during any ninety-day period by the permittee, or any officer, employee, agent, servant, or independent contractor of the permittee, if each violation was done within such officers', employees', agents' or servants' scope of employment and authority of owner or permittee.

(d) The license shall be revoked if more than five violations of this Chapter have been committed during any one-year period by the licensee or any officer, employee, agent, servant or independent contractor of the licensee.

(e) A suspension for more than 15 days or revocation of a license shall not become effective until approved by a trial court of competent jurisdiction.

Sec. 6-1-21. Unlawful operation declared nuisance.

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this Chapter shall be and the same is hereby declared to be unlawful and a public nuisance. Augusta may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this Chapter.

Sec. 6-1-22. Cleaning of permitted premises.

Each permitted premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the permitted premises. There shall be provided adequate facilities, equipment and supplies on the permitted premises to meet this requirement, and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire permitted premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the permitted premises but shall be disposed of daily or as often as collections permit.

Sec. 6-1-23. Self-inspection of permitted premises.

The Business Tax Certificate holder of a permitted premises or his designated representative shall make sanitary inspections of the permitted premises at least once a month and shall record his findings on a form supplied by the License and Inspection Department. Each permitted premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

Sec. 6-1-24. Sealing for unsanitary or unsafe conditions.

A permitted premises or any part thereof may be sealed by order of Court, when the Director of the License and Inspection Department finds a violation of this Chapter resulting in an unsanitary or unsafe condition as determined by the Richmond County Health Department or the ap-
plication of the Technical Codes enumerated in Augusta-Richmond County Code section 7-1-16 and petitions the Court for said order. The License and Inspection Department shall affix to the sealed premises a conspicuous sign labeled Unclean or Unsafe as the case may be.

Sec. 6-1-25. Abatement as sanitary nuisance.

A permitted premises or any part thereof may be abated as a sanitary nuisance.

Sec. 6-1-26. Obscene devices not permitted.

Nothing contained in this Chapter shall in any way be construed to authorize, license or permit any machine or device which exhibits or allows viewing of photographs or moving pictures, of an obscene nature, or authorize, license or permit the display or sale of any other obscene material prohibited by law or the ordinances of Augusta, the State of Georgia, or the United States.

Sec. 6-1-27. Severability.

In the event that any section, subsection, clause, phrase or portion of this ordinance is held illegal, invalid, or unconstitutional in a court of proper jurisdiction, such holding shall not affect the validity of the remainder of this Chapter.
Chapter 2

ALCOHOLIC BEVERAGES

ARTICLE 1 IN GENERAL

Sec. 6-2-1. Purposes.
This Chapter has been enacted in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community, to establish reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages and operation of bottle houses, to protect and preserve schools and churches, to give effect to existing land use and to preserve certain residential areas, with reasonable consideration, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhood and property values, and to protect against the evils of concentration of the retail outlets for whiskey in one (1) family or to prevent undesirable persons from engaging in or having any interest in alcoholic beverages.

Sec. 6-2-2. Definitions.
The following are definitions of terms as used in this Chapter:

(a) Alcohol. Ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever process produced.

(b) Alcoholic beverage. Includes all alcohol, whiskey, liquor, beer, malt beverage, wine, or fortified wine.

(c) Beer. Any alcoholic beverage obtained by the fermentation of barley, malt, hops, or any other similar product, or any combination of such product in water containing not more than 6% alcohol by volume, and including ale, porter brown style lager beer, small beer, and strong beer.

(d) Director of License & Inspection. The person named as director of the Richmond County License & Inspection Depart-
fermentation with brandy added. The term includes but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

Sec. 6-2-3. Sale a privilege, not a right.

Nothing in this chapter shall be construed as giving a person a right to sell alcoholic beverages, but the manufacture, sale, and distribution of alcoholic beverages is declared to be a privilege in this state and in Augusta-Richmond County.

Sec. 6-2-4. In general.

It shall be unlawful for any person, corporation, partnership, association or any other entity, unless specifically exempt under this Ordinance, to engage in any of the following activities:

(a) To drink, serve or offer for drinking or have possession for sale or distribution, any type of alcoholic beverage in any Augusta-Richmond County park, playground or building without a license and business tax certificate.

(b) To sell or offer for sale, or serve for remuneration whether the payment is direct or indirect, any alcoholic beverage at retail or wholesale without a license and business tax certificate.

(c) To engage in any act involving the sale, service or consumption of alcoholic beverages prohibited by laws of the State of Georgia.

(d) To violate any of the provisions of this chapter.

Sec. 6-2-5. Consumption at parks, playgrounds, public streets and public areas owned or operated by Augusta.

(a) It shall be unlawful for any person to serve, to consume or offer for the purpose of consumption to anyone else or to be in possession of beer, wine, or any type of intoxicating liquor or beverages, in and on any public park, playground, or building thereon, or other public area, owned or operated by Augusta, at any time whatsoever, with the exception of Julian Smith Casino, Julian Smith Park Barbecue Pit, Fleming Park Community Center, Reynolds Park, Jamestown Community Center, Hephzibah Community Center and McBean Community Center, May Park, Brigham Center, Savannah Place, Warren Road Community Center, New Savannah Bluff Lock & Dam Recreation Area, Gracewood Community Center, McDuffie Wood, Diamond Lakes Community Center, Bernie Ward Community Center, Blythe Area Recreation Center, The Boathouse, Old Government House, Minnick Park, Augusta Municipal Golf Course, Eastview Park and Doughty Park, Sandhills Recreation Center, Augusta Common, 8th Street Plaza, or any other recreational facility or property owned, controlled, or maintained by Augusta, except in accordance with subsection (b) and (c) below, or otherwise provided by the Augusta-Richmond County Code or Georgia law.

(b) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of the Recreation Department, when alcoholic beverages are served or consumed at Julian Smith Casino, Julian Smith Park Barbecue Pit, Fleming Park Community Center, Reynolds Park, Jamestown Community Center, Hephzibah Community Center and McBean Community Center, May Park, Brigham Center, Savannah Place, Warren Road Community Center, New Savannah Bluff Lock & Dam Recreation Area, Gracewood Community Center, McDuffie Wood, Diamond Lakes Community Center, Bernie Ward Community Center, Blythe Area Recreation Center, The Boathouse, Old Government House, Minnick Park, Augusta Municipal Golf Course, Eastview Park and Doughty Park, Sandhills Recreation Center, Augusta Common, 8th Street Plaza, or any other recreational facility or property owned, controlled, or maintained by Augusta.

(c) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of Riverwalk, when alcoholic beverages are served or consumed at Augusta Common or the 8th Street Plaza.
(d) It shall be unlawful for any person to serve, to consume or offer for the purpose of consumption to anyone else or to be in possession of any type of intoxicating liquor or beverages in and on the Golf Hall of Fame property at any time whatsoever, except as provided in subsection (e) below.

(e) Prior written approval must be obtained from the Sheriff of Richmond County, Georgia, and the Director of License and Inspection, when alcoholic beverages are served or consumed at the Golf Hall of Fame.

(f) It shall be unlawful for any person to serve, to consume or offer for the purpose of consumption to anyone else or to be in possession of beer, wine, or any type of intoxicating liquor or beverages, in an open container, cup, or glass, on any public street, sidewalk, alley, or other public area, owned or operated by Augusta, at any time whatsoever, except in accordance with subsection (b) and (c) above, or otherwise provided by the Augusta-Richmond County Code or Georgia law.

Sec. 6-2-6. Right of Augusta-Richmond County officials to enter premises for enforcement purposes.

Agents and inspectors appointed by the Augusta-Richmond County Commission for the enforcement of this Ordinance, including officers of the Richmond County Sheriff’s Department, are empowered and authorized to enter upon the premises of any person or entity engaged in the manufacture, sale, distribution, storage, or transportation of alcoholic beverages and liquors at any time for the purpose of inspecting said premises and shall have access during such inspection to all books, records, and supplies relating to the manufacture, sale, distribution, storage, and transportation of alcoholic beverages and liquors.

Sec. 6-2-7. Notice to Augusta-Richmond County of disciplinary action against licensee.

(a) Disciplinary action as used herein means any action taken by any municipal, county, state, or federal agency against the licensee, his employees, or his place of business, including, but not limited to:

1. Arrest by local, state, or federal authorities of the licensee or of any of his employees.
2. Citations issued by local, state, or federal authorities, to the licensee or any of his employees.
3. Indictments, presentments, or accusations in any local, state, or federal courts against the licensee or any of his employees.
4. Conviction of, or penalties imposed pursuant to a plea of nolo contendere or non vult against, the licensee or any of his employees.
5. Penalties imposed by any regulatory agency against the licensee or any of his employees.
6. Any other written charges or reprimands by local, state, or federal authorities.

(b) Any licensee who has any disciplinary action taken against him or his employees by any authority, either municipal, county, state or federal, shall notify the Augusta-Richmond County Commission in writing within forty-eight (48) hours of such action, and of the disposition of any charges or the time and place where such charges will be heard. Any licensee who fails to so notify the Commission within the prescribed time may be cited before the Commission to show cause why his license shall not be suspended or revoked. Notice shall be sent to the Commission, c/o Director of License & Inspection, P.O. Box 1477, Augusta, Georgia 30903.

Sec. 6-2-8. Days sales allowed.

(a) Licensees hereunder shall not permit the sale of any alcoholic beverage on Sunday (except as provided in sections 6-2-15 and 6-2-16. Furthermore, no liquor store may be open on Thanksgiv-
(b) Election days. Pursuant to the delegation of authority granted to Richmond County by Act No. 750 (House Bill No. 247) approved April 10, 1985, amending Official Code of Georgia Annotated section 3-3-20(b)(B), the sale by wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during such time as the polls are opened.

(c) Notwithstanding the foregoing, no alcoholic beverages of any kind shall be sold during any day or part of the day when the sale of said alcoholic beverage is prohibited by state law.

(d) On all days and times that the sale of alcoholic beverages is prohibited by state law, consumption-on-premises licensees shall not open for any purposes (except as provided in sections 6-2-15 and 6-2-16 except with the prior written permission and consent of the Richmond County Sheriff’s Department, for maintenance or similar purposes.

Sec. 6-2-9. Reading of regulations required.

No person shall be approved for a license hereunder, or approved for employment by a licensee, unless such person shall have read the Augusta-Richmond County wine, beer and whiskey regulations in full text, and shall certify in writing the fact of such reading and the knowledge thereof.

Sec. 6-2-10. Copy of regulations to be maintained on premises; employees to be instructed.

It shall be the duty of the management of the premises licensed under this Ordinance to maintain a copy of this Ordinance, or the ordinance from which this Ordinance derives, and all amendments thereto, on such premises, and to instruct each and every employee on the terms thereof.

Sec. 6-2-11. Adulteration of beverages, refilling bottles, etc.

It shall be unlawful for any person to add to the contents of any bottle labeled as containing an alcoholic beverage, or to refill any such empty bottle, or in any manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

Sec. 6-2-12. Illumination of certain premises.

All premises for which a Class A (on-premises consumption of beer), C (on-premises consumption of wine) or E (on-premises consumption of liquor) license has been issued under the provisions of this Ordinance shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by customers therein.

Sec. 6-2-13. Advertising signs.

Signs advertising alcoholic beverages must be turned off when the business is closed or the sale of alcoholic beverages is prohibited.

Sec. 6-2-14. Hours of sale.

(a) Generally. Any and all holders of licenses under the authority of this Ordinance shall observe the following schedule of hours of operation, which shall be determined by eastern standard time or daylight savings time, whichever is in effect:

1. Holders of Class A, C, and E licenses (on-premises consumption of beer, wine and liquor) shall not open for business earlier than 8:00 a.m. Monday through Friday and may serve authorized alcoholic beverage until 2:30 a.m. on the next following day; provided, further that said premises shall be vacated of all persons, including employees, by no later than 3:00 a.m. On Saturday, consumption-on-premises license holders shall not open for business earlier than 8:00 a.m. and may serve authorized alcoholic beverages until 11:55 p.m. on Saturdays and the two (2) hours immediately following such time; provided, further, that said premises shall be vacated of all persons, including employees, by no later than 2:30 a.m. on Sunday. Where the sale of alcoholic beverages is in conjunction with the sale of food, the aforesaid hours of sale shall be
applicable only to the sale of alcoholic beverages and not applicable to the sale of food; provided, however, no alcoholic beverage shall be allowed to remain on any bars, tables, or be in possession of patrons after 3:00 a.m. Tuesday through Saturday and 2:30 a.m. Sunday, and the inventory of alcoholic beverages must be secured as described in section 6-2-17 of this Ordinance.

(2) Holders of a Class F license (off-premises consumption of liquor) shall not open for business earlier than 8:00 a.m. Monday through Saturday and may remain open for business until 11:45 p.m. Monday through Saturday.

(3) Holders of Class B and D licenses (off-premises consumption of beer and wine) who are not licensed to sell liquor shall be prohibited from selling beer and/or wine only between the hours of 11:45 p.m. Saturday and 6:00 a.m. on the Monday following.

(4) No licensee, employee of such licensee, or any person acting on behalf of such licensee shall furnish, or give beverage alcohol to an person on any day or at any time when the sale of same is prohibited by law.

Sec. 6-2-15. Sunday sales.

(a) The sale of alcoholic beverages is authorized for consumption on-premises in eating establishments, or inns, as defined herein, on Sundays between the hours of 12:30 p.m. and 2:00 a.m. Monday; provided, further that the area where alcoholic beverages are being sold and/or served shall be vacated of all persons, including employees, by no later than 3:00 a.m. Where the sale of alcoholic beverages is in conjunction with the sale of food, the aforesaid hours of sale shall be applicable only to the sale of alcoholic beverages and not applicable to the sale of food; provided, however, no alcoholic beverage shall be allowed to remain on any bars, tables, or be in possession of patrons after 2:30 a.m. Monday, and the inventory of alcoholic beverages must be secured as described in section 6-2-17 of this Ordinance. For the purpose of this subsection, eating establishment shall mean an establishment which is licensed to sell alcoholic beverages for consumption on the premises and which derives at least fifty (50) percent of its total annual gross food and beverages sales from the sale of prepared meals or food, and shall further mean a restaurant meeting criteria for license eligibility provided in section 6-2-52. For the purpose of this subsection, inn means an establishment which is licensed to sell alcoholic beverages and which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging. (Ord. No. 6669, 1-6-04; Ord. No. 6904, § 1, 8-1-06)

Sec. 6-2-16. Sunday sales of beer and wine in public stadiums.

Authorized holders of a Class A license or a Class C license may serve beer and wine for on-premises consumption in public stadiums owned or controlled by Augusta-Richmond County and having a seating capacity in excess of 2,500 people on Sunday between the hours of 12:30 p.m. and midnight.

Sec. 6-2-17. Inventory to be kept under lock and key when sale prohibited.

(a) On all days and times that the sale of alcoholic beverages or a particular type of alcoholic beverage is prohibited by state law and where the business is otherwise open and operating for the purpose of the sale of other items, it is required that all coolers designated as alcoholic beverage coolers be kept under lock and key during the period of time that sale of alcoholic beverages is prohibited and also that any inventory of alcoholic beverages must be kept under lock and key during these periods.

(b) Further provided, if a Class B (off-premises consumption or beer) or D (off-premises consumption of wine) license is issued in connection with the operation of a grocery store, the beer and/or wine at said location shall be separated from the stock of groceries and shall be locked up or covered up during any hours of the day when the sale of said beverages are prohibited by law.
Sec. 6-2-18. Prices to be indicated.

Retailers shall indicate plainly, by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, or on an exposed sign prominently placed, the price of all alcoholic beverages exposed or offered for sale.

Sec. 6-2-19. Furnishing to minors—Prohibited.

(a) Except as otherwise authorized by law:

(1) No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person’s employ to furnish any alcoholic beverage to any person under twenty-one (21) years of age;

(2) No person under twenty-one (21) years of age shall purchase or knowingly possess any alcoholic beverage;

(3) No person under twenty-one (21) years of age shall misrepresent such person’s age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage; and

(4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for, or on behalf of, a person under twenty-one (21) years of age.

(b) The prohibitions contained in paragraphs (1), (2) and (4) of subsection (a) of this section shall not apply with respect to the sale, purchase or possession of alcoholic beverages for consumption:

(1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;

(2) At a religious ceremony; or

(3) In the home of the parent or guardian, with the parent or guardian present.

(c) The prohibition contained in paragraph (1) of subsection (a) of this section shall not apply with respect to sale of an alcoholic beverage by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is twenty-one (21) years of age or older. For purposes of this subsection, the term proper identification means any document issued by a governmental agency containing a description of the person, such person’s photograph, or both, and giving such person’s date of birth and including, without being limited to, a passport, military identification card, driver’s license, or an identification card authorized under O.C.G.A. Sec. 40-5-100 through Sec. 40-5-104. Proper identification shall not include a birth certificate nor a traffic citation.

(d) If such conduct is not otherwise prohibited pursuant to section 6-2-25, nothing contained in this section shall be construed to prohibit any person under twenty-one (21) years of age from:

(1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishment;

(2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured;

(3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.

(e) Each retail business establishment in Augusta-Richmond County which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place or places a notice which shall contain the provisions of the laws of this state which deal with the unlawful sale of such items to underage persons and the penalties for violating such laws.

(f) No person who holds a license or is responsible for the day-to-day operation of an establishment holding a license permitting the sale of alcoholic beverages for on-premises consumption shall allow any individual under the age of 21 to be in, frequent or loiter about the licensed premises unless such individual is accompanied by a parent or legal guardian except as provided herein. This prohibition shall apply regardless of whether or not said establishment on said date or time is operating for the purpose of the sale of alcoholic beverages for on-premises consumption, and regardless of what other type of license or business
tax certificate said establishment may have. This section shall not prohibit individuals under the age of 21 from being in a qualified eating establishment or entertainment venue as defined in this Ordinance or attending a special event for which a license for a single event is issued pursuant to this Ordinance, and does not apply to such individuals who are employees of the licensee with assigned duties in the licensed premises.

(Ord. No. 6904, § 2, 8-1-06)

Sec. 6-2-20. Same—Penalty for violation.

(a) Any licensee hereunder, or any person in the employ of the licensee or any person in the employ of the retail business establishment for which the license was granted, who violates the provisions of section 6-2-19 herein, shall subject the license of the licensee to suspension or revocation, and shall be guilty of an offense and, upon trial and conviction of a misdemeanor, shall be punished by a fine in an amount not to exceed five hundred dollars ($500.00) and/or imprisonment in jail for a period not to exceed sixty (60) days.

(b) Whenever an Alcoholic Beverage License(s), under section 6-2-20(a) is suspended, or suspended and made subject to probation by the Augusta-Richmond County Commission for all or a part of said period of suspension, said license shall not be reinstated unless the licensee pays to the County a reinstatement fee of $500.00. Said reinstatement fee shall be due and payable and remitted to Augusta-Richmond County not less than five (5) business days prior to the end of any period of suspension or probated suspension imposed by the Augusta-Richmond County Commission. Only one such fee shall be paid by any one license holder on any one occasion irrespective of the number of licenses to be reinstated. Any fee paid pursuant to this Code section shall be paid into the General Fund.

(Ord. No. 6763, §§ 1, 2, 1-18-05)

Sec. 6-2-21. Premises to be kept in orderly manner, with outside gatherings of patrons restricted.

(a) Owners and/or applicant managers and employees shall be responsible for keeping an orderly place, and no patron shall cause a disturbance of any kind, nor shall any patron be allowed to stand, sit, mingle or assemble outside the building, in parking lots or autos, and drink alcoholic beverages except as provided in subparagraph (b) hereof.

(b) Businesses with on-premises alcoholic beverage consumption licenses may serve alcoholic beverages only within the definite closed locality, whether room, shop or building, where alcoholic beverages are sold by the drink. However, any business with such license, which has an outside patio area that is actually and permanently attached to the main building, may serve alcoholic beverages in the patio area; provided, however, a bar may not be set up in such an outside patio area, nor are portable bars, beer tents or other such facilities for the sale of alcoholic beverages permitted. Sales through doorways or windows to sidewalks, parking lots, or patio areas are also prohibited.

(c) The provisions of subsection (b) above shall not apply to the sale of alcoholic beverages in the area designated as Riverwalk. Sales in the Riverwalk area shall be allowed as provided in section 6-2-22 hereof.

Sec. 6-2-22. Sales at Riverwalk.

Sales in the Riverwalk area shall be allowed in areas designated for alcohol sales by the License & Inspection Department as permanent locations.

Sec. 6-2-23. Sanitation requirements.

All premises used for the retail sale of alcoholic beverages or for the storage thereof for sale shall be kept in a clean and sanitary condition and shall be in full compliance with the regulations of the department of public health regulating the condition of premises used for the storage or sale of food for human consumption. All premises for which a Class A (on-premises consumption of beer) or Class E (on-premises consumption of liquor) license has been issued shall afford therein adequate sanitary toilet facilities.
Sec. 6-2-24. Games of chance; cause for suspension or revocation of license.

Gambling, betting, or the operation of games of chance, punchboards, slot machines, lotteries, or tickets or chances therein, or any other such scheme or device involving the hazarding of money or any other thing of value in any licensed place of business, or in any room adjoining the same owned, leased or controlled by him, shall be cause for suspension or revocation of his license; provided, however, nothing herein shall prohibit the operation of a properly licensed Georgia Lottery outlet, bingo game or any device not otherwise prohibited by law.

Sec. 6-2-25. Visual obstructions prohibited.

No screen, blind, curtain, partition, article or thing shall be permitted in the window or upon the doors of the licensed premises which shall prevent a clear view into the interior of the premises from the street or road at any time, and no booth, screen, partition or other obstruction shall be permitted within the interior of the licensed premises, and the same shall be so lighted so the interior of the premises is plainly visible from the street or road day and night.

Sec. 6-2-26. Employment of persons under eighteen years of age prohibited.

(a) No person shall allow or require a person in his employment under eighteen (18) years of age to dispense, serve, sell or take orders for any alcoholic beverages.

(b) This section shall not prohibit persons under eighteen (18) years of age who are employed in supermarkets, convenience stores, breweries or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.

Sec. 6-2-27. Adult entertainment establishments.

(a) Findings; public purpose. Pursuant to the Constitutional Amendment, ratified on November 8, 1994, to Article III, Chapter VI of the Constitution of the State of Georgia, which amendment added a new Section VII to said article and delegated the State's power to regulate, restrict, or prohibit activities involving alcoholic beverages to the counties and municipalities of this State; and

In recognition and reliance upon those certain studies, by the City of Austin, Texas and the City of Dallas, Texas, of the effects of adult entertainment establishments in which alcohol is consumed on the premises, which studies show that such establishments engender crime and create undesirable community conditions in the area surrounding them and which studies have previously been considered by the Board of Commissioners of Richmond County;

It is hereby declared that the purpose of this section is to regulate certain types of businesses including, but not limited to, adult entertainment establishments, to the end that the many types of criminal activities and undesirable community conditions frequently engendered by such businesses will be curtailed. However, it is recognized that such regulation cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. As to adult dance establishments, this section represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments and the protected rights of adult entertainment establishments and patrons.

(b) Sale or consumption of alcohol prohibited. No holder of a license or business tax certificate for an adult entertainment establishment shall serve, sell, distribute or suffer the consumption or possession of any alcoholic beverage or controlled substance upon the premises of the licensee or business tax certificate holder; provided, however, nothing herein contained shall affect any vested rights.

Sec. 6-2-28. Financial transactions.

No licensee, or his business associates, shall borrow or accept from or give or lend to vending machine owners, lessors, suppliers or operators, money or other valuable considerations. Vending
machines shall mean coin-in-slot devices dispensing goods, services, or amusements, or any other thing of value.

Sec. 6-2-29. Licensee purchases from licensed wholesaler.

No retail dealer or retail consumption dealer shall buy or arrange to buy or in any way effect the transfer of any beverage alcohol to him or for his account except from a licensed wholesaler. No arrangement whereby a wholesaler shall handle, clear or in any other way arrange to transfer for any licensed retail dealer or retail consumption dealer shall be permitted, and all sales by wholesalers to licensed retail dealers or retail consumption dealers shall be bona fide sales transactions from the wholesaler to the licensed retail dealer or retail consumption dealer. The making of any forbidden arrangements shall be cause for revocation of the licenses of all licensed wholesalers and retail dealers or retail consumption dealers involved.

Sec. 6-2-30. Solicitation of drinks.

No person while holding any license shall require, permit, suffer, encourage, or induce any employee or person other than the patron and guests of the patron, to solicit the purchase by the patron of any drink, whether alcoholic or non-alcoholic, or money with which to purchase the same; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for herself, himself, or for others, the purchase by the patron of any drink, whether alcoholic or non-alcoholic.

Sec. 6-2-31. Consideration of goods bought or sold to be in cash; exceptions.

(a) The consideration for all alcoholic beverages sold by any licensee shall be cash only and the delivery and payment therefor shall be a simultaneous transaction within the licensed place of business. There shall be no maneuver, device or shifts, of any kind whereby credit is extended. The use of post-dated checks is prohibited. (b) The use of a credit card for the purchase of alcohol beverages from a licensee shall not be prohibited provided such credit card represents an unqualified obligation to pay without recourse on the part of the person, institution or agency issuing such card. Hotels and motels licensed to sell beverage alcohol shall not be prohibited from billing guests of such hotel or motel for such beverage alcohol provided that payment is tendered at the time such guest leaves or checks out of such hotel or motel. The sale of beverage alcohol by bona fide private clubs and lodges wherein members pay all charges on a monthly basis shall not be prohibited provided the receivables from such transactions are promptly placed for collection consistent with sound business practices.

Sec. 6-2-32. Violations; unlawful activities.

(a) Any person holding any license issued pursuant to this Ordinance or any employee or agent of such person who violates any provision of this Ordinance, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension or revocation. For purposes of administering and enforcing this Ordinance, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.

(b) It shall be a violation of this Ordinance for any licensee 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. With respect to any such activity, it shall be rebuttably presumed that the same was done with the knowledge or consent of the licensee; provided however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

Sec. 6-2-33. Subterfuge.

Any act which may be construed as a subterfuge in an effort to circumvent any provision of
this Ordinance shall be deemed a violation of the section or subsection attempted to be circumvented.

Secs. 6-2-34—6-2-50. Reserved.

ARTICLE 2 LICENSING

Sec. 6-2-51. License required.

(a) No alcoholic beverage may be sold, possessed for sale, or distributed in Augusta-Richmond County, other than in the City of Hephzibah or the City of Blythe if said municipalities legally authorize same, except under a license granted by the City Council of Augusta or the Richmond County Board of Commissioners for the calendar year 1996, and thereafter by the Augusta-Richmond County Commission.

(b) Licenses granted hereunder shall fall into one or more of the following classes:

1. Class A: On-premises consumption of beer
2. Class B: Off-premises consumption of beer
3. Class C: On-premises consumption of wine
4. Class D: Off-premises consumption of wine
5. Class E: On-premises consumption of liquor
6. Class F: Off-premises consumption of liquor
7. Class G: Brewer, Manufacturer of Malt Beverages
8. Class H: Brewpub Operator
9. Wholesale Beer
10. Wholesale Wine
11. Wholesale Liquor
12. Sunday Sales

Sec. 6-2-52. License for eating establishment and entertainment venue; authority to sell for consumption on the premises.

(a) For an eating establishment to be eligible to sell alcoholic beverages for consumption on the premises, it must be a public place kept, used, maintained, advertised and held out to the public as a place where substantial meals are served and where substantial meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least 40 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable meals for its guests as a bona fide eating establishment operation. The serving of such meals shall be the principal business conducted, with the serving of distilled spirits to be consumed on the premises as only incidental thereto, and to qualify as an eating establishment under this section, such establishment must derive at least 50 percent of its total annual gross food and beverage sales from the sales of prepared meals and foods. The director of license and inspection, upon receiving an application from an eating establishment to sell alcoholic beverages for consumption on the premises, shall inspect the restaurant to determine if the applicant is in compliance with the above requirements for a restaurant and shall advise the Commission the determination of his/her inspection.

(b) For an entertainment venue to be eligible to sell alcoholic beverages for consumption on the premises; it must have a minimum seating capacity of 200 fixed seats, affixed to the floor or attached to each other in rows of at least five seats in each row, in a theatre-like design in front of a stage; and it must be a public place kept, used, maintained, advertised and held out to the public as an entertainment venue. Entertainment shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto, and to qualify as an entertainment venue under this section, such establishment must derive at least 50 percent of its total annual gross entertainment and beverage sales from the sales of entertainment admission tickets.

The director of license and inspection, upon receiving an application from an entertainment venue to sell alcoholic beverages for consumption on the premises, shall inspect the location to determine if the applicant is in compliance with the above requirements for an
entertainment venue and shall advise the commission the determination of his/her inspection.

The sale of alcoholic beverages is authorized for consumption on-premises in entertainment venues as defined herein, on Sundays between the hours of 12:30 p.m. and 11:00 p.m. provided, further that the area where alcoholic beverages are being sold and/or served shall be vacated of all persons, including employees, by no later than 12:00 midnight. No alcoholic beverage shall be allowed to remain on any bars, tables, or be in possession of patrons after 12:00 midnight. For the purpose of this subsection, entertainment venue shall mean an establishment which is licensed to sell alcoholic beverages for consumption on the premises and which derives at least 50 percent of its total annual gross entertainment and beverages sales from the sale of entertainment admission tickets, and shall further mean an entertainment venue meeting criteria for license eligibility provided in section 6-2-52.

(c) Any business operating as an entertainment venue as defined in this Code shall be required to have a business tax certificate. The requirements for obtaining, renewing and maintaining such certificate shall be governed by the applicable provisions of the Augusta-Richmond County Code, Title 2, Chapter 2. The regulatory fee for a business tax certificate issued to any entertainment venue shall be as set forth in section 2-1-3(c).

(d) Upon renewal of an alcoholic beverage license at a premise where an eating establishment or entertainment venue is in operation, verified records of sales of food or admission tickets as they relate to the total sales of food and beverages or admissions shall be furnished. Verifications must be submitted by both the license holder and the management of the establishment. The director of license and inspection may cause an audit of the books of a qualifying eating establishment or entertainment venue to be made at any time. Failure of a licensee which is a qualifying eating establishment or entertainment venue to cooperate in the execution of the audit shall be a violation of this Ordinance.

(Ord. No. 5961, 10-7-97; Ord. No. 6904, § 3, 8-1-06)

Editor's note—Ord. No. 6904, § 3, adopted Aug. 1, 2006, amended the title of § 6-2-52 to read as herein set out. Formerly, said title pertained to similar subject matter.

Sec. 6-2-53. Licenses for brewpubs and breweries.

(a) Required. No individual shall be permitted to own or operate a brewpub without first obtaining a proper license from the Augusta-Richmond County Commission, and each brewpub license holder shall comply with all other applicable state and local license requirements.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. **Brewpub.** Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, for retail consumption on the premises and solely in draft form. As used herein, the term eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least fifty percent (50%) of its total annual gross food and beverages sales from the sale of prepared meals or food.

2. **Brewer.** A manufacturer of malt beverages.

(c) Terms of license.

1. A brewpub license authorizes the holder of such license to:
   a. Manufacture on the licensed premises not more than 5,000 barrels of beer in a calendar year solely for retail sale on the premises and solely in draft form; and
   b. Operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other
manufacturers which are authorized for retail sale under licenses issued by the Augusta-Richmond County Commission, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers.

(2) Possession of a brewpub license shall not prevent the holder of such license from obtaining a retail consumption dealer's license or a retailer's license for the same premises.

(3) A brewpub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises.

(4) A brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises of a brewpub.

(5) A brewpub licensee shall:
   a. Pay all state and local license fees and excise taxes applicable to individuals licensed as manufacturers, retailers, and, where applicable, wholesalers under this title; and
   b. Measure beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required by Georgia law and the Ordinances of Augusta-Richmond County.

Sec. 6-2-54. License for off-premises consumption and sale by the drink at same location.

A license holder may have his license for off-premises consumption and his license for on-premises consumption at the same location, but they must be separate premises with separate addresses and trade names.

Sec. 6-2-55. Holder of license for off-premises consumption of liquor selling by the drink without license for on-premises consumption prohibited.

It shall be unlawful for the holders of licenses for off-premises consumption of liquor to offer liquor for sale by the drink on such premises licensed for off-premises consumption. Any premises where alcoholic beverages are sold by the drink at more than one (1) location within the premises shall be required to have a license for each location within the premises.

Sec. 6-2-56. Brown-bagging, etc.

(a) No individual shall be allowed to consume alcoholic beverages in any restaurant, lounge, or bar with an occupation tax certificate from Richmond County, the City of Augusta or from Augusta-Richmond County that does not have a license for on-premises consumption of alcoholic beverages under this ordinance. The occupation tax licensee for any restaurant, lounge or bar in Augusta-Richmond County shall not allow any individual to consume alcoholic beverages on their premises when such alcoholic beverages were not purchased from the restaurant, lounge or bar.

(b) No person shall charge admission to any dance or other event at which alcoholic beverages will be served, provided or otherwise available for consumption, without first obtaining a single event license or an alcoholic beverage license.

Sec. 6-2-57. Augusta-Richmond County employees holding licenses prohibited.

It shall be unlawful for any elected or full-time appointed employee of Augusta-Richmond County, or his or her spouse or members of the immediate family residing in the same household, to hold any license hereunder.
Sec. 6-2-58. Applicant for new license to give public notice, furnish proof of advertisement.

(a) All persons, firms or corporations desiring to engage in the sale of alcoholic beverages shall give notice of their intention to make application for a license to do so by advertisement in form prescribed by the Augusta-Richmond County license inspector. Advertising, as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application in a prominent position on the property (e.g., front window where it can be read from the road); also, all new license applicants shall be required to advertise three (3) times in the legal gazette (Augusta Chronicle) before applications are heard by the Augusta-Richmond County Commission or a committee thereof. Advertising in the legal gazette shall be during the 30-day period prior to the hearing of the application by the Augusta-Richmond County Commission.

(b) When an application is submitted for a license for a new location, the property designated for the operation of the business shall be posted for thirty (30) days preceding the date of any hearing to be held on said application with a sign reading as follows:

This establishment has applied to the Augusta-Richmond County Commission for an alcoholic beverage license authorizing it to sell Beer, Wine, Liquor (state the appropriate types of beverage) for on/off premises consumption at this location. (State appropriate type). This __________ day of ____________, 19__.  
Name of applicant: _________________________  
Address of applicant: _______________________

The size of the sign to be posted on the property shall be no smaller than 15 inches by 27 inches. The sign is to be conspicuously displayed on that portion of the property most visible to the public.

(c) For purposes of this section, any location which has never been licensed for the sale of alcoholic beverages before, or for which a license has been revoked, or where the sale of alcohol has ceased for nine (9) months, shall be considered a new location.

(d) Before the application is presented to the Augusta-Richmond County Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

Sec. 6-2-59. Filing application.

(a) Form; information to be provided.

(1) A written application to the Augusta-Richmond County Commission for a license under this Ordinance shall be made on forms approved by the Augusta-Richmond County Commission. All questions and information required by the application form should be filled in and subscribed to by all applicants, under oath, and shall disclose among other information whether the applicant has been convicted of any crime, misdemeanor or a violation of any municipal ordinance (except minor traffic violations) in any state, county, municipal or federal court, and the particulars of same; the prior business of applicant for the past ten (10) years; names and addresses of three (3) persons who have known applicant for the past five (5) years; whether applicant has any existing liquor, beer or wine business in Georgia; whether the interest of applicant is total, partial, or exact extent of same, and, if partial, the names and addresses of all others having a partial interest in said business and the extent of such interest; and such other and further information as the Commission shall deem necessary.

(2) It is further required that all applicants for licenses allowing the sale of liquor shall submit with their applications personnel statements. These personnel statements shall be furnished to the Augusta-Richmond County license inspector upon request and will be required for both applications for original licenses and renewals of existing licenses.

(3) Every license application shall be accompanied by a plat prepared by a registered surveyor, showing the distance of the premises for which the license is being ap-
plied from the nearest church, school, library or public recreation area, or from any alcoholic treatment center owned and operated by a governmental entity, as measured under section 6-2-63 hereof. The license application shall be accompanied by a copy of the lease. If the license applicant leases the property and improvements, a copy of the lease shall be maintained on a current basis in the license file. If the license applicant is the owner of the real estate and improvement where the business will be located, a copy of the deed shall accompany the application and be maintained as a part of the license file.

(4) The application shall also include, but shall not be limited to, the name and address of the agent for service of process and the name of the manager. If the manager changes, the applicant must furnish the Augusta-Richmond County license inspector with the name and address of the new manager and other information as requested within ten (10) days of such change.

(b) Date due. All applications, including required documentation, shall be filed with the Director of License & Inspection not less than thirty (30) days prior to the date when the application is scheduled to be heard.

(c) Fee. Every such application, excluding renewals and transfers, shall be accompanied by a non-refundable application fee in the amount of one hundred dollars ($100.00), said fee to be paid by certified check, cashier’s check or money order made payable to the Augusta-Richmond County Commission, as applicable.

(d) Untrue or misleading information; material omissions. Any untrue or misleading information contained in, or material omission left out of, an original, renewal or transfer application for a license hereunder shall be cause for the denial of the license; and, if any license has been granted under such circumstances, the license shall be subject to revocation.

Sec. 6-2-60. Inspection of application by license inspector; investigation by sheriff; provision of information to license & inspection department upon request.

(a) If so filed as to comply with the requirement of this Ordinance an application under this Ordinance shall be sworn to and directed to the Director of License & Inspection for Augusta-Richmond County, who shall inspect the application and refer same to the Richmond County Sheriff, who shall investigate the character and reputation of the applicant, owners, partners, officers of the corporation, shareholders, managers, employees, and others associated with the application, and the suitability of the location for the sale of alcoholic beverages.

(b) All applicants shall furnish all data, information and records requested of them by the License & Inspection Department and/or the Richmond County Sheriff’s Department, and failure to furnish such data, information and records within thirty (30) days from the date of the request shall automatically serve to dismiss, with prejudice, the application. Applicants, by filing an application, agree to produce for oral interrogation any person or persons involved in any transaction pertinent to the application or any evidence relevant to the application as may be requested by the License & Inspection Department or the Richmond County Sheriff’s Department. Failure to produce such evidence, person or persons within thirty (30) days after being requested to do so shall result in the automatic dismissal of the application.

Sec. 6-2-61. Review of application by the Augusta-Richmond County commission.

(a) Procedures—Generally. After the requirements of sections 6-2-58 through 6-2-60 have been fulfilled, all applications for original alcoholic beverage licenses of any type shall be submitted to the Public Services Committee of the Augusta-Richmond County Commission, which shall review the applications in such manner as the committee may determine to be necessary, and shall submit a recommendation to the Augusta-
Richmond County Commission. After the investigation is complete, the Augusta-Richmond County Commission shall cause to be issued such license as it may determine to be warranted and needed by the applicant.

(b) Order of consideration. All applications presented shall be noted as to the date and exact time of filing, and such applications shall be presented, heard and considered by the Commission in the order of their filing.

Ord. No. 5929, 5-19-97

Sec. 6-2-62. Criteria for license approval—Personal qualifications of applicants.

(a) Citizenship; residency. A license will be issued only to a person who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, and who is a resident of Augusta-Richmond County, Georgia. Where an applicant is other than a natural person, it must be an entity organized and existing under the laws of the United States or one of its states, an agent of the entity must meet the qualifications of the preceding sentence.

(1) For a license to be issued to a general partnership, the application must be made jointly by the partnership, any managing partner and all other partners owning at least a twenty (20) percent interest in the assets or revenues of the partnership. If there is no managing partner and there is no partner meeting the ownership requirements, then the application must be made jointly in the name of the partnership and the general partner owning the greatest percentage interest in the assets and revenues of the partnership, as agent. At least one (1) of the applicants shall be a natural person. If none of the applicants required above is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application, as agent.

(2) Where the applicant for a license is a limited partnership, the application shall be made jointly by the limited partnership, its general partners, and any other partner, limited or general, owning at least a twenty (20) percent interest in the assets or revenues of the limited partnership. At least one (1) of the applicants must be a natural person. If none of the applicants required above is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application, as agent.

(3) Where the applicant for a license is a corporation, the application shall be made jointly in the name of the corporation and its president or vice president and any stockholder owning at least twenty (20) percent of the total outstanding capital stock of the corporation.

(4) Where the applicant for a license is a private club, the application shall be made jointly in the name of the private club and its president or general manager, as agent.

(5) Where the applicant for a license is an entity other than a natural person, a partnership, a corporation, or a private club, the application shall be made jointly in the name of the entity, the natural person having chief executive officer authority over the business activities of the entity and any other person having at least a five (5) percent interest in the assets or revenues of the entity, as agents. The application shall further disclose the type of entity making the application and every person having an ownership interest in the assets or revenues of the entity.

(6) Licenses issued to corporations, general partnerships, limited partnerships, private clubs or other types of entities must be issued jointly to the entity and all of the other persons required by this section to join in the application, as agents.

(b) Moral character; criminal record. No person, firm or corporation shall be granted an alcoholic beverage license unless it shall appear to the satisfaction of the Commission that such
persons or partners in the firms or officers and directors of the corporation shall be of good moral character.

(c) Age. An applicant must be twenty-one (21) years of age or older.

(d) Interest in Business; Involvement in Business. The applicant must own a bona-fide interest in the business for which the license is sought. Further, the applicant must be involved in the day-to-day operation of the business for which the application is made. In the event the applicant is a corporation or partnership, the applicant must designate on the application or renewal application a manager or other supervisory employee (who is also a citizen of the United States and a resident of the State of Georgia and Augusta-Richmond County) as the individual responsible for the day-to-day operation of the business, and must comply with the provisions of section 6-2-70(d) herein.

(e) Eligibility. The applicant must not fall into any of the categories of individuals who are ineligible to hold a license under section 6-2-62.

Sec. 6-2-63. Individuals not eligible for license.

The following individuals are not eligible for an alcoholic beverage license, even if they possess all of the qualifications listed in section 6-2-61.

(a) A person or persons or any of the officers and directors who have been convicted of a felony in any jurisdiction. A conviction, for purposes of this paragraph, includes a guilty plea or plea of nolo contendere.

(b) A person or persons or any of the officers and directors who have been convicted of a non-felony crime of moral turpitude, lottery, or illegal possession and sale of narcotics or liquors within the five (5) years preceding the filing of the application. A conviction, for purposes of this paragraph, includes a guilty plea or a plea of nolo contendere.

(c) A person whose license to sell alcoholic beverages has been revoked for cause in any state or territory of the United States within the ten (10) years preceding the filing of the application.

(d) A person who has knowingly falsified information or made any material misrepresentation on the application for a license under this Ordinance or any application under the predecessor Ordinance for Richmond County or the City of Augusta submitted within the ten (10) years preceding the filing of the application.

(e) A person who has been convicted of a violation of any federal, state or local law pertaining to the possession, manufacture or sale of alcoholic beverages within the ten (10) years preceding the filing of the application. For purposes of this paragraph, a conviction includes a guilty plea or a plea of nolo contendere.

(f) Should any such applicant, partner or officer or director of any applicant entity, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, or to the violation of any laws of the State of Georgia regulating possession or the sale of narcotics, drugs, liquors, wine or beer or the lottery laws of this state, said license shall be subject after hearing to immediate suspension or revocation.

Sec. 6-2-64. Same—Location restrictions.

(a) Zoning. No license shall be issued for the sale, either at wholesale or retail, of alcoholic beverages unless the licensee’s place of business is located in an area within Augusta-Richmond County that is properly zoned for the sale of alcoholic beverages.

(b) Proximity to churches, libraries, schools, and public recreation areas. No original license shall be issued hereunder where the place of business of the licensee is located within the following distances of the following establishments:

(1) Church or library buildings, or public recreation areas:

   Whiskey: One hundred (100) yards.
Malt beverage: One hundred (100) yards.
Wine: One hundred (100) yards.

(1.1) Special alcohol license distance requirements for the Downtown Business District.

a. The "Downtown Business District" for purposes of this Ordinance is bounded:
   1. North by the Savannah River;
   2. East by the western right-of-way line of Fifth Street;
   3. South by the north right-of-way line of Greene Street; and
   4. West by the east right-of-way line of Fifteenth Street.

b. Any structure in the "Downtown Business District" as herein above defined and not originally built as a place of worship will not be considered in applying any distance requirement in reference to the issuance of any alcohol license by Augusta, Georgia after the effective date of this Ordinance.

c. Exceptions: This Ordinance shall not apply to any structure in said "Downtown Business District" not originally built as a place of worship and in use as a place of worship on the effective date of this Ordinance.

d. In the Downtown Business District as herein defined, new applications for alcoholic beverage licenses submitted after the effective date of this Ordinance, shall be subject to distance requirements of 300 feet measured from the main entrance of the applicant's structure to the main entrance of the closest occupied structure originally built as a place of worship or any other structure not originally built as a place of worship and in use as a place of worship on or before the effective date of this Ordinance.

(2) School building or school grounds:
Whiskey: Two hundred (200) yards.
Malt beverage: One hundred (100) yards.
Wine: One hundred (100) yards.

The schools or colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges in this state and shall not include private schools or colleges within which only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

(c) No license authorizing the sale of alcoholic beverages shall be issued for a new location unless such proposed location is at a greater distance than 300 feet from any alcohol treatment center owned and operated by a governmental entity.

(d) All measurements, to determine distances for the issuance of alcoholic beverage license shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

   (1) from the front door of the structure from which alcoholic beverage is sold or offered for sale;
   (2) in a straight line to the nearest public sidewalk, walkway, street, road or highway;
   (3) along such public sidewalk, walkway, street, road or highway by the nearest route;
   (4) to the front door of the building, or to the grounds, whichever is applicable.

(e) No license in effect on the day of the adoption of this Ordinance shall be revoked before its day of expiration by reason of the method of measurement set out in this section if the license was granted in reliance on another method of measurement.

(f) Further, the Augusta-Richmond County Commission may, in its discretion, issue or deny any license when there is evidence that the type and number of schools, churches, libraries or public
recreation areas in the vicinity of the place of business of the licensee causes minors to frequent the immediate area, even though there is compliance with the minimum distances as provided herein.

(g) Nothing contained herein shall prohibit the issuance of any license authorizing the sale or distribution of alcoholic beverages by:

(1) Hotels or motels of fifty (50) rooms or more;

(2) Bona fide private clubs owning their homes and subject to licensing by the State of Georgia as a private club;

(3) Any establishment with a license to sell alcoholic beverages which meets the definition of a qualifying eating establishment as set forth in section 6-2-52 of this Ordinance; and

(4) A location for a single event occasion.

(h) No license shall be issued under this Ordinance to any premises which do not meet the requirements of all state, county, and city laws, ordinances and regulations which would apply to said premises, including, but not limited to, building, fire, and sanitation codes.

(i) The restrictions on locations as stated herein are in addition to, and not in lieu of, any restrictions imposed by the laws of the State of Georgia.

(j) If an application is either withdrawn from consideration or denied, no application may be made by any person for the location for which the withdrawn or denied application was made, for a period of twelve (12) months from the date of withdrawal or denial; provided, however, if the application is withdrawn with the unanimous approval of the members of the Augusta-Richmond County Commission, the one (1) year prohibition shall not apply.

(k) If a license is suspended, no application may be made by any person for the location for which the suspended license was held, until such time as the period of suspension for said license expires.

(l) If a license is revoked, no application may be made by any person for the location for which the revoked license was held, for a period of twelve (12) months from the date of revocation.

(Ord. No. 6866, § 1, 3-21-06)

Sec. 6-2-65. Same—Additional considerations.

(a) In determining whether or not any license applied for hereunder shall be granted, renewed, transferred or issued to a new location, in addition to all the provisions of this Ordinance, the following shall be considered in the public interest and welfare:

(1) Reputation, character. The applicant’s reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.

(2) Previous violations of liquor laws. If the applicant is a previous holder of a license to sell alcoholic liquors, whether or not he has violated any law, regulation or ordinance relating to such business.

(3) Manner of conducting prior liquor business. If the applicant is a previous holder of a license to sell alcoholic liquors, the manner in which he conducted the business thereunder, especially as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.

(4) Location. The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.

(5) Number of licenses in trading area. The number of licenses already granted for similar business in the trading area of the place for which the license is sought.

(6) Dancing. If dancing is to be permitted upon the premises for which the license is sought and the applicant has previously permitted dancing upon any premises con-
trolled or supervised by him, the manner in which he controlled or supervised such dancing to prevent any violation of any law, regulation or ordinance.

(7) **Previous revocation of license.** If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an alcoholic beverages license suspended or revoked.

(8) **Payment of taxes.** If the applicant and business are not delinquent in the payment of any local taxes.

(9) **Congregation of minors.** Any circumstances which may cause minors to congregate in the vicinity of the proposed location, even if the location meets the distance requirement under section 6-2-63(b) herein.

(10) **Prior incidents.** Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location, if within the City of Augusta, or within the immediate area if in the unincorporated area of Richmond County, during the twelve (12) months immediately preceding the date of application.

(11) **Previous Denial or Revocation.** The denial of an application, or the revocation of a license, occurring within the preceding twelve (12) months, which was based on the qualifications of the proposed location.

(b) If the application is denied, the Augusta-Richmond County Commission shall cause a written report to be prepared showing the reason or reasons for the denial. The Commission shall return the application showing its denial, together with the written report, to the Director of License & Inspection who shall notify the applicant of the denial within five (5) days of the receipt of the denial of the application.

(c) On reconsideration, the Commission shall hear evidence offered by the applicant and any entity opposing the issuance of the license. The applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may question any opposing witnesses. At the close of the evidence, the Commission shall either uphold its denial or shall approve the issuance of a license.

**Sec. 6-2-66. Time limit for acquiring licenses once approved.**

All licenses must be obtained not later than ninety (90) days from the date of the approval of the application, and, if not so obtained, the license shall be void. Extensions of time under this section shall be granted only by the Augusta-Richmond County Commission.

**Sec. 6-2-67. License fee.**

(a) **When due and payable.** When a license has been approved and granted, the same shall be paid for by certified check, cashier’s check or money order for the full amount of the license fee.

(b) **Amount.** Each applicant shall pay a license fee as set out herein:

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Consumption on premises beer</td>
<td>$550.00</td>
</tr>
<tr>
<td>B</td>
<td>Retail beer</td>
<td>$550.00</td>
</tr>
<tr>
<td>C</td>
<td>Consumption on premises wine</td>
<td>$550.00</td>
</tr>
<tr>
<td>D</td>
<td>Retail wine</td>
<td>$550.00</td>
</tr>
<tr>
<td>E</td>
<td>Consumption on premises liquor</td>
<td>$2,750.00</td>
</tr>
<tr>
<td>F</td>
<td>Retail liquor</td>
<td>$2,750.00</td>
</tr>
<tr>
<td>G</td>
<td>Brewer, Manufacturer of Malt Beverages</td>
<td>$550.00</td>
</tr>
</tbody>
</table>
(8) Class H: Brewpub Operator $550.00
(9) Wholesale liquor ................ $5,000.00
(10) Wholesale beer ............... $550.00
(11) Wholesale wine .............. $110.00
(12) Sunday sales ............. $1,100.00

(c) **Proration.** The full license fee must be paid for a license issued prior to July 1 of the license year. One-half ($\frac{1}{2}$) of the full license fee shall be paid for a license issued after July 1 of the license year.

(d) **Refund.** In case of the revocation or surrender of such license before the expiration of the calendar year, the holder thereof shall not be entitled to receive any refund whatsoever.

(Ord. No. 6341, § 1, 12-19-00)

**Sec. 6-2-68. Term of license.**
All licenses granted hereunder shall be for the calendar year.

**Sec. 6-2-69. Display of license required.**
Every license issued under this Ordinance shall be kept prominently displayed by the holder thereof at his licensed place of business, and any alcoholic beverage kept, stored or found at said licensed place of business or at his warehouse shall be presumed to be his property.

**Sec. 6-2-70. Licenses not transferable; exceptions; fee; new ownership.**

(a) **Generally.** Licenses hereunder shall not be transferable, except as otherwise provided herein. Nothing in this section, however, shall prohibit one (1) or more partners of a partnership holding a license from withdrawing from the partnership in favor of one (1) or more of the partners who were partners at the time of the issuance of the license.

(b) **Exceptions.**

(1) **Estate administration, etc.** In case of the death of any person holding such a license, or any interest therein, the same may be transferred to the administrator, executor, or the lawful heirs of the deceased person, if otherwise qualified.

(2) **Change of location.** Should a transfer of a location be approved, there shall be no additional license fee, and the new location shall not be considered a new license hereunder.

(3) **Addition of partners or stockholders.** A licensee may take in partners or additional stockholders where it is determined that the additional capital furnished is to be used exclusively for additional inventory or expending the facilities of the business, or for building a new facility, and, where it appears that the licensee himself receives directly none of the additional capital invested. Under this section an additional partner or new stockholder must be approved by the License & Inspection Department and the Richmond County Sheriff's Department.

(4) **Procedure for application for exception.** Any licensee desiring a transfer of a license pursuant to an exception hereunder shall notify the Director of License & Inspection of the basis of the exception and shall provide the Director of License & Inspection with any information and/or documentation requested in connection with the exception. The Director of License & Inspection shall then either approve or deny the exception. If the exception is approved, the license shall be transferred by the Director of License & Inspection.

(c) **Fee for transfers.** There shall be a fee of one hundred dollars ($100.00) for transfers pursuant to this section.

(d) **New ownership; retail alcoholic beverage licenses.** No retail beer, wine or whiskey license shall be transferred, but where a change in ownership is contemplated, the new owner or owners shall file a new application for a license. Changes in license ownership from one (1) party at interest named in the original application to another party at interest as named in the original application, and changes of license from one (1) employer or manager to a successor employer or manager, shall not be deemed a transfer of license within the prohibition against transfer contained in these
regulations, so long as there is no change in the ownership or location. In each instance the Augusta-Richmond County Commission shall be advised in writing of such change and a complete disclosure of all facts in connection therewith shall be made at the time such request for change is presented. The Administrator shall have the authority to approve such a change of license. In the event that the Administrator denies such change of license, the applicant shall have the right within ten (10) days of such denial to appeal same to the Augusta-Richmond County Commission. An applicant for a change of license must follow the procedure for applying for an alcoholic beverage license, excluding section 6-2-58 and section 6-2-61. A transfer fee from manager to manager shall be one hundred dollars ($100.00). (Ord. No. 5929, 5-19-97)

Sec. 6-2-71. Renewal of licenses.

(a) All licenses granted hereunder shall expire on December 31 of each year. Licensees who desire to renew their licenses shall file an application therefor, together with the requisite fee with the License and Inspection Department for such renewal, upon forms approved by the Director of License and Inspection, on or before December 1 of each year.

(b) All licenses to be renewed for the subsequent calendar year shall be submitted by the License and Inspection Department to the Commission for approval no later than December 15 of each year. Any licenses that have been placed on probation, suspension or have been revoked by the Commission during the year shall be submitted on a separate list by the License and Inspection Department for review and consideration for approval.

Sec. 6-2-72. Denial of application to renew license.

(a) The possession of a license under this Ordinance is a privilege granted by the Board of Commissioners, City Council of Augusta, or the Augusta-Richmond County Commission. The Augusta-Richmond County Commission is hereby authorized to deny the renewal of a license if it finds to exist any of the grounds constituting due cause to revoke, suspend or place on probation a license, as stated in section 6-2-74 herein.

(b) When the Sheriff recommends that an application to renew a license be denied, he shall provide the Director of License and Inspection with a written report describing the reason or reasons for the recommendation. The Director shall notify the Commission and shall serve written notice on the licensee at least five (5) days before the next scheduled meeting of the Commission. The notice shall state the reason(s) given by the Sheriff for his/her recommendation to deny the renewal of the license and the time and place of the next scheduled meeting of Commission.

(c) Commission shall receive evidence in the same manner described in section 6-2-74.

(d) At the conclusion of the evidence, the Commission shall consider the evidence and shall decide to grant or to deny the renewal of the license.

(e) If the application is denied, the Commission shall cause a written report to be prepared showing the reason or reasons for the denial. The Commission shall return the application showing its denial, together with the written report to the Director of License and Inspection who shall notify the applicant of the denial within five (5) days of the denial. Notice to the applicant shall be made in writing, showing the reason or reasons for the denial and the day and time of the next scheduled meeting of the Commission. The applicant may appeal the denial of the application, by serving notice on the Commission requesting reconsideration of the application. The applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may question opposing witnesses. At the close of the evidence, the Commission shall either uphold its denial or shall approve the issuance of the renewal license. Provided however, that the licensee may waive the five (5) day period if the next regular meeting of the
Commission is scheduled within less than five (5) days from the date of the recommendation by the Sheriff.

Sec. 6-2-73. Cancellation of licenses.

(a) A license issued under this Ordinance expires on December 31 of the year in which issued, unless it expires or is revoked earlier pursuant to this section.

(b) A license issued under this Ordinance expires upon the individual licensee ceasing to act as licensee for any reason unless an extension is granted pursuant to subsection (c) herein.

(c) Failure to open for business. All applicants for licenses hereunder must, within one hundred eighty (180) days after the approval of said license, open for business the establishment referred to in the application and license and begin the sale of the product or products authorized by the license. Failure to open the establishment and begin the sales as referred to above within the 180 day period shall serve as automatic forfeiture and cancellation of the unused license, and no refund of license fee shall be made to the license holder. Any extension of time under this section shall be granted only by the Augusta-Richmond County Commission.

(d) Ceasing of operations. Any holder of a license hereunder who shall begin the operation of the business and sale of the product and products as authorized in the license, but who shall thereafter cease to operate the business and sale of the product or products authorized in the license for a period of at least nine (9) months, shall automatically forfeit his license, which license shall, by virtue of said failure to operate, be cancelled without the necessity of any further action. Any extension of time under this section shall be granted only by the Commission.

Sec. 6-2-74. Probation, suspension and revocation.

Any license issued under this Ordinance may be put on probation, suspended and/or revoked by the Augusta-Richmond County Commission after a finding of due cause. Due cause for the probation, suspension or revocation of a license shall include but shall not be limited to, the following:

(a) A violation of this Ordinance or any State or federal law governing the manufacture, transport, or sale of alcoholic beverages by the licensee or any person in his employ or in the employ of the establishment for which the license was issued.

(b) The conviction of the licensee of a crime, which would render him or her ineligible to apply for a license. The term conviction as used herein includes a plea of guilty or nolo contendere.

(c) Failure by the licensee, or any person in his employ or in the employ of the establishment for which the license was issued, to adequately supervise and monitor the conduct of the employees, patrons and others on the licensed premises, or on any property owned or leased by the licensee, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of a licensed establishment, in order to protect the safety and well-being of the general public and of those using the premises.

(d) The revocation of the license or permit of the business to operate by any State, County, City or other governmental authority due to a violation of any law applicable to the business including, but not limited to, building codes and health codes.

(e) Falsifying information or making any material misrepresentation on the application for a license under this Ordinance.

(f) A license issued under this Ordinance shall thereupon be automatically revoked without any action by the council or any municipal officer if a license holder has been placed on probation twice within a twelve (12) month period.

(Ord. No. 7114, § 1(exh. A), 3-3-09)

Sec. 6-2-75. Procedure for probation, suspension and revocation.

(a) Upon cause to believe that due cause exists for the probation, suspension or revocation of a license under this Ordinance, the Director of
License and Inspection or head of any department authorized to inspect the licensed premises, shall file a complaint with the Augusta-Richmond County Commission. The Director of License and Inspection shall notify the licensee, in writing, of the time and place of the next meeting when such complaint shall be heard by the Commission or a committee thereof. Such Notice shall be deemed sufficient when mailed to licensee at the address of the location at least five (5) days prior to said hearing.

(b) The Commission or committee thereof shall hear the evidence offered by the complaining authority herein and the evidence offered by the licensee. The licensee may be represented by counsel, may offer testimony by witnesses or any other evidence and may question the witnesses of the complaining authority. At the close of the evidence, the Committee shall revoke, suspend or sustain the license, or place the licensee on probation.

(c) If the Commission or committee thereof decides to revoke or suspend the license(s), all licenses issued to the location shall be surrendered to the Director of License and Inspection and no alcohol shall be sold, served or consumed on the premises.

(d) If the Commission or committee thereof decides to suspend the license(s), it shall state the number of days of the suspension. The licensee shall surrender the license or licenses to the Director of License and Inspection, who shall return the license(s) to the licensee at the end of the suspension period. No alcohol shall be sold, served or consumed at the location during the period of suspension.

(e) If the Commission or committee thereof sustains the license, the license shall remain in effect as issued.

(f) If the Commission or committee thereof decides to place the licensee on probation, it shall state the number of days of the probation. The licensee shall retain the license or licenses during the period of the probation period.

(g) The decision of the Commission or committee thereof may be appealed by either the licensee or the complaining authority by serving notice in writing on the Commission Chief Administrative Officer within five (5) days of the day of the hearing before the Commission or committee thereof. The filing of a notice of appeal shall have no effect on the status of the license as decided by the Commission or committee thereof and if the license was placed on probation, suspended or revoked, it shall remain so until said status is changed by the Commission.

(h) If a notice of appeal is filed with the Augusta-Richmond County Chief Administrative Officer, he/she shall notify the appellant of the next scheduled meeting of the Commission, at least five (5) days before the date of the meeting; provided, however, that the five (5) day period may be waived by agreement of both parties.

(i) At the appeal hearing, the Commission shall hear the evidence offered by the complaining authority and the evidence offered by the licensee. The licensee may be represented by counsel, may offer testimony by witnesses or any other evidence and may question the witnesses of the complaining authority. At the close of the evidence, the Commission shall affirm or reverse its prior decision.

(j) If the Commission decides to affirm its revocation of the license(s), all licenses issued to the location, if not already surrendered, shall be surrendered to the Director of License and Inspection and no alcohol shall be sold, served or consumed on the premises.

(k) If the Commission decides to affirm its suspension of the license(s), it shall state the number of days of the suspension. The licensee shall surrender the license or licenses, if not already surrendered, to the Director of License and Inspection who shall return the license(s) to the licensee at the end of the suspension period. No alcohol shall be sold, served or consumed at the location during the period of suspension.

(l) If the Commission reverses its prior action with regard to the license and the Director of License and Inspection has possession of the license or licenses, the license(s) shall be promptly returned to the licensee.
If the Commission or committee thereof decides to affirm its decision to place the licensee on probation, it shall state the number of days of the probation. The licensee shall retain the license or licenses during the period of the probation period.

Sec. 6-2-76. Distance between locations of licensees.

(a) No retail dealer license (Class F) for the sale of distilled spirits shall be issued to any applicant whose proposed location is one and one-half (1 1/2) miles or less from an existing location or establishment for which the Richmond County Board of Commissioners, the City Council of Augusta or the Augusta-Richmond County Commission has issued a retail dealer license for the sale of distilled spirits.

(1) The Augusta-Richmond County Commission will consider an application for a proposed location for an alcoholic beverage license within the one and a half mile restriction as provided in subsection (a). Such application would be one of hardship by where the license holder loses its license due to a cancellation of its commercial lease due to circumstances beyond [its] control. Such circumstances include, but are not limited to, cancellation of the license holder’s commercial lease by landlord, condemnation and destruction of the property. A cancellation of a lease due to nonpayment of rent will not be considered for the hardship application.

(b) The distances provided for herein shall be measured in the same manner as provided in subsection 6-2-64(d) of this Ordinance.

(c) The distance requirements provided for herein shall not be construed or interpreted as prohibiting an applicant, who is otherwise qualified, from being approved and granted a license which constitutes a transfer in ownership of an existing license for distilled spirits which was previously held by an owner or operator of an existing establishment.

(Ord. No. 7047, § 1, 5-6-08)

Sec. 6-2-77. License for single event; occasional license.

(a) Application may be made for an occasional, single event license for on-premises consumption of alcoholic beverages as follows:

(1) For-profit applicant. If the applicant is an agent for a for-profit business, the applicant must possess a valid license for the sale of alcoholic beverages for on-premises consumption under this chapter.

(2) Nonprofit applicant. An agent for a non-profit organization may apply for a single event license whether or not he/she possesses a license under this chapter.

(3) Advertisement. All persons, firms or corporations desiring to engage in the sale of alcoholic beverages for a single event shall give notice of their intention to make such application by advertisement in form prescribed by the Richmond County, the City of Augusta, or Augusta-Richmond County Director of License and Inspecting. Advertising, as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application in a prominent position on the property (e.g., front window where it can be read from the road); also, all new license applicants shall be required to advertise three (3) times in the legal gazette (Augusta Chronicle) before applications are heard by the Commission. Advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission. Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove. The above provisions regarding advertisement shall not apply to an application to sell alcoholic beverages in or on any museum, cultural center or facility, public park, playground, or building owned or operated by Augusta-Richmond County, Georgia Port Authority, or at a location on Riverwalk which has been designated as an Alcohol Beverage Location by Riverwalk
Augusta, nor shall the above provisions regarding advertisement apply to events held by non-profit organizations.

(4) Form; information to be provided. Application for a single event license must be made in writing as provided in section 6-2-58 hereof; provided, however, that no plat shall be required, but the approximate distance of the premises for which the license is being applied from the nearest church, school, library, public recreation area or alcohol treatment center shall be stated on the application. (Ord. No. 6341, § 2, 12-19-00)

(5) Date due; fee. The application for a license hereunder shall be made at least one (1) month prior to the date of the scheduled event and in sufficient time to allow for advertisement, as required herein. A regulatory fee of fifty dollars ($50.00) per day of the event shall be paid by certified check, cashier's check or money order made payable to the Augusta-Richmond County Commission.
(6) **Occasional, single event.** The event for which the occasional, single event license is sought may not exceed seven (7) calendar days in duration and the licensee shall not be eligible for an occasional event license more frequently than once every three (3) months, except in any area in which no advertisement is necessary pursuant to Section (a)(3) above.

(7) **Untrue or misleading information; material omissions.** Any untrue or misleading information contained in, or material omission left out of, an application for a license hereunder shall be cause for the denial of the license; and, if any license has been granted under such circumstances, the license shall be subject to revocation.

(8) **Grounds for denial.** In addition to the other grounds provided in this Ordinance for the denial of a license, an application for an occasional, single event license may be denied on one or more of the following grounds:

- a. The location or terrain for the proposed event may be hazardous to a person consuming alcoholic beverages.

- b. The number of anticipated attendants of the event renders the consumption of alcoholic beverages a danger to the safety of the public.

- c. The proposed location for the event is in an area in which numerous incidents requiring police intervention occurred.

- d. The applicant is not eligible for a license under this Ordinance pursuant to sections 6-2-61, 6-2-62 and/or 6-2-63.

- e. There is evidence from this or other jurisdictions that the activities planned for the event would be in violation of state or county or city law, or, when combined with consumption of alcoholic beverages, may cause a danger to the safety of the attendants or the public.

(9) **Procedures.**

- a. The Director of License & Inspection shall forward the application to the Recreation Department Director, if applicable, and then forward to the Richmond County Sheriff, who shall indicate his approval or disapproval of the application. The Sheriff may condition the approval of such application on the licensee’s providing a sufficient number of security personnel for the protection of the public during the event. If approved, the application shall be forwarded back to the License & Inspection Department for issuance of the Single Event License.

- b. For such applications from applicants other than nonprofit organizations, the Director of License & Inspection shall thereafter submit the application of the Mayor of Augusta, together with a written report showing why the license should be granted or denied. The Mayor of Augusta shall consider the application and the report of the Sheriff and shall grant or deny the license. If the license is granted, the application shall be returned to the Director of License & Inspection showing that the license was granted. The Director of License & Inspection shall issue the license. The license shall be valid for the location, date(s) and time(s) specified therein only. The Mayor of Augusta may impose such additional restrictions and conditions on the license as deemed necessary for the safety of the attendants or the public.

- c. If the Sheriff denies the application, he shall return the application to the Director of License & Inspection together with a report in writing showing the reason(s) for the denial. The Director of License & Inspection shall promptly notify the applicant in writing of the reason(s) for the denial.
(10) **Appeal.** An applicant may appeal the denial of a license under this subsection by filing written notice with the Augusta-Richmond County Commission Chief Administrative Officer within five (5) days of receiving notice of the denial. The Commission shall hear the evidence and make its determination at its next regularly scheduled meeting. Notice of the next scheduled meeting of the Commission shall be served on the applicant at least three (3) days prior to the meeting, unless the three-day period is waived by the applicant.

The Commission shall receive evidence in the manner provided in section 6-2-74 herein and shall decide to uphold or reverse the decision of the Chairman-Mayor of Augusta-Richmond County.

(Ord. No. 6149, § 1, 3-16-99; Ord. No. 6341, § 2, 12-19-00)

**Secs. 6-2-78—6-2-100. Reserved.**

**ARTICLE 3 EXCISE TAX**

**MALT BEVERAGES, WHISKEY, WINE**

**Sec. 6-2-101. Levy; schedule.**

(a) **Malt beverages.** There is hereby levied and imposed upon all wholesale dealers selling malt beverages within Augusta-Richmond County, a specific excise tax in the amount of 0.4166 cents per ounce of malt beverage sold by each wholesale dealer within Augusta-Richmond County; provided, however, the Coliseum Authority shall not receive a greater percentage of the total excise tax collected that such Coliseum Authority collected for the City of Augusta and Richmond County combined, prior to the consolidation of the City and County. A schedule of the excise tax is as follows:

<table>
<thead>
<tr>
<th>Size of Container</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>48 seven-ounce containers</td>
<td>$1.40</td>
</tr>
<tr>
<td>48 eight-ounce containers</td>
<td>$1.60</td>
</tr>
<tr>
<td>24 twelve-ounce containers</td>
<td>$1.20</td>
</tr>
<tr>
<td>24 fourteen-ounce containers</td>
<td>$1.40</td>
</tr>
<tr>
<td>24 sixteen-ounce containers</td>
<td>$1.60</td>
</tr>
<tr>
<td>12 quart containers</td>
<td>$1.60</td>
</tr>
<tr>
<td>Quarter-barrel container</td>
<td>$3.00</td>
</tr>
<tr>
<td>Half-barrel container</td>
<td>$6.00</td>
</tr>
</tbody>
</table>

(b) **Whiskey and wine.** There is hereby levied and imposed upon all wholesale dealers selling whiskey and wine within Augusta-Richmond County a specific excise tax in the amount of eighty cents ($0.80) per gallon of whiskey and eighty cents ($0.80) per gallon of wine sold by each wholesale dealer within Augusta-Richmond County.

**Sec. 6-2-102. In addition to other license fees, etc.**

The excise tax provided for in this article shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages, whiskey or wine at retail or wholesale, within Augusta-Richmond County.

**Sec. 6-2-103. Payment.**

The excise tax shall be paid as follows: Each wholesale dealer selling malt beverages within Augusta-Richmond County shall file with the License & Inspection Department a report by the tenth day of each month showing, for the preceding calendar month, the exact quantities of beverages by size and type of container, constituting a beginning and ending inventory for the month, sold within Augusta-Richmond County. Each such wholesale dealer shall also remit to the License & Inspection Department, on the tenth day of each month succeeding the calendar month in which such sales were made, the amount of excise tax due by check payable to the Augusta-Richmond County Commission, in accordance with this section, with no discount by state law. All books and records of each such wholesale dealer shall be subject to inspection and audit by the License & Inspection Department to verify compliance with this section. Wholesale dealers of whiskey and wine shall file this report by the twentieth day of each month.
Sec. 6-2-104. Collection fee discount; penalties for nonpayment.

Each wholesale dealer of whiskey or wine shall be allowed to deduct two and one-half (2\(\frac{1}{2}\)) percent as a collection fee on the excise tax collected each month. Upon the failure to make a timely report and remittance on the twentieth day of the month next succeeding the calendar month in which such sales were made, the collection fee shall be forfeited. Failure to make a timely report and remittance within thirty (30) days after the twentieth day of the month next succeeding the month in which such sales were made shall render a wholesale dealer liable for a penalty equal to ten (10) percent of the total amount due during the first thirty-day period following the date such report and remittance were due; and a further penalty of five (5) percent of the amount of such remittance for each successive thirty-day period, or any portion thereof, during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to twenty-five (25) percent of the amount of remittance which would be required under an accurate and truthful report.

Sec. 6-2-105. Appropriation of beer excise tax revenue to coliseum authority.

All proceeds from the beer excise tax imposed by this article as shown on the following schedule are hereby appropriated to the Augusta-Richmond County Coliseum Authority for the construction of a civic center and/or coliseum, and the proceeds from the beer excise tax shall be delivered to the authority within thirty (30) days after the date the beer excise tax imposed by this article is due; provided, however, the Coliseum Authority shall not receive a greater percentage of the total excise tax collected that such Coliseum Authority collected for the City of Augusta and Richmond County combined, prior to the consolidation of the City and County. A schedule of the excise tax appropriated to the Augusta-Richmond County Coliseum Authority is as follows:

<table>
<thead>
<tr>
<th>Excise Tax Containers</th>
<th>Excise Tax Collected</th>
<th>Appropriated for Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>48 seven-ounce containers</td>
<td>$1.40</td>
<td>$0.78</td>
</tr>
<tr>
<td>48 eight-ounce containers</td>
<td>1.60</td>
<td>0.98</td>
</tr>
<tr>
<td>24 twelve-ounce containers</td>
<td>1.20</td>
<td>0.58</td>
</tr>
<tr>
<td>24 fourteen-ounce containers</td>
<td>1.40</td>
<td>0.66</td>
</tr>
<tr>
<td>24 sixteen-ounce containers</td>
<td>1.60</td>
<td>0.74</td>
</tr>
<tr>
<td>12 quart containers</td>
<td>1.60</td>
<td>0.74</td>
</tr>
<tr>
<td>Quarter-barrel containers</td>
<td>3.00</td>
<td>1.75</td>
</tr>
<tr>
<td>Half-barrel containers</td>
<td>6.00</td>
<td>3.50</td>
</tr>
</tbody>
</table>

The proceeds may be expended by the authority for cost of all necessary planning, site and feasibility studies, cost of construction, cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction, cost of engineering, architectural and legal expenses, and other expenses necessary or incident to the construction of a civic center and/or coliseum.

Secs. 6-2-106—6-2-115. Reserved.

ARTICLE 4 MIXED DRINKS

Sec. 6-2-116. Definitions.

The following words, terms and phrases shall, for the purpose of this article, be defined as follows:

(a) Alcoholic beverage. Any beverage containing alcohol obtained by distillation, including rum, whiskey, gin and other spirituous liquors by whatever name called, but not including malt beverages, fermented wines or fortified wines.
(b) Person. An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the Augusta-Richmond County Commission is without power to impose the tax herein provided.

(c) Purchaser. Any person who orders and gives present or future consideration for any alcoholic beverages by the drink.

(d) Licensee. Any person who holds a permit from Richmond County, the City of Augusta, or Augusta-Richmond County to sell alcoholic beverages by the drink.

(e) Drink. Any alcoholic beverage served for consumption on the premises, which may or may not be diluted by any other liquid.

(f) Purchase price. The consideration received for the sale of alcoholic beverages by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.

(g) Agent. That person designated by a licensee in his application for a license to sell alcoholic beverages by the drink in Augusta-Richmond County.

(h) Tax. The tax imposed by this article.

(i) Monthly period. The calendar month of the year.

(j) Director of License & Inspection. That person named as director of the Richmond County License & Inspection Department, the City of Augusta Business License and Enforcement Department, the City Sheriff or the successor to such departments, or any designated representative thereof.

Sec. 6-2-117. Imposition and rate of tax.

There is hereby imposed and levied upon every sale of an alcoholic beverage purchased by the drink in Augusta-Richmond County a tax in the amount of three (3) percent of the purchase price of said beverage.

Sec. 6-2-118. Purchaser's receipt; creditor deferred payment.

Every licensee for the sale of alcoholic beverages by the drink operating a place of business in Augusta-Richmond County shall, at the time of collecting for food and drinks served, give to the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit card or deferred payment at hotels or motels, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefor at the time and to the extent that such credits are incurred.

Sec. 6-2-119. Persons liable for tax.

Every licensee or his agent is hereby authorized and directed to collect the tax herein imposed from purchasers of alcoholic beverages by the drink sold within his licensed premises. Such licensee or his agent shall furnish such information as may be requested by the Director of License & Inspection to facilitate the collection of this tax.

Sec. 6-2-120. Determinations, returns and payments.

(a) Due date of taxes. All taxes collected by any licensee or agent hereunder shall be due and payable to the Director of License & Inspection of Augusta-Richmond County monthly on or before the twentieth day of every month next succeeding each respective monthly period, as set forth in section 6-2-103 herein.
Return; time of filing; persons required to file; execution. On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the Director of License & Inspection of Augusta-Richmond County in such form as the director may prescribe by every licensee or agent liable for the payment of tax hereunder.

Contents of return. All returns shall show the gross receipts from the sale of alcoholic beverages by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the Director of License & Inspection.

Delivery of return and remittance. The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to License & Inspection Department, 1815 Marvin Griffin Road, Augusta, Ga. 30906, for Augusta-Richmond County.

Collection fee allowed operators. Operators collecting the tax shall be allowed to receive a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if said amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the Georgia Retailers' and Consumers' Sales and Use Tax Act, approved February 20, 1951 (Ga. Laws, P. 360) as now or hereafter amended.

Sec. 6-2-121. Deficiency determinations.

Recomputation of tax; authority to make; basis of recomputation. If the Director of License & Inspection is not satisfied with the return or returns of the tax, or the amount of the tax to be paid to the Augusta-Richmond County Commission by any person, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One or more than one deficiency determination may be made of the amount due for one or more than one monthly period.

Interest on deficiency. The amount of the deficiency determination, exclusive of penalties, shall bear interest at the rate of one (1) percent per month or fraction thereof from the twentieth day after the close of the monthly period in which the amount or any portion thereof should have been returned until the date of payment.

Offsetting of overpayment. In making a deficiency determination, the Director of License & Inspection may offset overpayment, for a period or periods, against underpayment, for another period or periods, against penalties, and against the interest on underpayment. The interest on overpayment shall be computed in the manner set forth in subsection (b) above.

Penalty; negligence or disregard of rules and regulations. If any part of the deficiency for which a deficiency determination has been made is due to negligence or disregard of rules and regulations, a penalty of twenty (20) percent of the amount of such deficiency shall be added thereto.

Penalty for fraud or intent to evade. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade any provisions of this article or other authorized rules and regulations, a penalty of fifty (50) percent of the deficiency shall be added thereto.

Notice of Director of License & Inspection’s determination; service of. The Director of License & Inspection, or his designated representative, shall give to the licensee written notice of his deficiency determination. The notice may be served personally or by mail; if by mail such service shall be pursuant to O.C.G.A. § 9-11-4 and shall be addressed to the licensee at his address as it appears in the records of the Director of License & Inspection. In case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States Post Office.

Time within which notice of deficiency determination to be mailed. Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be
mailed within three (3) years after the twentieth day of every month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.

Sec. 6-2-122. Determination if no return made.

(a) Estimate of gross receipts. If any licensee fails to make a return, the Director of License & Inspection shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in Augusta-Richmond County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is in, or may come into, the possession of the Director of License & Inspection. Upon the basis of this estimate, the Director of License & Inspection shall compute and determine the amount required to be paid the Commission, adding to the sum thus determined a penalty equal to fifteen (15) percent thereof. One (1) or more deficiency determinations may be made for one (1) or for more than one (1) period.

(b) Manner of computation; offsets; interest. In making a determination under this section, the Director of License & Inspection may offset overpayment for a period or penalties against the interest on the underpayment. The interest on underpayment shall be computed in the manner set forth in section 6-2-121(c).

(c) Interest on amount found due. The amount of the determination under this section, exclusive of penalties, shall be added thereto in addition to the twenty (20) percent penalty provided in section 6-2-121(d).

(e) Giving of notice; manner of service. Promptly after making his determination, the Director of License & Inspection shall give to the person written notice, to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Sec. 6-2-123. Penalties and interest for failure to pay tax.

Any licensee who fails to pay the tax herein imposed to the Augusta-Richmond County Commission, or fails to pay any amount of such tax required to be collected and paid to the Commission, within the time required, shall pay a penalty of ten (10) percent of the tax, or amount of the tax, in addition to the tax or amount of the tax, plus interest on the unpaid tax or any portion thereof, as set forth in section 6-2-121(b).

Sec. 6-2-124. Collection of tax.

(a) Security, Director of License & Inspection may exact; amount; sale of; notice of sale, return of surplus. The Director of License & Inspection, whenever he deems it necessary to ensure compliance with this article, may require any person subject hereto to deposit with him such security as the director may determine. The amount of the security shall be fixed by the director but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such a manner as the director deems proper, or ten thousand dollars ($10,000.00), whichever amount is the lesser. The amount of the security may be increased by the Director of License & Inspection subject to the limitations herein provided. The director may sell the security at public auction, with the approval of the Augusta-Richmond County Commission, if it becomes necessary to do so in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be
addressed to the person at his address as it appears in the records of the Director of License & Inspection. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

(b) Notice of delinquency to persons holding, credits or property of delinquent; time for; duty of persons so notified. If any person is delinquent in the payment of the amount required to be paid by him, or in the event a determination has been made against him which remains unpaid, the Director of License & Inspection may, not later than three (3) years after the payment became delinquent, give notice thereof by registered mail to all persons in Augusta-Richmond County having in their possession or under their control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property or debts in their possession or under their control at the time they receive the notice until the director consents to a transfer or disposition or until twenty (20) days elapse after the receipt of the notice. All persons so notified shall, within five (5) days after receipt of the notice, advise the director of all these credits, other personal property, or debts in their possession, under their control or owing by them.

(c) Action for tax; time for. At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the Director of License & Inspection may bring an action in the courts of this state, or any other state, or of the United States, in the name of the Augusta-Richmond County Commission, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

(d) Duty of successors or assignees of operator to withhold tax from purchase money. If any operator liable for any amount under this article sells out his business or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount due and owing until the former owner produces a receipt from the Director of License & Inspection showing that he has been paid or a certificate stating that no amount is due.

(e) Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability. If the purchaser of a business fails to withhold the purchase price as required under subsection (d) above, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price valued in money. Within thirty (30) days after receiving a written request from the purchaser for a certificate, the Director of License & Inspection shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the Director of License & Inspection of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs later.

(f) Refund of tax, penalty or interest paid more than once or illegally collected. Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by Richmond County, the City of Augusta, or Augusta-Richmond County under this Ordinance, it may be offset as provided in section 6-2-121(c) or it may be refunded, provided a verified claim in writing therefor, stating the specific ground upon which the claim is founded, is filed with the Director of License & Inspection within three (3) years from the date of payment. The claim shall be audited and shall be made on forms provided by the director. If the claim is approved by the director and the Augusta-Richmond County Commission, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid; and the balance may be refunded to this person, his administrators or executors.
Sec. 6-2-125. Administration of article.

(a) Authority of Director of License & Inspection. The Director of License & Inspection shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.

(b) Rules and regulation. The Director of License & Inspection shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of Augusta-Richmond County and the State of Georgia, or the constitution of this state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes hereunder.

(c) Records required for operators, etc.; form. Every licensee for the sale of alcoholic beverages by the drink in this county to a person shall keep such records, receipts, invoices and other pertinent papers in such form as the Director of License & Inspection may require.

(d) Examination of records; audits. The Director of License & Inspection, internal auditor of Augusta-Richmond County, or any person authorized in writing by the director, may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.

(e) Authority to require reports; contents. In administration of the provisions of this article, the Director of License & Inspection may require the filing of reports by any person or class of persons having in such person’s or persons’ possession or custody information relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the Director of License & Inspection when required by the director and shall set forth the price charged for each sale, the date or dates of sale and such other information as the Director of License & Inspection may require.

(f) Disclosure of business of operators, etc.; limitations on rule. The Director of License & Inspection or any person having an administrative duty under this article shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount of source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this Ordinance, except in the case of judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, and assignees, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

Sec. 6-2-126. Revocation of license.

The continuous failure to pay the above-prescribed tax shall render the dealer or person liable therefor subject to revocation of their alcoholic beverage license(s) in accordance with the procedures set out in the Code of Augusta-Richmond County.

Sec. 6-2-127. Severability.

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 individuality 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.

Secs. 6-2-128—6-2-140. Reserved.
ARTICLE 5. SALES OFF PREMISES FOR CATERED FUNCTIONS*

Sec. 6-2-141. Definitions.
As used in this chapter, the term:

(a) Food caterer. Any person who prepares food for consumption off the premises.

(b) Licensed alcoholic beverage caterer. Any retail dealer who has been licensed by Augusta, Georgia pursuant to this chapter and pursuant to Georgia law.

(c) Person. Any individual, company, corporation, association, partnership, or other legal entity.

(Ord. No. 6250, § 1, 3-7-00)

Sec. 6-2-142. Licensed alcoholic beverage caterers eligible for off-premise licenses; application fee.
(a) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell malt beverages or wine by the drink for consumption on the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell malt beverages or wine by the drink off premises and in connection with an authorized catered function.

(b) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell malt beverages or wine by the package for consumption off the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell malt beverages or wine by the drink off premises and in connection with an authorized catered function.

(c) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell distilled spirits by the drink for consumption on the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by the drink off premises and in connection with an authorized catered function.

(d) Any licensed alcoholic beverage caterer who additionally holds a valid license from a county or municipality in the State of Georgia which authorizes the licensee to sell distilled spirits by the package for consumption off the premises may be issued from Augusta an off-premise license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by the drink off premises and in connection with an authorized catered function.

(e) An alcoholic beverage caterer shall make application for an off-premise license as provided in subsections (a) and (c) or subsections (b) and (d) of this Code section with the Augusta-Richmond County Commission through the Director of Licensing and Inspection, and shall pay to Augusta an annual license fee in the amount of three hundred dollars ($300.00).

(Ord. No. 6250, 3-7-00)

Sec. 6-2-143. Event permits.
In order to distribute or sell distilled spirits, malt beverages, or wine at an authorized catered function in Augusta, a licensed alcoholic beverage caterer shall be required to:

(a) Apply to the Augusta-Richmond County Commission through the Director of Licensing and Inspection for an event permit. Augusta shall charge a fee of twenty-five dollars ($25.00) for such event permit except as hereinafter provided for one whose alcoholic beverage caterer's license was issued by a political subdivision other than Augusta. The application shall include the name of the caterer; the date, address, and time of the event; and the licensed alcoholic beverage caterer's license number. When the catered function is domiciled in Augusta and the alcoholic beverage caterer's license was issued by a political subdivision other than Augusta, Augusta shall charge an event permit fee...
of fifty dollars ($50.00) and levy local excise taxes on the total quantity of alcoholic beverages brought into such political subdivision by the caterer. Applications for event permits should be made to the Director of Licensing and Inspection in accordance with the provisions of this Chapter; and

(b) Provide satisfactory reports to Augusta on forms provided by the Department of Licensing and Inspection stating the quantity of any and all alcoholic beverages transported from the licensee’s primary premises to the location of the authorized catered function and such other information as required by Augusta; and

(c) Maintain original local event permits and documents required by Augusta in the vehicle transporting the alcoholic beverages to the catered function at all times.

Sec. 6-2-144. Violations.

(a) It shall be unlawful for a food caterer to distribute or sell distilled spirits, malt beverages, or wine off the premises of the food caterer’s business without a license issued pursuant to this chapter. This subsection shall not affect any other provisions of this chapter which may require a food caterer who has a license to sell alcoholic beverages on the premises of the food caterer’s business.

(b) It shall be unlawful for a licensed alcoholic beverage caterer licensed under this chapter to distribute or sell distilled spirits, malt beverages, or wine off premises except in connection with an authorized catered function within the scope of the event permit.

(c) It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell.

(1) Distilled spirits in any jurisdiction which does not permit the sale of distilled spirits by the drink for consumption only on the premises.

(2) Malt beverages or wine in any jurisdiction which does not permit the sale of malt beverages or wine by the drink for consumption only on the premises.

(d) It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell distilled spirits, malt beverages, or wine during any hours in which the sale of alcoholic beverages by the drink for consumption only on the premises is not permitted by Augusta.

(e) It shall be unlawful for a licensed alcoholic beverage caterer to employ any person under twenty-one (21) years of age who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages. It is the intent of this subsection to prevent any person employed by such caterer, or any other employee, to knowingly violate any prohibitions contained in this Code relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under twenty-one (21) years of age.

(f) Nothing in this chapter shall be construed to authorize the sale of alcoholic beverages by a caterer in any jurisdiction where the sale of distilled spirits by the drink for consumption only on the premises has not been legalized.

(g) Any licensee hereunder, or any person employed by licensee or business for which the license was granted, who violates the provisions of this Code section shall subject the license of the licensee to suspension or revocation, and the individual shall be subject to trial and conviction of a misdemeanor and shall be punished as provided in section 1-6-1 of this Code.

(Ord. No. 6250, 3-7-00)

Sec. 6-2-145. Severability.

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

(Ord. No. 6250, 3-7-00)
Chapter 3

BUSINESSES AND OCCUPATIONS—
GENERALLY

ARTICLE 1 ELECTRICAL UTILITIES

Sec. 6-3-1. Compliance with article; authority of Augusta-Richmond County engineer.

The installation of electrical wiring and fixtures in and over the streets of Augusta-Richmond County and other property owned by the Augusta-Richmond County Commission or other public bodies shall be in accordance with this Chapter and subject to the supervision and approval of the Augusta-Richmond County engineer; except, that installation of electrical wiring and fixtures in buildings owned by the Commission and other public bodies shall be subject to the inspection and approval of the Augusta-Richmond County engineer.

Sec. 6-3-2. Placing different lines upon same pole.

All telegraph, telephone, communication and electric light an power lines established, or to be established, shall be subject to the authority and right of the Commission to permit other lines to be placed on the same pole; but this shall be done only under the supervision of the Augusta-Richmond County engineer.

Sec. 6-3-3. Allocation of wire zones upon poles; zones reserved for free use of Augusta-Richmond County.

On any pole of any electric light, power, telephone or telegraph company used jointly by two (2) or more such companies, each company shall be allotted a special zone and shall confine its wires to that zone. Spaces shall be measured from the tops of poles downward, and the utmost zone on every pole shall be at all times reserved for the free use of Augusta-Richmond County wires.

Sec. 6-3-4. Location of poles relative to sidewalks, etc.

On streets where curbstones are set, all posts or poles shall be erected in the sidewalk within and adjoining the curbstones and where there are no curbstones the posts or poles shall be erected so as not to interfere with the gutters or side drains. No posts or poles shall be erected within ten (10) feet of any hydrant, nor so as to interfere with any water-pipe, shade tree, driveway or intersection of streets, or fire or police alarm. When sidewalks are extended or altered by Augusta-Richmond County authorities, posts or poles shall be adjusted to conform thereto.

Sec. 6-3-5. Permits for making excavations for poles.

No excavation or hole shall be made in any street, alley or public place for the purpose of erecting poles or fixtures for supporting telephone, telegraph, communication, burglar alarm, electric light or power circuits without first obtaining a permit issued by the Augusta-Richmond County engineer.

Sec. 6-3-6. Specifications and general requirements for poles.

All poles for telegraph, telephone, communication and electric lines shall be straight and properly trimmed; and those of each line shall be of uniform height. All poles shall be iron, cedar, chestnut, cypress or creosoted pine, treated under a pressure of not less than ten (10) pounds of creosote to the cubic foot, at any regular creosoting works, and shall not be less than twenty-eight (28) feet in height from the ground, and if of wood not less than six (6) inches in diameter at the smaller end and ten (10) inches in diameter at the ground. Such poles shall be properly set in the ground not less than five (5) feet and shall be trimmed before being brought on the streets. No pole will be allowed to remain lying on the streets. All poles supporting wires used for supplying electric light or power shall be placed on the opposite side of the street from those carrying telephone or telegraph wires, except when special permission is granted to do otherwise. The poles
of any line shall be confined to one (1) side of the street, unless a special permit to the contrary shall be granted.

Sec. 6-3-7. Location of stepping pins, etc., Upon poles.

No stepping pins or lag screws for the purpose of climbing poles shall be placed nearer the ground than seven (7) feet.

Sec. 6-3-8. Location and protection of wires—Generally.

(a) Service wires shall be run horizontally from street mains to buildings at a height of twenty-eight (28) feet from the sidewalk.

(b) All wires other than those of the fire alarm and sheriff's department telegraph shall be placed at least three (3) feet from the poles and wires of the fire alarm and sheriff's department telegraph. In no other case shall the wires of any company be nearer the ground than twenty-eight (28) feet at the pole, or twenty-seven (27) feet in the center of the span, nor shall any electric light and power company's wires run parallel with any other company's wires nearer than three (3) feet and whenever in close proximity to other wires in crossing, dead guard wires shall be placed, so as to prevent any possibility of contact.

Sec. 6-3-9. Height of street lamps.

Street lamps shall be placed at least fourteen (14) to twenty (20) feet above the earth, as may be required by the Augusta-Richmond County engineer.

Sec. 6-3-10. Guard and guy wires.

Guard wires shall also be placed whenever their use would prevent telegraph, telephone, communication and other wires from coming into accidental contact with electric light or power wires. The cost of such guard wires shall be borne by the person or company making the last construction. All guy wires, whether run by telegraph, telephone or electric light or power companies, shall be kept at a distance of not less than six (6) inches from electric light or power wires, or otherwise be thoroughly insulated at points in danger of contact with such wires. No guard wires or stay wires shall be put up so as to come nearer than ten (10) feet from the ground.

Sec. 6-3-11. Materials to be used in light and power circuits.

All light and power circuits shall be entirely of metal. No gas, water or steam pipe, or earth, shall be used as a part of any circuit.

Sec. 6-3-12. Authority to cut, etc., Wires during fires.

In case of fire, the chief of the fire department, or in his absence the officer of the fire department next in charge to him, shall have full authority to order the central station of any electric light or power company to shut off the current from any wires whose position endangers the lives of the firemen. Such chief or subordinate officer as above named shall also have full power to cut or have cut any such electric light or power company's wires, when for any reason the current cannot be shut off from the central station, with promptness.

Sec. 6-3-13. Attaching wires to poles of fire alarm or sheriff's department telegraph.

No wire for the transmission of electricity for lighting or motive power shall be attached to the poles of the fire alarm or sheriff's department telegraph, nor to the poles of any telegraph or telephone company upon which any fire alarm or sheriff's department telegraph is attached, except as is expressly provided for otherwise in this Code.

Sec. 6-3-14. Removal of disused poles, wires, etc.

All dead or disused poles, wires or fixtures shall be removed from the streets within fifteen (15) days after they are dead or abandoned, except where it is positively known that they are to be again used within ninety (90) days.
Sec. 6-3-15. Plat showing location of poles, etc., To be filed; changes in location.

Upon the completion of any circuit and before it is used, a plat showing the location of the wires and poles of such circuit shall be filed with the Augusta-Richmond County engineer. Any changes of such poles or wires shall be reported to him within twenty-four (24) hours.

Sec. 6-3-16. Wires in fire limits to be underground.

All telephone, telegraph, communication and electric wires of all kinds placed on the streets of Augusta-Richmond County within the fire limits shall be placed and kept underground.

Sec. 6-3-17. Wires on Ellis street.

All telephone, telegraph and electric light wires of all kinds on Ellis Street, between McIntosh and Campbell Streets, except the service wires to buildings, shall be on poles on the south side of Ellis Street. The service wires shall be run into the buildings at right angles to the street. The height of poles and elevation of wires above ground and the spacing of service wires and all other matters relating to the construction shall be subject to the approval of the Augusta-Richmond County engineer.

Sec. 6-3-18. Method of placing wires underground.

All wires required to be placed underground shall be placed in terra cotta conduits, or conduits of other first-class or standard material, laid in such manner, and with the joints so constructed, as to be first class in every particular. The manholes shall be safely covered and while open shall be guarded by a substantial iron railing, and, if at night, by lights also. Such conduits shall be laid in sufficient number not only to accommodate the existing wires, but the natural increase for a reasonable time in the future. All excavations, constructions, repairs and renewals shall be done under the provisions of this Code and other existing or future ordinances of Augusta-Richmond County, and under the supervision and control of the director of public works.

Sec. 6-3-19. Interfering, damaging, etc., poles, wires, etc., of the fire alarm or sheriff's department telegraph.

Any person interfering with, removing, defacing or posting bills or signs upon, or causing the same to be done, to any wire, pole, box or other property of the fire alarm and sheriff's department telegraph, or other company, without permission of the Augusta-Richmond County engineer, or the chief of the fire department, shall be arrested and punished as prescribed in the following section.

Sec. 6-3-20. Violations and penalties.

Any person willfully taking the key from the glass box, or sending in a false alarm on the sheriff's department telegraph, or causing the same to be done, or violating any other provision or requirement of this Chapter relative to telegraph, telephone or electric light or power lines, shall be punished as provided in section 1-6-1.

Any person willfully sending in a false fire alarm, or causing the same to be done, shall, upon conviction, be punished as provided in section 1-6-1 and upon the payment of such a fine as may be imposed, fifty dollars ($50.00) of the fine so imposed and paid shall be paid over to the informant in the matter by the collector of revenues of Augusta-Richmond County.

Any person maliciously breaking or causing to be broken the glass globes or shades of the electric lights in the streets shall be punished as provided in section 1-6-1, half of the fine to be likewise paid to the informant upon the payment of the fine imposed.

ARTICLE 2 TELEPHONE AND TELEGRAPH WIRES, CABLES AND CONDUITS

Sec. 6-3-21. Permits required.

It shall be unlawful for any person, firm or corporation, except a franchisee, to place, maintain or operate a telephone or telegraph wire or other cable or conduit upon, under or above the right-of-way of an Augusta-Richmond County street or streets without first having obtained from the
Augusta-Richmond County engineer a permit to do so. This permit, if granted by the Augusta-Richmond County engineer, shall be in duplicate, specifying the name of the street(s) involved, the purpose for which the wire, cable or conduit is run, the type and length of wire, cable or conduit to be run, the extent of the construction to be performed, and the time allowed for performance of the work.

Sec. 6-3-22. Duration.

All permits issued hereunder shall be valid for one (1) year from the date of issuance. The permit shall be renewable annually as long as the person, firm or corporation desires to maintain the wire, cable or conduit upon, under or above the right-of-way of the street(s) involved.

Sec. 6-3-23. Fees.

The fee for said permit shall be Five Dollars ($5.00) per foot of wire, cable or conduit occupying said street(s) per year.

Sec. 6-3-24. Installation of telephone or telegraph wires.

The installation of said telephone or telegraph wires, cables or conduits shall be done by a licensed contractor and said work shall be done in a workmanlike manner in accordance with any specifications provided in regulations adopted by the Augusta-Richmond County engineer.

Sec. 6-3-25. Minimum clearance required.

Any person, firm or corporation who is installing an overhead wire or cable across an Augusta-Richmond County street shall at all times maintain a minimum eighteen (18) foot clearance above the surface of said street(s).

Sec. 6-3-26. Excavations.

Any person, firm or corporation who is installing an underground wire, cable or conduit requiring said permit shall also comply with section 7-2-74 of this Code which deals with excavations into public streets.

Sec. 6-3-27. Liability of holder of permit for damages.

The permit issued above shall also specify that the permittee shall at all times by responsible to the public and hold Augusta-Richmond County harmless for any property damage or personal injury caused or occasioned by the installation, maintenance or occupancy of any wire, cable or conduit under, upon or above a street right-of-way as permitted herein together with costs incurred by Augusta-Richmond County in connection with any such claim for damage or injury.

Sec. 6-3-28. Relocation of wires.

The Augusta-Richmond County engineer shall be authorized to require a permittee hereunder to relocate their wire, cable or conduit in the event such relocation is a public necessity. The Augusta-Richmond County engineer may also require an overhead wire or cable to be relocated underground if the street(s) involved should convert from an overhead telephone system to an underground telephone system.
Chapter 4

MASSEURS AND MASSEUSES, MASSAGE PARLORS AND/OR HEALTH SPAS*

Sec. 6-4-1. Definitions.

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

(a) **Director** means Augusta's Director of the License & Inspection Department, or such other county official as the Augusta-Richmond County Commission may designate from time to time to carry out the functions of the director as specified in this chapter.

(b) **Exempt person** means:

1. A physician, osteopath, physical therapist, chiropodist, podiatrist or chiropractor licensed in the state, and an assistant of any such professional working in the same office and under the direct supervision of such professional;

2. A registered nurse or licensed practical nurse licensed in the state, who performs massage therapy only in the normal course of performing nursing duties;

3. Any athletic trainer working as such within the athletic department of any accredited school, college, university or seminary, or in connection with any professional athletic team or competition; and

4. Hospitals, clinics, nursing and convalescent homes, assistant living facilities and other similar facilities licensed under the laws of the state, and dedicated to medical or nursing practices where massage therapy may be given, and the employees and/or independent contractors of such facilities who perform the massage therapy for the patients at such facilities in the normal course of carrying out their duties at such facility.

(c) **License** means an operator's and/or massage therapy license issued pursuant to the terms of this chapter and O.C.G.A Title 43, Ch. 24A.

(d) **Licensee** means the person to whom an operator's license is issued under the terms of this chapter.

(e) **Massage Therapy** means the systematic and scientific manipulation and treatment of soft tissues of the body, including the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches and any other soft tissue manipulation, whether manual or by mechanical or electrical apparatus, and may include the use of oils, lotions, creams, salt glows, hydrotherapy, heliotherapy and hot and cold packs.

(f) **Massage therapy business** means the business of owning, operating, conducting and carrying on the offering and/or providing massage treatments.

(g) **Massage therapist license** means a license to perform massages on members of the public, which license is issued pursuant to the terms of O.C.G.A Title 43, Ch. 24A.

(h) **Operator's license** means a license to own, operate, conduct and carry on the business of offering or providing massage to members of the public, which license is issued pursuant to the terms of this chapter.

(i) **Premises** means one physically identifiable place of business of one or more contiguous rooms operating under the same trade name where massages are performed. This term shall include reception rooms, treatment rooms, office areas, patio areas and any other areas located within the property lines of the land on which the massage therapy business is located.

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*State law reference—O.C.G.A. 43-24A-8(c) effective July 1, 2007.*
Sec. 6-4-2. License required.

Any person desiring to own, operate, conduct or carry on, in Augusta, Georgia, the business of offering or providing massage therapy, before doing so, shall have in his possession a then current operator's license. A licensee holding an operator's license under this chapter is not authorized or licensed to actually perform the massage therapy on customers of the massage therapy business unless such licensee also holds a massage therapy license. Any person, other than an exempt person, employed or otherwise engaged by a massage therapy business to perform massage therapy on members of the public shall, prior to engaging in such activity, have in such person's possession, a then current massage therapy license issued by the State of Georgia. A licensee holding a massage therapy license is not licensed to own, operate, conduct or carry on a massage therapy business operating without a operator's license. All such licenses shall be issued in accordance with the requirements of this chapter. Any massage therapy business which does not maintain an office in Augusta, but which sends a massage therapist into Augusta to provide massage therapy on an outcall basis, must possess an operator's license. Any person providing massage therapy in Augusta on an outcall basis must possess a massage therapy license.

(Ord. No. 6580, § 1, 12-17-02)


Sec. 6-4-3. Qualifications for operator's license.

(a) In order to obtain an operator's license under this chapter, the applicant must satisfy the following requirements:

(1) Must be at least 18 years of age and have received a high school diploma or graduate equivalency diploma;

(2) Must be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States. Where an applicant is other than a natural person, such applicant must be an entity organized and existing under the laws of the United States or one of its states, and the natural persons who are required to join in the application must meet the qualifications of this subsection;

(3) If the applicant is a general partnership, the application must be made jointly by the partnership, any managing partner and all other partners owning at least a 20 percent interest in the assets or revenues of the partnership. If there is no managing partner and there is no partner meeting the ownership requirements, then the application must be made jointly in the name of the partnership and the general partners owning the greatest percentage interest in the assets and revenues of the partnership. At least one of the applicants shall be a natural person. If none of the applicants required in this subsection is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application;

(4) If the applicant is a limited partnership or a limited liability partnership, the application shall be made jointly by the limited partnership or limited liability partnership, its general partners and any other partner owning at least a 20 percent interest in the assets or revenues of the limited partnership or limited liability partnership. At least one of the applicants must be a natural person. If none of the applicants required in this subsection is a natural person, then the natural person having primary responsibility for the operation of the business for which the license is sought shall join in the application;

(5) If the applicant is a corporation, the application shall be made jointly in the name of the corporation and its president or vice-president, and any stockholder owning at least 20 percent of the total outstanding capital stock of the corporation;

(6) If the applicant is a limited liability company, the application shall be made jointly in the name of the limited liability com-
pany and its managers, and any member owning at least a 20 percent interest in the assets or revenues of the limited liability company;

(7) If the applicant is an entity other than a natural person, partnership, limited partnership, limited liability partnership, corporation or a limited liability company, the application shall be made jointly in the name of the entity, the natural person having chief executive officer authority over the business activities of the entity and any other person having at least a five percent interest in the assets or revenues of the entity. The application shall further disclose the type of entity making the application and every person having an ownership interest in the assets or revenues of the entity;

(8) Licenses issued to corporations, limited liability companies, general partnerships, limited partnerships, limited liability partnerships or other types of entities must be issued jointly to the entity, and all of the other persons required by this section to join in the application;

(9) No person shall be granted a license unless it shall appear to the satisfaction of the Augusta-Richmond County Commission that such person shall be of good moral character, or in the case of an entity which is not a natural person, that such entity has a good reputation. In no event shall a license be granted to any person who has been convicted or has pled guilty or entered a plea of nolo contendere to any charge involving a crime of moral turpitude, prostitution, masturbation for hire or any other sexual service crime within a period of ten years immediately prior to the filing of such application. In the case of partnerships, corporations, limited partnerships, limited liability partnerships, limited liability companies or other business entities, an operator's license shall not be issued to the partnership, corporation, limited partnership, limited liability partnership, limited liability company or other entity if any partner, officer, director, shareholder, member or other person required to be listed on the application cannot meet the requirements set forth in this subsection. At the time an application is submitted for an operator's license, the applicant shall, by a duly sworn affidavit:

a. Certify that all of the requirements of this section have been met by the applicant and the other persons required to be listed on the application as specified in this subsection (9); and

b. Consent to a criminal background check and release Augusta, its elected officials, officers, agents, employees and representatives from any liability resulting from any criminal background check performed on the applicant.

(10) No operator's license shall be issued to any person convicted of or pleading guilty or nolo contendere to any charge under any federal, state or local law constituting a felony, within ten years prior to the date of the filing of the application for the operator's license;

(11) No operator's license shall be issued to any person who has had any license issued under the police powers of Augusta revoked within two years prior to the filing of the application for an operator's license;

(12) The Augusta-Richmond County Commission may decline to issue an operator's license when any person having any ownership interest in or control over the land or building in which the establishment to be operated pursuant to the license will be located does not meet the same character requirements as set forth in this section for the licensee;

(13) If a person in whose name an operator's license is issued is not a resident of Augusta, such person must appoint and continuously maintain in Augusta a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter may be served. The
registered agent must be a resident of Augusta. If the licensee is not a natural person, the licensee will be required to appoint and maintain a registered agent in Augusta if it does not have an agent in Augusta upon whom process can legally be served on such entity under the laws of the state. The licensee shall file the name of such registered agent, along with such registered agent's written consent to serve as such agent, with the director of administrative services;

(14) An application for an operator's license may be denied where it appears to the Augusta-Richmond County Commission that the applicant does not have adequate financial strength or adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended or likely to be a surrogate for a person who would not otherwise qualify for an operator's license; and,

(15) At the time of filing the application for an operator's license and thereafter, the applicant must have in his employ or under a binding contract, a person who holds a massage therapy license who has agreed to perform the massage therapy for the applicant if the operator's license is granted.

(b) After the license has been issued, should any person in whose name such license is issued be convicted of or plead guilty or nolo contendere to a charge involving a crime of moral turpitude, prostitution, masturbation for hire or any other sexual service crime, the operator's license shall be immediately revoked and canceled.  

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-4. Qualifications for massage therapy license.

State law reference—State law has preempted this field. See the "Georgia Massage Therapy Practice Act," for acquiring a massage therapy license, O.C.G.A. §§ 43-24A-1 et seq.

Sec. 6-4-5. Application for license.

(a) Forms. A person desiring to obtain an massage therapy operator's license shall make application to the director on the forms prescribed by the Augusta-Richmond County Commission.

(b) Operator's license. The application for an operator's license shall require, but shall not be limited to, the following information:

1. The name and address of each applicant as required by § 6-4-3;

2. The name and location of the proposed business to be carried on, and the name and address of the owner of the premises in which the business is to be carried on. If the business is to be operated on an outcall basis, then the address will be the address and premises where the office of the massage therapy business is located;

3. A description of all of the goods and services to be offered in the proposed business;

4. A financial statement current within three months of the application evidencing the financial responsibility of the applicants; and,

5. Such other material as required by Augusta.

(c) Reserved.

(d) Incomplete applications; swearing to before notary public. Failure to pay the license and regulatory fees at the time of filing the license application, or failure to furnish all information as required by an application form, will cause the application to be deemed to be incomplete and no action will be taken thereon until such application is complete. All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.  

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-6. Approval procedures.

(a) An application for a license under this chapter shall be presented to the Augusta-Richmond County Commission within 45 days after the date such application is deemed complete. The director shall notify the applicant in writing of the date on which the application will be presented to the Commission.

(b) At the time the application is presented to the Augusta-Richmond County Commission, the applicant may appear and present any matters in
support of the application, and any other person may appear and present matters in opposition to the application.

(c) If the application presentation is made to the Augusta-Richmond County Commission, upon the completion of the presentation, or if the presentation is made to a designated committee, upon presentation of the report, the Commission shall take action denying or granting the application or deferring action for a period not to exceed 45 days in order to obtain further information. If the application is denied, the Commission shall set forth the reasons for such denial.

(d) In all instances in which an application for an operator's license is denied under the provisions of this chapter, the applicant may not reapply for an operator's license for the same location for at least one year from the date of such denial.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-7. Revocation, suspension of license.

(a) Upon a violation of this Chapter, or any other local, state, or federal law, Augusta's License and Inspection Director may immediately suspend the license of said violator. Such suspension shall be for a period of 30 days. Whenever, in the opinion of the director, there is cause to permanently revoke an operator's massage therapy license, a written notice of intention to revoke such license shall be furnished to the holder thereof not less than ten days before the meeting of the Augusta-Richmond County Commission, at which time the holder of the license may make such showing as he may deem proper. After a hearing, the Commission may permanently revoke the license if in its discretion it is in the best interest of peace and good order of Augusta. Such a finding may only be made upon a violation of the laws of Georgia, the United States, or Augusta-Richmond County.

(b) In addition, cause for revocation or suspension of a license under this chapter shall include, but not be limited to, the following actions by the license holder:

(1) Conviction of or a plea of guilty or nolo contendere to a charge of prostitution, masturbation for hire or any other sexual service crime involving engaging in sexual activities for compensation or sexual misconduct of any kind in any jurisdiction to which the applicant was subject.

(2) If holding an operator's license, conviction of or a plea of guilty or nolo contendere to a charge of prostitution, masturbation for hire or any other sexual service crime involving engaging in sexual activities for compensation or sexual misconduct of any kind by an employee of the massage therapy business operated pursuant to such license, in the course of business.

(3) Permitting a person who does not hold a current massage therapy license under this chapter, except as provided in § 6-4-13, to provide massage therapy to members of the public.

(4) Allowing the use of an individual's license by an unlicensed person.

(5) Providing false or forged information to the Commission in obtaining a license under this chapter.

(6) Impersonating a license holder.

(7) Using or attempting to use a license that has expired or been revoked.

(8) Violation of any provision of this chapter.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-8. Automatic license forfeiture for nonuse.

Any licensee holding an operator's license under this chapter, who shall, for a period of six consecutive months, cease to operate the massage therapy business as authorized in the operator's license, shall automatically forfeit the license without the necessity of any further action. If the massage therapy business operation is interrupted as a result of damage to the premises where the massage therapy business is located which makes it impractical to operate the massage therapy business, and if repairs of such damage are commenced within such six-month period and diligently pursued to completion, or as a result of the premises being remodeled, then this section shall not apply to such cessation of operation. If a license is issued for the operation of a massage therapy business in a building which
has not yet been completed, the license will not be forfeited unless the licensee fails to begin operations of the massage therapy business within a period of 180 days from the date of issuance of the license.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-9. Expiration; renewal of license.

(a) Each license granted under this chapter shall expire on December 31 of the calendar year in which the license was issued. A licensee who desires to renew his license shall file an application with the director, on the form provided for license renewal. Applications for renewal must be filed on or before October 31 of the year in which the license being renewed expires. If a renewal application is received after October 31, Augusta cannot assure the applicant that a renewal license will be issued by January 1 of the following calendar year, and the licensee will have to cease operations from such January 1 until the renewal license is issued. If a license renewal application is received after the December 31 expiration date, such application shall be treated as an application for a new license and the applicant shall be required to comply with all rules, regulations and fees for the granting of licenses as if no previous license had been issued.

(b) Any person applying for renewal of a license must pay the license and regulatory fees at the time of filing the application. Failure to pay such fees at that time shall result in the application for renewal being treated as not filed or as being withdrawn.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-10. Separate application and operator's license for each business location.

Each operator's license under this chapter shall be limited to the operation of a massage therapy business at a specific location or out of which specific location an outcall massage therapy business is operated as described in the license. A separate application must be made and separate operator's licenses must be obtained for each location at which a massage therapy business is conducted or out of which an outcall massage therapy business is operated.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-11. Display of license.

(a) An operator's license shall, at all times, be kept plainly exposed to public view at the premises for which the license was granted.

(b) A massage therapy license shall, at all times, be kept plainly exposed to public view at the place where the holder of the massage therapy license is performing massage therapy.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-12. Report of licensed employees.

Within ten days after a written request of the director, a holder of an operator's license under this chapter shall provide to the director a list of the names and addresses of the people working in the massage therapy business who hold a then current massage therapy license.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-13. Apprentices.

State law reference—State law has preempted this field. See the "Georgia Massage Therapy Practice Act," for acquiring a massage therapy license, O.C.G.A. §§ 43-24A-1 et seq.

Sec. 6-4-14. Transitional massage therapy license.

State law reference—State law has preempted this field. See the "Georgia Massage Therapy Practice Act," for acquiring a massage therapy license, O.C.G.A. §§ 43-24A-1 et seq.

Sec. 6-4-15. Waiver for non-massage modalities.

Any person who desires to provide in Augusta, only certain bodywork services which the person believes are of a modality that is not a massage as defined in this chapter, may request from the Augusta-Richmond County Commission a waiver of the licensing requirements of this chapter for conducting the business of and providing such bodywork services. Such request shall be made on forms promulgated by the director on which the person seeking the waiver shall fully explain why the modality involved is not massage. The Augusta-
Richmond County Commission shall then act upon the request. If the request is granted, licensing requirements of this chapter shall be waived for the person making the request and his employees performing the bodywork services described in the request. If the request is denied, all of the licensing requirements of this chapter shall apply.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-16. Fees.

(a) Upon making application for a license under this chapter, the applicant shall pay license and regulatory fees for such license as set forth in Augusta-Richmond County Code § 2-1-3 (c) and such other fees as may be established from time to time by Augusta. All applicants shall be furnished a copy of the schedule of fees at the time of application for a license under this chapter.

(b) All licenses granted under this chapter shall be for the calendar year, and the full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a full license fee shall be paid for a license application filed after July 1 of the license year.

(c) Each application for a license under this chapter shall be accompanied by a check or money order for the full amount of the license fee, together with a separate check or money order in the amount of the regulatory fees applicable to such license. If the applicant is denied a license, the license fee shall be refunded, but the regulatory fees shall be retained and are nonrefundable.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-17. Transferability.

No license under this chapter shall be transferable.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-18. Violation; penalties.

(a) Any violation of the provisions of this chapter shall constitute a misdemeanor and shall be punishable by penalties and costs as set forth in § 1-6-1.

(b) In addition to the penalties set forth in subsection (a) of this section, the Augusta-Richmond County Commission may revoke or suspend a license for violation of this chapter as set forth in section § 6-4-7, which shall be a distinct and separate penalty. Any violation of this chapter, or any failure to comply with the requirements of this chapter, shall be grounds for immediate suspension or revocation of any and all licenses held by the licensee regardless of the number of licenses or locations involved, and regardless of whether or not the licensee knew or contributed to such violation. It is the intent of this subsection, without limiting the generality thereof, to grant to the Commissioners the right to suspend or revoke any and all licenses held by a licensee when any violation of this chapter occurs at any place of business operated by the licensee pursuant to a license.

(Ord. No. 6580, § 1, 12-17-02)

Sec. 6-4-19. Severability.

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

(Ord. No. 6580, § 1, 12-17-02)
Chapter 5

PEDDLERS AND SOLICITORS

ARTICLE 1 IN GENERAL

Sec. 6-5-1 Permits—Generally.

Before any permit required by law shall be issued, it shall be necessary for the applicant for such permit to apply for same in person or by authorized agent, which agency shall be set forth in a writing to that effect, to be filed with the application. Such application shall be made on a form provided by the proper official, so as to contain all necessary information sought by such applicant, together with the date of such application and the signature of the applicant or his duly authorized agent, as well as a form of certificate from the head of the appropriate department or his representative, setting out the amount of fee required. Such application and certificate shall be presented by the applicant to the License & Inspection Department with the required fee.

Sec. 6-5-2. Permits for use of sidewalk or street for vending.

No permit shall be issued to parties using sidewalks or streets for vending purposes until space therefor is arranged with the Mayor, the rental thereof to be within his discretion, and based on location and the value of the privilege granted.

Editor's note—See Executive Order of Mayor signed Jan. 31, 2005 for vendors subject to the Special Downtown District Vending Program, which is incorporated herein by reference. True and correct copies of said Order are available on file in the Office of Licensing and Inspection.

ARTICLE 2 TRANSIENT VENDORS

Sec. 6-5-3. Defined.

Transient vendors means those who have no permanent or regular place of business within the limits of Augusta-Richmond County and who sell articles of any kind under circumstances which by representation or advertisement are intended to lead the public to believe that the person is selling such articles for less than the current retail price thereof by permanent vendors of similar articles located in Augusta-Richmond County.

Sec. 6-5-4. Business tax certificate required.

Any person, firm or corporation who does business in Augusta-Richmond County as a transient vendor shall, before engaging in such business, obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

Sec. 6-5-5. Application; bond.

No transient vendor shall be granted a business tax certificate without having first made application for same, which application shall recite the name of the vendor; the name of the agent conducting the sale, if any; the place where the sale is to be conducted; the hours of sale; and the number of days during which the sale is to be conducted. There shall be appended to the application a complete and accurate list of the articles to be sold, which list shall be signed by the person seeking the business tax certificate and the list shall also reflect the wholesale price of the articles to be sold. The inventory shall be verified upon oath by the applicant. The application and inventory shall be accompanied by a good and sufficient bond in the penal amount of five thousand dollars ($5,000.00) payable to Augusta-Richmond County, and conditioned to pay Augusta-Richmond County or anyone else suing in its name, for their use, for injuries or damages arising from dishonest or fraudulent conduct in the administration of the business.

Sec. 6-5-6. Regulatory fee.

Any person, firm or corporation who does business in Augusta-Richmond County as a transient vendor shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-5-7. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause,
any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

Sec. 6-5-8. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.
Chapter 6
SECONDHAND GOODS

ARTICLE 1 BROKERS

Sec. 6-6-1. Definitions.
As used in this article, the following terms have the following meanings:

(a) **Broker.** Any person engaged, in whole or in part, in the business of buying or selling tangible personal property, goods or merchandise of any description from persons or sources other than manufacturers or business tax certified dealers.

(b) **Person.** An individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

Sec. 6-6-2. Business tax certificate required.
Any person, firm or corporation who does business in Augusta-Richmond County as a broker shall, before engaging in such business, obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

Sec. 6-6-3. Application.
The application for said business shall be signed and dated by the applicant and contain answers to the following questions:

(a) What is the kind of business to be operated?
(b) What is the name of the business?
(c) What is the location where such business is proposed to be carried on and the telephone number of said location?
(d) What is the name of the applicant for the business tax certificate, and the home address and telephone number of said applicant?
(e) Where has applicant resided for the six (6) months preceding the date of this application?
(f) What was the applicant's previous home address, and how long was applicant a resident there?
(g) What is the Social Security number of said applicant?
(h) What are the names and addresses of all persons having an interest in said business?
(i) What interests do such persons have?
(j) Who is the landlord or owner of said location, and what is the address and telephone number of said landlord or owner?
(k) Has the applicant or any person connected with or having an interest in said business:
   (1) Been charged or convicted of any violation of law (other than minor traffic violations) in any locality?
   (2) Served time in prison, or other correctional institution?
(l) If the answer to section (1) of the above question is 'yes', state circumstances in detail. Information must be complete as to dates, charges, court of jurisdiction, and disposition for each person. If the answer to section (2) of the above question is 'yes', state circumstances in detail. Information must be complete as to charge on which convicted, name of prison or correctional institution, length of time served, date of release from prison or correctional institution, or whether on probate or parole, and the terms thereof.
(m) Give the name, home address and telephone number and place of employment of two (2) persons who are residents of this county, who are familiar with your character and reputation.

All of the foregoing information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly, and absolutely, and the same is and are hereby sworn to be true under penalty for false swearing, as provided by law.

Applicant's Signature

Sworn to and subscribed before me, this ____________ day of 19___.

Notary Public

Sec. 6-6-4. Regulatory fee.

Any person, firm or corporation who does business in Augusta-Richmond County as a broker shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-6-5. Right of suspension by license and inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

Sec. 6-6-6. Conduct of business.

The following rules and regulations are hereby established, and shall govern the conduct and operation of every such place of business, and every person owning and operating such place of business:

(a) Records of transactions. Every person shall maintain a book, in permanent form, in which shall be entered in legible English at the time of each purchase or sale the following information:

(1) The date of transaction;
(2) The name of the person conducting the transaction;
(3) The name, age and address of the customer, a description of the general appearance of the customer, and
the distinctive number from the customer's driver's license or other similar identification card;

(4) An identification and description of the purchased goods, or sold goods, including, if reasonably available, the serial, model or other number, and all identifying marks inscribed thereon;

(5) The price paid;

(6) The number of the check issued for the purchase price;

(7) The signature of the customer.

Entries shall appear in chronological order in ink. No blank lines may be left between entries. No obliterations, alterations or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility:

The book shall be open to the inspection of any officer of Augusta-Richmond County sheriff's department or representative of Augusta-Richmond County license and inspection department during the ordinary hours of business or at any reasonable time.

The record of each purchase or sale transaction, as herein provided, shall be maintained for a period of not less than two (2) years.

(b) Inspection of merchandise purchased. All merchandise purchased shall be maintained for inspection by any officer of the Richmond County sheriff's department or representative of the license and inspection department for a period of not less than three (3) days after the date of purchase.

(c) Dealing with minors. No merchandise shall be purchased from any individual under eighteen (18) years of age.

**Sec. 6-6-7. Pawnbrokers; bond required.**

In addition to the business tax certificate required by section 6-7-2 herein, it shall be unlawful for any person to engage in the business of pawnbroking within Augusta-Richmond County without giving bond, with two (2) good and approved securities, in the sum of five thousand dollars ($5,000.00), conditioned to make good all damages sustained by the carelessness, neglect or unfair dealing of such licensee.

**Sec. 6-6-8. Pawnbrokers; amount of loan.**

Upon all articles pawned the pawnbroker may advance such sum and for such time as may be agreed on with the pawner.

**Sec. 6-6-9. Pawnbrokers; records.**

In addition to the foregoing, pawnbrokers shall record, at the time each loan is made, the time of the pawning, the amount loaned and the term of the loan.

There shall be furnished to the sheriff's department daily a true and correct copy of the list provided for in this section omitting therefrom only the name of the pawner, vendor or person from whom such goods are obtained, and his residence.

Goods taken in pawn, bought or brought into any such place of business shall be kept so arranged in stock as to enable the same to be easily inspected by the sheriff's department.

Any sheriff's department officer who exhibits a written order from the sheriff's department shall be authorized to inspect such list and all goods on the premises. The proprietors of such places and their clerks shall give all assistance in their power to enable the sheriff's department.

**Sec. 6-6-10. Sale of unredeemed articles; pawner's right of redemption.**

Upon the failure of the pawner to redeem the articles pledged at the time agreed on, the pawnbroker may, after the expiration of three (3) months, sell such articles; provided, that six (6) daily notices of sale are given through two (2) newspapers; provided, further, that the pawner shall have the privilege of redeeming such articles up to the time of the sale.
Sec. 6-6-11. Dealing with minors.

It shall be unlawful for any licensed pawnbroker to receive in pawn any goods, articles or things whatsoever from any minor, knowing or having reason to believe him to be such.

Sec. 6-6-12. Pawn tickets.

It shall be unlawful for any pawnbroker to fail to deliver to the pawner, at the time of the pawning, a certificate or ticket, numbered to correspond with the number and description in the record he is required by this chapter to keep.

Sec. 6-6-13. Sign.

It shall be unlawful for any pawnbroker to fail to affix the usual pawnbroker’s sign, a three-ball pendant, to his place of business, within five days after receiving his pawnbroker’s business tax certificate.

Sec. 6-6-14. Money lenders, except banks and like institutions, as pawnbrokers.

Any person, except banks and other institutions of like character regulated and licensed solely by the state, lending money on or purchasing personal property from individuals, shall be classed as pawnbrokers and shall pay the fee required of pawnbrokers, and shall make daily reports to the sheriff’s department of such loans or purchases, and shall in all other respects be subject to and governed by the provisions of this chapter regulating the business of a pawnbroker.

Sec. 6-6-15. Penalty for violation of chapter.

All persons, firms or corporations failing to comply with the mandatory provisions of this chapter or doing any act prohibited in this chapter shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

ARTICLE 2 FLEA MARKETS

Sec. 6-6-26. Definitions.

(a) **Person.** Includes any individual, firm, partnership, corporation, association or any group or combination, and the plural as well as singular number, unless the intent to give a more limited meaning is disclosed by the content.

(b) **Applicant.** Any person who has requested or is requiring a flea market business tax certificate. An applicant for the business tax certificate shall include all partners of the partnership and all principals of a corporation or association.

(c) **Flea market.** Property where the owner rents, lends or leases the premises to persons for use as a marketplace to barter, exchange or sell secondhand goods or the owner uses the premises to barter, exchange or sell secondhand goods. Yard sales and garage sales at residences are not flea markets, and craft shows shall not constitute flea markets.

Sec. 6-6-27. Business tax certificate required.

(a) Any person, firm or corporation who does business in Augusta-Richmond County as a flea market shall, before engaging in such business, obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

(b) The individual renters at the flea market shall not be required to obtain a business tax certificate. Further, the individual displayers at craft shows shall not be required to obtain a business tax certificate. Nothing herein contained, however, shall be construed to exempt permanent renters in a flea market from the requirement to obtain a business tax certificate.

Secs. 6-6-16—6-6-25. Reserved.
Sec. 6-6-28. Application.

(a) A person within Augusta-Richmond County shall, before engaging in the operation of a flea market on a permanent basis, file with the license and inspection department of Augusta-Richmond County an application for a business license to conduct and carry on said business. The application for said business shall be signed and dated by the applicant and contain answers to the following questions:

1. What is the kind of business to be operated?

2. What is the name of the business?

3. What is the location where such business is proposed to be carried on and the telephone number of said location?

4. What is the name of the applicant for the business tax certificate, and the home address and telephone number of said applicant?

5. Where has applicant resided for the six (6) months preceding the date of this application?

6. What was the applicant's previous home address, and how long was applicant a resident there?

7. What is the Social Security number of said applicant?

8. Applicant intends to do business as:
   a. Individual
   b. Partnership
   c. Corporation.

9. Personnel of applicant. If the applicant is an individual, name the individual applying, give his/her age and residence address; if a partnership, name all members of the partnership, give their ages and residence addresses; and if a corporation, name the president, vice-president, secretary and treasurer, give their ages and residence addresses.

10. Who is the landlord or owner of said location, and what is the address and telephone number of said landlord or owner?

11. Has the applicant or any person connected with or having an interest in said business:
    a. Been charged or convicted of any violation of law (other than minor traffic violations) in any locality?
    b. Served time in prison, or other correctional institution?

12. If the answer to section a. of the above question is 'yes,' state circumstances in detail. Information must be complete as to date, charges, court of jurisdiction, and disposition for each person. If the answer to section b. of the above question is 'yes,' state circumstances in detail. Information must be complete as to charge on which convicted, name of prison or correctional institution, length of time served, date of release from prison or correctional institution, whether sentence has been completed or whether on probation or parole, and the terms thereof.

13. Give the name, home address and telephone number and place of employment of two (2) persons who are residences of this county, who are familiar with your character and reputation.
The following oath shall be required on the application:

"All of the foregoing information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly, and absolutely, and the same is hereby sworn to be [true] under penalty for false swearing, as provided by law."

Applicant's Signature
Sworn to and subscribed before me this _____________ day of 19__.
Notary Public __________________________________________

(b) All persons, firms or corporations desiring to obtain a business tax certificate to operate a flea market shall give notice of their intention of making such application by advertisement in the form prescribed by Augusta-Richmond County license inspector.

Advertising, as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application at a prominent position on the property, such as, for example, on the front window of the building where it can be read from the road. All new business tax certificate applicants shall be required to advertise three (3) times in the legal gazette of Augusta-Richmond County, to wit, the Augusta Chronicle, before applications are heard by the Commission. The advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission.

(c) Before the application is presented to the Augusta-Richmond County Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

(d) The business tax certificate for a flea market shall be issued only upon the approval of the Commission.

Sec. 6-6-29. Issuance; conditions.

(a) The Augusta-Richmond County Commission shall have the right and privilege of granting or declining, within sixty (60) days of the date of application, a business tax certificate to conduct a permanent flea market business. Said business tax certificate shall not be transferable and shall expire at the end of each calendar year and may be renewable only in the manner and form provided in this article.

(b) In determining whether or not the business tax certificate applied for hereunder shall be granted, in addition to all of the provisions of this article, the following shall be considered by the Augusta-Richmond County Commission in the public interest and welfare:

1. The applicant's reputation, character and physical capacity to conduct the business;

2. If the applicant is a previous holder of any business tax certificate issued by Augusta-Richmond County, including a flea market license, whether or not he or she has violated any law, regulation or ordinance relating to such business;

3. If the applicant is a previous holder of any business tax certificate from Augusta-Richmond County, including a flea market license, the manner in which he or she conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business;

4. The location for which the business tax certificate is sought as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values;

5. The number of business tax certificates for flea markets and similar businesses already granted in the trading area of the place for which the business tax certificate is sought;
(6) If the applicant and business are not delinquent in the payment of any county taxes;

(7) Whether the applicant is a citizen of the United States and a bona fide resident of the State of Georgia and Richmond County;

(8) Whether the location is properly zoned for a flea market.

**Sec. 6-6-30. Regulatory fee.**

Any person, firm or corporation who does business in Augusta-Richmond County, as a flea market shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3 (c) of the Augusta-Richmond County Code.

**Sec. 6-6-31. Daily permit—Required.**

A person within Augusta-Richmond County shall, before engaging in the operation of a booth or exhibit at a flea market, obtain a permit, on a daily basis, from the operator of the flea market location which is renting the flea market booths or exhibits. The flea market operator shall be furnished permit application forms and permits from the Augusta-Richmond County license and inspection department, and shall require the applicant to fill in the permit application form for the permit. The operator of the flea market shall furnish the applicant with a permit upon the applicant's completion of the permit application form and the payment to the operator of a fee of two dollars ($2.00) per booth or exhibit, per day. The operator of the flea market shall remit to the Augusta-Richmond County license and inspection department, on a weekly basis, all fees collected under this section, together with a list of all daily permits issued, which list shall include the name of the applicants, the date of the permits issued and the amount collected. Any person who operates a flea market booth or exhibit on a permanent basis shall be treated as an operator of a flea market and shall be required to obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code.

**Sec. 6-6-32. Same—Application.**

The application for a daily permit or business tax certificate shall be signed and dated by the applicant and contain answers to the following questions:

(a) What is the name of the applicant for the business tax certificate, and the home address and telephone number of said applicant?

(b) Where has applicant resided for the six (6) months preceding the date of this application?

(c) What was the applicant's previous home address, and how long was applicant a resident there?

(d) What is the Social Security number of said applicant?

The following oath shall be required on the application:

"All of the following information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly and absolutely, and the same is hereby sworn to be true under penalty for false swearing, as provided by law."

Applicant's Signature

Sworn to and subscribed before me this ____________ day of _____________________, 19__.  

Notary Public _____________________________________________________________
Sec. 6-6-33. Record of goods purchased required.

(a) Every person owning, operating, leasing or renting a flea market business, whether permanently or daily, shall maintain a record of all goods purchased with the information required as shown on a form provided by the License & Inspection Department, or, in lieu thereof, furnish the original or copy of the invoice listing the goods purchased.

(b) The owner or operator of a flea market that leases spaces on a daily basis shall furnish the forms provided for herein to the lessee and shall collect the forms or invoices and maintain the same and furnish the forms or invoices to the Richmond County Sheriff's Department on a weekly basis.

(c) Each person operating, owning or leasing a permanent flea market shall maintain the forms provided for herein or provide the invoices provided for herein, and shall furnish the same to the Richmond County Sheriff's Department on a weekly basis.

Sec. 6-6-34. Purchase from minors prohibited.

Every person owning or operating a flea market business, whether permanently or daily, shall not purchase any merchandise from any individual under eighteen (18) years of age.

Sec. 6-6-35. Location of display of goods.

Each person shall be required to place goods being sold, bartered or exchanged inside a building except when said goods are being displayed for sale, barter or exchange, unless the size of the goods prohibit the same being placed in a building, such as vehicles.

Sec. 6-6-36. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Sec. 6-6-37. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.
ARTICLE 3 REGULATED BUSINESSES

Sec. 6-6-38. Amusement parks.

(a) Business tax certificate required. Any person, firm or corporation (excepting firms or corporations which are nonprofit, charitable firms or corporations) who owns, operates or does business in Augusta-Richmond County as an amusement park, amusement device, amusement carnival or exposition with portable amusement rides shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(b) Regulatory fee. Any person, firm or corporation (excepting firms or corporations which are nonprofit, charitable firms or corporations) who owns, operates or does business in Augusta-Richmond County as an amusement park, amusement device, amusement carnival or exposition with portable amusement rides shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

Sec. 6-6-39. Street vendors.

(a) Defined. Street vendor means any person, firm or corporation which provides merchandise for sale, including but not limited to food and drink, in a public area within Augusta-Richmond County (such as on streets and/or sidewalks); provided, however that any person engaged in a business or occupation who uses the public area immediately next to the location of the business for street vending shall not be considered a street vendor for purposes of this Article.

(b) Business tax certificate required. Any person, firm or corporation who operates or does business in Augusta-Richmond County as a street vendor shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code; provided, further, that no person, firm or corporation who wishing to operate or do business as a street vendor in the Riverwalk area (defined as the area from the south side of Reynolds Street to the Savannah River between Fifth and Thirteenth Streets) will be granted a business tax certificate without the prior approval of the Riverwalk Special Events Department.

(c) Regulatory fee. Any person, firm or corporation who operates or does business in Augusta-Richmond County as a street vendor shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

(d) Right of suspension by License & Inspection Department. The License & Inspection Department shall have the right to suspend any business tax certificate issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff’s department or health department; or violates any law or ordinance of the United States, or the state or the county, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission; then the business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(e) Penalty for violation of Article. All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Editor’s note—See also 6-5-2 for additional regulations applicable to street vendors.

Sec. 6-6-40. Temporary and transient vendors.

(a) Defined. Temporary and transient vendor means any person, firm or corporation which maintains no office or permanent location within Augusta-Richmond County, and who conducts temporary sales and/or business within the non-public areas of Augusta-Richmond County.
(b) **Business tax certificate required.** Any person, firm or corporation who operates or does business in Augusta-Richmond County as a temporary and transient vendor shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(c) **Application; bond.** No temporary and transient vendor shall be granted a business tax certificate without having first made application for same, which application shall recite the name of the vendor; the name of the agent conducting the sale, if any; the place where the sale is to be conducted; the hours of sale; and the number of days during which the sale is to be conducted. There shall be appended to the application a complete and accurate list of the articles to be sold, which list shall be signed by the person seeking the business tax certificate and the list shall also reflect the wholesale price of the articles to be sold. The inventory shall be verified upon oath by the applicant. The application and inventory shall be accompanied by a good and sufficient bond in the penal amount of five thousand dollars ($5,000.00) payable to Augusta-Richmond County, and conditioned to pay the county or anyone else suing in its name, for their use, for injuries or damages arising from dishonest or fraudulent conduct in the administration of the business.

(d) **Regulatory fee.** Any person, firm or corporation who operates or does business in Augusta-Richmond County as a temporary and transient vendor shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).

(e) **Right of suspension by License & Inspection Department.** The License & Inspection Department shall have the right to suspend any business tax certificate issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff’s department or health department; or violates any law or ordinance of the United States, or the state or the county, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission; then the business tax certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(f) **Penalty for violation of article.** All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished by as provided in section 1-6-1 of this Code.

### Sec. 6-6-41. Vending machine operators.

(a) **Defined.** Vending machine operator means any person, firm or corporation offering the sale of merchandise, including without limitation food and drink, by vending machine, which vending machine is either owned or operated by said person, firm or corporation.

(b) **Business tax certificate required; decals.** Any person, firm or corporation who operates or does business in Augusta-Richmond County as a vending machine operator shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code. Said person, firm or corporation shall also obtain a decal from the license & inspection department for each vending machine owned or operated, which decals must be affixed to said machines.

(c) **Regulatory fee.** Any person, firm or corporation who operates or does business in Augusta-Richmond County as a vending machine operator shall, before engaging in such business, pay such regulatory fee as is provided in section 2-1-3(c).
(d) **Right of suspension by License and Inspection Department.** The License and Inspection Department shall have the right to suspend any Business Tax Certificate issued under this Article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the Business Tax Certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License and Inspection Department, Sheriff’s Department or health department; or violates any law or ordinance of the United States, or the State or the county, in pursuance of such business conducted under such Business Tax Certificate; or when it shall be proven before the License and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such Business Tax Certificate. The License and Inspection Department shall report the suspension of such Business Tax Certificate to the next regular or called meeting of the Commission; then the Business Tax Certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(e) **Penalty for violation of Article.** All persons, firms or corporations failing to comply with the mandatory provisions of this Article or doing any act prohibited in this Article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

### Sec. 6-6-42. Live adult entertainment.

(a) **Defined.** Live adult entertainment means any dancing or other entertainment provided by one or more live male or females performing either nude or partially nude; wet tee-shirt or bathing suit contests; Chippendale’s or similar shows; or similar contests or events featuring participation by either the audience or other non-professional performers in nude or partially nude states. Live adult entertainment as used in this section does not include dancers or other performers performing live on a regular basis at adult entertainment establishments which are otherwise required to have a Business Tax Certificate.

(b) **Business Tax Certificate required.** Any person, firm or corporation who operates or does business in Augusta-Richmond County featuring live adult entertainment shall, before engaging in such business, obtain a Business Tax Certificate in accordance with the Augusta-Richmond County Code.

(c) **Application.** No person, firm or corporation offering live adult entertainment shall be granted a Business Tax Certificate without having first made application for same, which application shall recite the name of the person, firm or corporation; the name of the agent providing the live adult entertainment, if any; the place where the live adult entertainment is to be conducted; the hours of said entertainment; and the number of days during which the entertainment is to be provided.

(d) **Regulatory fee.** Any person, firm or corporation who operates or does business in Augusta-Richmond County providing live adult entertainment shall, before engaging in such business, pay such regulatory fee as is provided in subsection 2-1-3(c).

(e) **Right of suspension by License and Inspection Department.** The License and Inspection Department shall have the right to suspend any Business Tax Certificate issued under this Article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the Business Tax Certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License and Inspection Department, Sheriff’s Department or health department; or violates any law or ordinance of the United States, or the State or the county, in pursuance of such business conducted under such Business Tax Certificate; or when it shall be proven before the License and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such Business Tax Certificate. The License and Inspection Department shall report the suspension of such Business Tax Cer-
tificate to the next regular or called meeting of the Commission; then the Business Tax Certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force, according to the decision of the Commission.

(f) Penalty for violation of Article. All persons, firms or corporations failing to comply with the mandatory provisions of this Article or doing any act prohibited in this Article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Sec. 6-6-43. Dance halls.

(a) Defined. Dance hall means a location where music, whether live or recorded, is played and/or otherwise provided for the purpose of dancing by the patrons of the location, or where such dancing is allowed or permitted.

(b) Application. A written application to the Augusta-Richmond County Commission for a license under this Ordinance shall be made on forms approved by the Augusta-Richmond County Commission. All questions and information required by the application form should be filled in and subscribed to by all applicants, under oath, and shall disclose among other information whether the applicant has been convicted of any crime, misdemeanor or a violation of any municipal ordinance (except minor traffic violations) in any state, county, municipal or federal court, and the particulars of same; the prior business of applicant for the past ten (10) years; names and addresses of three (3) persons who have known applicant for the past five (5) years; whether the interest of applicant is total, partial, or exact extent of same, and, if partial, the names and addresses of all others having a partial interest in said business and the extent of such interest; and such other and further information as the Commission shall deem necessary.

(c) Inspection of application by license inspector; investigation by sheriff; provision of information to license and inspection department upon request. An application under this Ordinance shall be sworn to and directed to the Director of License and Inspection for Augusta-Richmond County, who shall inspect the application and refer same to the Augusta-Richmond County Sheriff, who shall investigate the character and reputation of the applicant, owners, partners, officers of the corporation, shareholders, managers, employees, and others associated with the application, and the suitability of the location for the dance hall.

(d) Commission Approval. No person shall operate a dance hall within the limits of Augusta-Richmond County without first receiving a favorable action from the Board of Commissioners. The Augusta-Richmond County Commission shall have the right to determine whether the applicant or location for the proposed dance hall is proper and appropriate.

(e) Business tax certificate required. Any person, firm or corporation who does business in Augusta-Richmond County as a dance hall shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(f) Regulatory fee. Any person, firm or corporation who does business in Augusta-Richmond County as a dance hall shall, before engaging in
such business, pay such regulatory fee as is provided in subsection 2-1-3(c) of the Augusta-Richmond County Code.

(g) **Right of suspension by License and Inspection Department.** The License and Inspection Department shall have the right to suspend any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License and Inspection Department. Augusta-Richmond County Sheriff's Department or Augusta-Richmond County Health Department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License and Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission. The Commission shall determine whether the certificate-holder will be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force.

(h) **Penalty for violation of article.** All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished by a fine in an amount not to exceed one thousand dollars ($1,000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.

(Ord. No. 7112, § 1(exh. A), 3-3-09)

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**Sec. 6-6-44. Fortune tellers, etc.**

(a) **Business Tax Certificate required.** Any person, firm or corporation who does business in Augusta-Richmond County as a fortune-teller, palmist, astrologer, clairvoyant, phrenologist, medium or any other form of fortune-telling shall, before engaging in such business, obtain a Business Tax Certificate in accordance with the Augusta-Richmond County Code.

(b) **Application required.** The application for said business shall be signed and dated by the applicant and contain answers to the following questions:

1. What is the kind of business to be operated?
2. What is the name of the business?
3. What is the location where such business is proposed to be carried on and the telephone number of said location?
4. What is the name of the applicant for the license, and the home address and telephone number of said applicant?
5. Where has applicant resided for the six (6) months preceding the date of this application?
6. What was the applicant's previous home address, and how long was applicant a resident there?
7. What is the Social Security number of said applicant?
8. What are the names and addresses of all persons having an interest in said business?
9. What interests do such persons have?
10. Who is the landlord or owner of said location, and what is the address and telephone number of said landlord or owner?
(11) Has the applicant or any person connected with or having an interest in said business:
   a. Been charged or convicted of any violation of law (other than minor traffic violations) in any locality?
   b. Served time in prison, or other correctional institution?

(12) If the answer to section a. of the above question is 'yes', state circumstances in detail. Information must be complete as to dates, charges, court of jurisdiction, and disposition for each person. If the answer to section b. of the above question is 'yes', state circumstances in detail. Information must be complete as to charge on which convicted, name of prison or correctional institution, length of time served, date of release from prison or correctional institution, or whether on probate or parole, and the terms thereof.

(13) Give the name, home address and telephone number and place of employment of two (2) persons who are residents of this county, who are familiar with your character and reputation.

All of the foregoing information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly, and absolutely, and the same is and are hereby sworn to be true under penalty for false swearing, as provided by law.

/s/ Applicant's Signature

Sworn to and subscribed before me this _____________ day of __________________, 19__.

/s/ Notary Public __________________

(c) Regulatory fee. Any person, firm or corporation who does business in Augusta-Richmond County as a fortune-teller, palmist, astrologist, clairvoyant, phrenologist, medium or any other form of fortune-telling shall, before engaging in such business, pay such regulatory fee as is provided in subsection 2-2-3(c) of the Augusta-Richmond County Code.

(d) Business location. All persons, firms or corporations desiring to obtain a fortune-telling, palmist, astrologist, clairvoyants, phrenologist, mediums or any other form of fortune-telling Business Tax Certificate shall give notice of their intention of making such application by advertisement in the form prescribed by the Augusta-Richmond County license inspector.

Advertising as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application at a prominent position on the property, such as, for example, on the front window of the building where it can be read from the road. All new Business Tax Certificate applicants shall be required to advertise three (3) times in the legal gazette of Augusta-Richmond County, to wit, the Augusta Chronicle, before applications are heard by the Commission. The advertising in the legal gazette shall be during the thirty-day period prior to the hearing of the application by the Commission.

Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

Said business of fortune-tellers, palmists, astrologers, clairvoyants, phrenologists, mediums or any other form of fortune-telling shall be located only in business zones as provided in the zoning ordinance for Augusta-Richmond County.

(e) Conduct of business. All noisy, boisterous or disorderly conduct at any place of business, conducted by any person, and used by them for the following businesses: fortune-tellers, palmists, astrologers, clairvoyants, phrenologists, mediums, or any other form of fortune-telling, is expressly forbidden; and every such person, persons or firms conducting any place of business for
which a Business Tax Certificate has been granted shall be subject to having said receipt revoked in the manner provided for in this section for permitting any such boisterous, noisy or disorderly conduct in such place of business.

(f) Right of suspension by License and Inspection Department; revocation. The License and Inspection Department shall have the right to immediately suspend, for cause, any Business Tax Certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the Business Tax Certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License and Inspection Department, Sheriff's Department or health department; or violates any law or ordinance of the United States, or the State or Augusta-Richmond County, in pursuance of such business conducted under such Business Tax Certificate; or when it shall be proven before the License and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such Business Tax Certificate. The License and Inspection Department shall report the suspension of such Business Tax Certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License and Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

(g) Penalty for violation of Article. All persons, firms or corporations failing to comply with the mandatory provisions of this chapter or doing any act prohibited in this chapter shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished by as provided in section 1-6-1 of this Code.

Sec. 6-6-45. License to operate arcades.

(a) Definitions.

(1) Bona fide coin-operated amusement machine means the same as this term is defined in O.C.G.A. § 48-17-1(2) and any applicable state regulations and of this Code.

(2) Location. The physical location of a business in Augusta-Richmond County which has been issued a valid business tax certificate.

(3) Arcade. "Arcade" means any location where three (3) or more bona fide coin-operated amusement machines are operated which permit non-cash redemption as provided in O.C.G.A. § 16-12-35, or a location where ten (10) or more bona fide coin-operated amusement machines are located, whether or not non-cash redemption for any machine is allowed. Coin operated amusement machines shall be placed at least two (2) feet apart and have four (4) feet of free space in front of the machine separate and apart from walking aisles.

(4) License. A license issued by Augusta-Richmond County to operate an arcade.

(5) Hours of Operation. All amusement devices within the premises shall be visible to and supervised by an adult attendant who shall be present at all times when any amusement device is being operated. During the normal school year, persons under the age of eighteen (18) shall not be allowed to operate amusement devices
Monday through Friday, except legal school holidays, between the hours of 8:00 a.m. and 3:00 p.m., unless accompanied by an authorized agent of the school district or such person's parent or guardian. It shall be the responsibility of the adult attendant to enforce this regulation. The operator shall prominently display the hours of permitted operation.

(b) Distance requirements—Plat required. Every application for a license to operate an arcade in Augusta-Richmond County shall be verified by a plat prepared by a licensed Georgia surveyor or civil engineer, showing the distance for the proposed business, as hereafter provided.

(1) No license for the operation of an arcade shall be issued for any location:

i. Within one thousand two hundred fifty (1,250) feet of the property line of any school or college campus. The schools and colleges referred to herein shall include only such public, private, or church-supported schools which teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein a specialized subject such as law, stenography, business, music, art, vocational occupations, and other special subjects are taught; or

ii. Within one thousand two hundred fifty (1,250) feet of any similar use regulated under the Comprehensive Zoning Ordinance of Richmond County or the Augusta-Richmond County Code.

(2) The distance requirements set out above shall apply in any and all directions from the property lines of the proposed location, as measured in a straight line. The plat shall accompany and be made a part of the application for such license.

(3) In determining whether or not a license applied for hereunder shall be granted, renewed, transferred or issued to a new location, in addition to all the provisions of this section, the following shall be considered in the public interest and welfare:

(i) Reputation, character. The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.

(ii) Previous violations of Augusta-Richmond County Code. If the applicant is a previous holder of an arcade license, whether or not he has violated any law, regulation or ordinance relating to such business.

(iii) Manner of conducting prior arcade business. If the applicant is a previous holder of an arcade license, the manner in which he conducted the business thereunder, especially as to the necessity for unusual policy observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.

(iv) Location. The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.

(v) Number of licenses in trading area. The number of license already granted for similar business in the trading area of the place for which the license is sought.

(vi) Previous revocation of license. If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an arcade license suspended or revoked.

(vii) Payment of taxes and other charges. If the applicant and business are not delinquent in the payment of any local taxes or other fees or charges.
(viii) **Congregation of minors.** Any circumstances which may cause minors to congregate in the vicinity of the proposed location even if the location meets the distance requirements under subsection 6-6-45(b) herein.

(ix) **Prior incidents.** Evidence that a substantial number of incidents requiring police intervention have occurred within the immediate area during the twelve (12) months immediately preceding the date of application.

(x) **Previous denial or revocation.** The denial of an application, or the revocation of a license, occurring within the preceding twelve (12) months, which was based on the qualifications of the proposed location.

(xi) **Renewal.**

1. All licenses granted hereunder are privilege licenses and shall expire on December 31 of each year. Licensees who desire to renew their licenses therefore shall file an application, together with the requisite fee with the License and Inspection Department for such renewal upon forms approved by the Director of License and Inspection, on or before December 1 of each year.

2. All licenses to be renewed for the subsequent calendar year shall be submitted by the License and Inspection Department to the Commission for approval no later than December 15 of each year. Any licenses that have been placed on probation, suspension or have been revoked by the Augusta-Richmond County Commission during the year shall be submitted on a separate list by the License and Inspection Department for review and consideration for approval.

3. No license shall be grandfathered as to any provision of this section.

(c) **Individuals not eligible for license.** The following individuals are not eligible for an arcade license.

1. A person or persons or any of the officers and directors who have been convicted of a felony in any jurisdiction. A conviction, for purposes of this paragraph, includes a guilty plea or plea of nolo contendere.

2. A person or persons or any of the officers and directors who have been convicted of a non-felonious crime of moral turpitude, lottery, or illegal possession and sale of narcotics or liquors within the five (5) years preceding the filing of the application. A conviction, for purposes of this paragraph, includes a guilty plea or a plea of nolo contendere.

3. A person whose license to operate an arcade has been revoked for cause in any state or territory of the United States within the ten (10) years preceding the filing of the application.

4. A person who has knowingly falsified information or made any material misrepresentation on the application for a license under this Ordinance.

5. Should any such applicant, partner or officer or director of any applicant entity, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, or to the violation of any laws of the State of Georgia regulating gambling or the lottery laws, said license shall be subject to immediate suspension or revocation as set forth in sub part (h) of this Code section.

(d) **Proper zoning required.** No license shall be issued for the operation of an arcade unless the license holder’s place of business is located in an area within Augusta-Richmond County that is properly zoned.
(e) **Business Tax Certificate required.** Any person, firm or corporation who owns, operates or does business in Augusta-Richmond County as an arcade is required to obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

(f) **Regulatory fee.** Any person, firm or corporation who owns bona fide coin-operated amusement machines and places the machines in an arcade operating in Augusta-Richmond County is required to pay such regulatory fee as provided in subsection 2-1-3(c) of the Augusta-Richmond County Code.

(g) **Application for license.** All applicants for a license to operate an arcade shall give notice of their intention to make such application by advertisement in the form prescribed by the License and Inspection Department. Advertising as referred to in this section means there shall be a sign posted thirty (30) days prior to the hearing of the application in a prominent position on the property (front window where it can be read from the road); also, all new business tax certificate applicants shall be required to advertise three (3) times in the legal gazette (Augusta Chronicle) before applications are heard by the Augusta-Richmond County Commission. Advertising in the newspaper shall be during the thirty-day period prior to the hearing of the application by the Augusta-Richmond County Commission. Before the application is presented to the Commission, the applicant shall furnish proof that the advertisement has been completed as required hereinabove.

(h) **Suspension, Probation and Revocation.** The License and Inspection Department shall have the right to suspend any license issued under this article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code set forth by the License and Inspection Department, sheriff’s department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such license; or when it shall be proven before the License and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such license. The License and Inspection Department shall report the suspension of such license to the next regular or called meeting of the Augusta-Richmond County Commission. The Commission make a determination regarding whether the license shall be suspended, placed on probation or permanently revoked, or otherwise it shall be restored and remain in full force.

(i) **Cost of arcade license.** The cost of the arcade license is one hundred dollars ($100.00) and must be submitted at the time that the application and other documentation is submitted to the local government officials.

(j) **Penalty for violation of article.** All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be as provided in section 1-6-1 of this Code.

(Ord. No. 6279, § 1, 6-20-00; Ord. No. 6365, § 1, 4-17-01; Ord. No. 7137, § 1(exh. A), 7-21-09)

**Sec. 6-6-46. Amusement game permit.**

(a) **Definitions.**

1. **Bona fide coin-operated amusement machine** means the same as this term is defined in O.C.G.A. § 48-17-1(2) and any applicable state regulations and of this Code.

2. **Location.** The physical location of a business in Augusta-Richmond County which has been issued a valid business tax certificate.

3. **Machine owner.** Any person, firm or corporation which owns a bona fide coin operated amusement machine.

4. **Permit.** An Amusement Game Permit issued pursuant to this article.

(b) **Purpose of securing a permit.** The purpose of securing a permit is to provide a record of machine owners who own bona fide coin-operated
amusement machines and have placed those machines in a business in Augusta-Richmond County.

(c) Failure to apply for permit. The failure of a machine owner to apply for a permit under this article before making a covered machine available to the public shall result in a fine of one hundred dollars ($100.00).

(d) Affect on machine owner's other statutory duties. This article applies independently from and has no affect on other statutory obligations of an amusement machine owner within this Code. (Ord. No. 7137, § 2(exh. B), 7-21-09)

Sec. 6-6-47. Going-out-of-business sales.

(a) Definitions. For the purposes of this Article the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

(1) County. The County of Richmond.

(2) County license officer. The Director of Licenses and Inspections of the County of Richmond.

(3) Fire and other altered goods sale. A sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.

(4) Going-out-of-business sale. A sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand [the business] will then move to and resume business from other existing locations in the county.

(b) Business Tax Certificate required. Any person, firm or corporation who plans to sell or offer for sale any goods at a sale to be advertised or held out by any means to be a going-out-of-business sale, a removal of business sale or a fire and other altered goods sale shall, before engaging in such sale, obtain a Business Tax Certificate in accordance with the Augusta-Richmond County Code.

(c) Application of regulations.

(1) Provisions supplement general licensing ordinance. The provisions of this Article are intended to augment and be in addition to the provisions of the general licensing ordinance of this county. Where this Article imposes a greater restriction upon persons, premises, businesses, or practices than is imposed by the general licensing ordinance of this county, this Article shall control.

(2) Established business requisite. Any person who has not been the owner of a business advertised or described in the application for a Business Tax Certificate hereunder for a period of at least twelve (12) months prior to the date of the proposed sale shall not be granted a Business Tax Certificate.

a. Exception for survivors of businessmen. Upon the death of a person doing business in this county, his or her heirs, devises or legatees shall have the right to apply at any time for a Business Tax Certificate.

(3) Interval between sales. Any person, who has held a sale, as regulated under this Article, at the location stated in the application within one (1) year last past from the date of such application shall not be granted a Business Tax Certificate.

(4) Restricted location. Where a person applying for a Business Tax Certificate hereunder operates more than one (1) place of business the Business Tax Certificate issued shall apply only to the one (1) store or branch specified in the application; and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the business tax certified sale; nor shall the store or branch conducting the business tax certified sale advertise or represent that any
other store or branch is cooperating with it or participating in any way in the business tax certified sale.

(5) Persons exempted. The provisions of this Article shall not apply to or affect the following persons:

a. Persons acting pursuant to an order or process of a court of competent jurisdiction;

b. Persons acting in accordance with their powers and duties as public officials;

c. Duly business tax certified auctioneers, selling at auction;

d. Persons conducting a sale of the type regulated in this Article on the effective date of this Article unless such sale is continued for a period of more than sixty (60) days from and after such effective date, in which event, such person, at the lapse of the sixty-day period, shall comply with the provisions of this Article;

e. Any publisher of a newspaper, magazine or other publication, who publishes in good faith, any advertisement, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this Article have not been complied with.

(d) Application requirements.

(1) Written information required. A person desiring to conduct a sale regulated by this Article shall make a written application to the license office setting forth and containing the following information:

a. The true name and address of the owner of the goods to be the object of the sale;

b. The true name and address of the person from whom he purchased the goods to be sold and the price therefor, and if not purchased, the manner of such acquisition;

c. A description of the place where such sale is to be held;

d. The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy;

e. The dates of the period of time in which the sale is to be conducted;

f. A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;

g. The means to be employed in advertising such sale together with the proposed content of any advertisement;

h. A complete and detailed inventory of the goods to be sold at such sale as disclosed by the applicant's records. Said inventory shall be attached to and become part of the required application.

1. Bona fide orders. All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.

2. Goods purchased for sale under this Article. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated under this Article. Any unusual purchase or additions to the stock of goods of the business hereby affected within thirty (30) days before the filing of an application hereunder shall be deemed to be of such character.

(2) Reserved.
(e) Effect of Business Tax Certificate. A Business Tax Certificate shall be issued hereunder on the following terms:

(1) Effective period. The Business Tax Certificate shall authorize the sale described in the application for a period of not more than ninety (90) consecutive days following the issuance thereof.

a. Renewal procedure. The license officer shall renew a Business Tax Certificate for one (1) period of time only, such period to be in addition to the ninety (90) days permitted in the original Business Tax Certificate and not to exceed sixty (60) consecutive days, when he finds:

1. That facts exist justifying the Business Tax Certificate renewal;
2. That the Business Tax Certificate holder has filed an application for renewal;
3. That the Business Tax Certificate holder has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory.

For the purposes of this subsection, any application for a Business Tax Certificate under the provisions of an Article covering any goods previously inventoried as required hereunder, shall be deemed to be an application for renewal, whether presented by the original applicant, or by any other person.

(2) Nature of sale. The Business Tax Certificate shall authorize only the one (1) type of sale described in the application at the location named therein.

3. Saleable goods. The Business Tax Certificate shall authorize only the sale of goods described in the inventory attached to the application.

4. Surrender of general Business Tax Certificate. Upon being issued a Business Tax Certificate hereunder for a going-out-of-business sale, the Business Tax Certificate holder shall surrender to the license officer all other Business Tax Certificates he may hold at that time applicable to the location and goods covered by the application for a Business Tax Certificate under this Article.

5. Nontransferability. Any Business Tax Certificate provided for in this Article shall not be assignable or transferable.

(f) Duties of Business Tax Certificate holder. A Business Tax Certificate holder under this Article shall:

1. Adhere to inventory. Make no additions whatsoever, during the period of the business tax certified sale, to the stock of goods set forth in the inventory attached to the application for Business Tax Certificate.

2. Advertise properly. Refrain from employing any untrue, deceptive or misleading advertising.

3. Adhere to advertising. Conduct the business tax certified sale in strict conformity with any advertising or holding out incident thereto.

4. Keep duplicate inventory. Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.

5. Segregate noninventoried goods. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods.
(g) **Regulatory fee.** Any person, firm or corporation who, in the unincorporated area of the county, plans to sell or offer for sale any goods at a sale to be advertised or held out by any means to be a going-out-of-business sale, a removal of business sale or a fire or other altered stock sale shall, before engaging in such sale, pay such regulatory fee as is provided in subsection 2-1-3(c) of the Augusta-Richmond County Code.

(h) **Right of suspension by License and Inspection Department.** The License and Inspection Department shall have the right to suspend any Business Tax Certificate issued under this Article whenever a person, firm or corporation doing business shall deviate from the normal operation for which the Business Tax Certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License and Inspection Department, Sheriff's Department or health department; or violates any law or ordinance of the United States, or the State or the county, in pursuance of such business conducted under such Business Tax Certificate; or when it shall be proven before the License and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such Business Tax Certificate. The License and Inspection Department shall report the suspension of such Business Tax Certificate to the next regular or called meeting of the Augusta-Richmond County Commission; then the Business Tax Certificate shall be suspended, placed on probation, permanently revoked, or otherwise it shall be restored and remain in full force.

(i) **Penalty for violation of Article.** All persons, firms or corporations failing to comply with the mandatory provisions of this Article or doing any act prohibited in this Article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished by a fine in an amount not to exceed one thousand dollars ($1,000.00) and/or imprisonment in the county jail for a period not in excess of sixty (60) days. (Ord. No. 5936, 7-15-97)
Chapter 7

VEHICLES FOR HIRE

ARTICLE 1 WRECKERS

Sec. 6-7-1. Administration.

The manner and means of wrecker service at accident scenes in Augusta-Richmond County shall be administered and governed by the sheriff.

Sec. 6-7-2. Solicitation of business restricted.

No wrecker service, its agents, servants, employees or individuals, shall stand on or in the proximity to a street or highway for the purpose of soliciting employment of business for the towing of a vehicle or vehicles at an accident or wreck scene without having been called to the scene of the wreck or accident by the sheriff's department.

Sec. 6-7-3. Business tax certificate required.

Any person, firm or corporation who owns, operates or does business in Augusta-Richmond County as a wrecker service at accident scenes, shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

Sec. 6-7-4. Regulatory fee.

Any person, firm or corporation who does business in Augusta-Richmond County as a wrecker service at accident scenes, shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-7-5. Right of suspension by license & inspection department.

The License & Inspection Department shall have the right to suspend any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Augusta-Richmond County Commission; then the business tax certificate shall be suspended, placed on probation or permanently revoked, or otherwise it shall be restored and remain in full force.

Sec. 6-7-6. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

ARTICLE 2 TAXICABS

Sec. 6-7-7. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) Business tax certificate holder. A person to whom a business tax certificate has been issued in the form prescribed by the county to engage in the taxicab business in Augusta-Richmond County.

(b) Driver. A person who has been granted a business tax certificate to drive a taxicab upon the streets of Augusta-Richmond County. A driver may be an employee of a licensee or an independent contractor who leases his taxicab from a licensee. The driver and licensee may determine by contract the terms of their relationship.-Nothing in this article should be interpreted to the contrary. Where a driver
leases his taxicab from a licensee, all references in this article to licensee or licensees will apply to such a driver.

(c) Rate card. A card issued by Augusta-Richmond County for mandatory display in each taxicab which shows the rates of fares then in existence, and which shall be charged by the driver, and paid by the passenger.

(d) Solicitation. The act of attempting to secure passengers for a particular taxicab by word or deed designed to call a potential customer's attention to one particular taxicab as opposed to all other taxicabs also present. It shall include but not be limited to shouts, gestures, catcalls or any other attention-securing maneuver or remarks uttered by or performed by the driver. This does not include talking in a normal tone of voice to potential passengers while seated in the cab or standing adjacent to it.

(e) Taxicab. A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than eleven (11) passengers and not operated on a fixed route.

(f) Taximeter. An instrument or device attached to a taxicab which measures, mechanically, the distance driven and the waiting time upon which the fare is based.

(g) Trip. Movement of one (1) or more passengers from point to point. The first discharge of a passenger shall terminate a trip and begin a new trip from the point of discharge.

(h) Waiting time. The time when a taxicab is not in motion starting from the time of acceptance of one (1) or more passengers up to the time of discharge. This does not include any time when the taxicab is not in motion if the halt is due to any cause other than the request, act or fault of a passenger. Traffic delay is not a proper waiting time charge.

(Ord. No. 6922, § 2, 10-3-2006)

Sec. 6-7-8. Business tax certificate required.

Any person, firm or corporation who owns, operates or does business as a taxicab business in Augusta-Richmond County shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

Sec. 6-7-9. Regulatory fee.

Any person, firm or corporation who owns, operates or does business as a taxicab business in Augusta-Richmond County shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.

Sec. 6-7-10. Number limited; sale of business tax certificate.

The number of taxicabs authorized to be operated by business tax certificate holders under the provisions of this Article shall be limited to the total number for which business tax certificates were issued as of December 31, 1995 by the Richmond County Board of Commissioners and the City Council of Augusta combined. A business tax certificate issued by Augusta-Richmond County cannot be sold or transferred without the prior approval of the Commission.

Sec. 6-7-11. Liability insurance.

(a) Each business tax certificate holder under this article shall maintain a liability insurance policy issued by an insurance company authorized to do business in the state in the amount of twenty-five thousand dollars ($25,000.00) for bodily injury to one (1) person; fifty thousand dollars ($50,000.00) for bodily injury to more than one (1) person; and twenty-five thousand dollars ($25,000.00) for property damage. The business tax certificate holder under this article shall furnish to the director of license and inspection a copy of the insurance certificate showing the amounts provided for herein and the expiration date for insurance policy required. Each policy shall require notice to be sent within ten (10) days to the Commission as a certificate holder of any cancellation of any policy provided for in this section.
(b) Any person operating an automobile within Augusta-Richmond County, hauling passengers for hire, is hereby required to comply with this section even though exempt, for any cause, from the payment of a taxicab business tax certificate fee.

Sec. 6-7-12. Examination of vehicles.

(a) Prior to the use and operation of any vehicle under the provisions of this article, such vehicle shall be thoroughly examined and inspected by the sheriff's department and found to comply with all such rules and regulations as may be prescribed and distributed by the sheriff's department. These rules and regulations shall be promulgated so as to provide safe transportation for passengers and the general public and shall specify and require installation and proper care and maintenance of such safety equipment and regulatory devices as the sheriff's department and the license and inspection department shall deem necessary therefor.

(b) When the sheriff's department finds that a vehicle has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity of the vehicle so certified. This capacity shall at no time be exceeded.

Sec. 6-7-13. Safety belts required.

Each vehicle operated under this article shall be equipped with safety belts for each passenger, and this equipment shall be subject to inspection at any time by the sheriff's department.

Sec. 6-7-14. Cleanliness of vehicles.

Every vehicle operating under this article shall be kept, at all times, in a clean and sanitary condition according to rules and regulations promulgated and issued by the sheriff's department.

Sec. 6-7-15. Six-month inspection of vehicles required.

Every vehicle operating under this article shall be inspected by the sheriff's department every six (6) months to ensure the continued maintenance of safe operating and satisfactory sanitary conditions. A decal showing the date of last inspection shall be affixed to the windshield of the vehicle.

Sec. 6-7-16. Driver's permit.

(a) Required. No person shall drive a taxicab for hire upon the streets of Augusta-Richmond County, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the Commission shall be so driven at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this article.

(b) Application-form; verification; contents; photograph and physician's certificate required; application fee; minimum age of drivers. An application for a taxicab driver's permit shall be filed with the sheriff's department on forms provided by the Commission. Such application shall be verified under oath and shall contain the following:

1. The names and addresses of two (2) residents of Augusta-Richmond County who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty and general good character of the applicant.

2. The experience of the applicant in the transportation of passengers.

3. The educational background of the applicant.

4. A concise history of his employment.

5. A picture of himself with his name, address, age (which shall be less than eighteen (18) years), weight, height, sex, color of hair and eyes.

Each application shall be accompanied by a certificate from a reputable physician of Augusta-Richmond County certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

At the time the application is filed the applicant shall pay to the Commission the sum five dollars ($5.00).
The Commission may require additional periodic examinations in its discretion.
(Ord. No. 6914, § 1, 9-5-06)

Sec. 6-7-17. Same—Examination and investigation of applicant; valid state motor vehicle operator's permit required.

Each applicant for a taxicab driver's permit shall be required to pass a satisfactory examination as to his knowledge of Augusta-Richmond County and to show that he has a current motor vehicle operator's permit issued by the state.

The Sheriff's Department shall investigate the reputation of the applicant as to sobriety, careful driving and knowledge of driving. A report of such investigation and a copy of the applicant's traffic and police record, if any, shall be attached to the application.
(Ord. No. 6914, § 1, 9-5-06)

Sec. 6-7-18. Same—Approval or rejection; hearing upon rejection.

The Sheriff's Department upon consideration of the application and the reports and certificate required to be attached thereto, as required by sections 6-8-57 and 6-8-58, shall approve or reject the application. If the application is rejected, the applicant shall be entitled to a hearing before the Commission at which he may offer evidence why his application should be reconsidered.

Sec. 6-7-19. Issuance; contents; term; renewal; display.

Upon approval of an application for a taxicab driver's permit, the Sheriff's Department shall issue a permit to the applicant which shall bear the name, address, color, weight, height, age, color of hair and eyes, signature and photograph of the applicant.

Such permit shall be in effect for the remainder of the calendar year. A permit for each calendar year thereafter shall be issued upon the payment of such fee as may be prescribed annually by the Commission and a doctor's certificate as to the health of the applicant, particularly with respect to his hearing, sight, heart and physical handicaps and communicable diseases, unless the permit for the preceding year has been revoked.

Every driver licensed under this article shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab.

Sec. 6-7-20. Suspension and revocation.

Should any driver of a taxicab be arrested and charged with a violation of any provision of this Code or other ordinance of Augusta-Richmond County, the Sheriff's Department may require such driver to cease operating or driving any taxicab in Augusta-Richmond County for a period not to exceed ten days. Should such driver be convicted of violating any of such provisions of this Code or other ordinances, the Sheriff's Department may revoke such driver's permit and require that such permit be deposited with the Sheriff's Department, which action, however, is subject to appeal by the driver to the Commission. In addition, in the case of a conviction of a violation of any of such provisions of this Code or other Augusta-Richmond County ordinances, the Municipal Court judge may suspend such driver's permit for a period not to exceed thirty (30) days, and in aggravated cases, may revoke such driver's permit.

Sec. 6-7-21. Appearance of driver.

A taxicab driver shall maintain a clean, neat personal appearance at all times while under duty.

Sec. 6-7-22. Prohibited actions by driver.

It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers and their baggage.
Sec. 6-7-23. Identification of vehicles required.

No business tax certificate holder under this article shall operate any taxicab without there having been painted or attached vinyl lettering, on both sides and the rear thereof the words Taxi, Taxicab or Automobile for Hire, the name of the business tax certificate holder and the number assigned by the business tax certificate holder to such taxicab. Such words and numbers shall be not less than six (6) inches high nor more than eight (8) inches in height. In addition, there may be placed thereon an identifying design approved by the sheriff. No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the license and inspection department, conflict with or imitate any color scheme, identifying design, monogram or insignia used on one (1) or more vehicles already operating under this article, in such a manner as to be misleading or tend to deceive or defraud the public. If after a business tax certificate has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the license and inspection department, in conflict with or to imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator in such a manner as to be misleading or tend to deceive the public, the business tax certificate covering the taxicab bearing the misleading markings shall be suspended or revoked.

(Ord. No. 6922, § 2, 10-3-2006)

Sec. 6-7-24. Taximeters required.

All taxicabs operated under the authority of this article shall be equipped with taximeters fastened to the taxi in front of the passengers, visible to them at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism of approved design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. All meters in use shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the taxi driver to throw the flag of such taximeter into a nonrecording position at the termination of each trip. Such taximeters shall be subject to inspection every six (6) months by the license and inspection department. Any license inspector or any officer of the sheriff's department is hereby authorized, either on complaint of any person or without any such complaint, to inspect any such taximeter, at any time, and upon discovery of any inaccuracy therein to notify the person operating such taxicab to cease operation immediately. Written notice shall also be sent to the person operating such taxicab to cease operation. Thereupon such taxicab shall be kept off the streets and highways until the taximeter is repaired or replaced and in the required working condition. All taximeters shall be installed, properly connected and repaired as prescribed by the manufacturer of such meter.

Sec. 6-7-25. Identity light required.

Every taxicab shall be equipped with an identity light attached to the top of such taxicab. The light may be bolted on or magnetically attached. Such identity light shall be constructed in one (1) unit consisting of an illuminated place or cylinder upon which is printed the company's name, taxi, for hire or the present identification lights of the taxicab. The overall dimensions of such identity light shall not exceed six (6) inches in height by twenty (20) inches in length. The lights of the identity light shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate such identity light when the taximeter is not in operation indicating that the taxicab contains no passengers and to extinguish such light when the taximeter is in operation. It shall be unlawful to knowingly drive or operate any taxicab with such identity light illuminated while carrying passengers for compensation; and it shall be unlawful to drive, operate or be in charge of the taxicab unless such identity light is illuminated when such taxicab is for hire.

(Ord. No. 6922, § 3, 10-3-2006)
Sec. 6-7-26. Service required—Generally.

All persons engaged in the taxicab business in Augusta-Richmond County operating under the provisions of this article shall render efficient service to the public. Holders of licenses hereunder shall maintain a central place of business and keep the same open twenty-four hours a day for the purpose of receiving calls and dispatching cabs. They shall answer calls received by them for services inside Augusta-Richmond County as soon as they can do so, and if such services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the call can be answered. Any licensee who shall refuse to accept a call anywhere in Augusta-Richmond County at any time when such holder has available cabs, or who shall fail or refuse to give service, shall be deemed a violator of this article and the certificate or license granted to such holder may be revoked, in the discretion of the Commission.

Sec. 6-7-27. Charges.

(a) No owner or driver of a taxicab business tax certified to operate in Augusta-Richmond County shall charge a greater sum for the use of a taxicab than in accordance with the rates shown on the rate card displayed in the taxi and approved by the Commission.

(b) The taxicab rates that may be charged in Augusta-Richmond County shall be on file in the office of the Commission and available to the public at any time during regular office hours of the Commission and are hereby adopted and incorporated by reference thereto as fully as if set out in length herein.

Sec. 6-7-28. Receipt.

The driver of any taxicab shall, upon demand by any passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a handwritten receipt on which shall appear the name of the owner, business tax certificate number or company identification number of the cab, amount of meter reading or charges, distance traveled, and the date of the transaction.

Sec. 6-7-29. Payment of fare by passenger required.

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles controlled by this article after having hired the same, and it shall be unlawful for any person to hire any vehicle as herein defined and regulated with intent to defraud the person from whom such person has hired the vehicle of the value of such service.

Sec. 6-7-30. Solicitation of passengers—Regulated—Generally.

(a) No taxicab driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street; except that, when necessary, a driver may be absent from his taxicab for not more than fifteen (15) consecutive minutes; and, provided, further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(b) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

Sec. 6-7-31. Same—At terminals of other common carriers.

No driver, owner or operator of any taxicab shall solicit passengers at the terminal of any other common carrier nor at any intermediate points along any established route of any other common carrier in Augusta-Richmond County.

Sec. 6-7-32. Receiving, discharging passengers.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible, or, in the absence of a sidewalk, to the
extreme right-hand side of the street and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-hand or left-hand sidewalk or side of the street in the absence of a sidewalk.

Sec. 6-7-33. Additional passengers.

No taxicab driver who has been engaged by a passenger shall permit any other person to occupy or ride in such taxicab unless the person first employing the taxicab shall consent to the acceptance of additional passengers. No charge shall be made for an additional passenger to the same point of destination, but when the additional passenger rides beyond the first point of destination, such passenger shall pay for the additional distance traveled.

Sec. 6-7-34. Number of passengers limited.

No taxicab driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the certificate for such vehicle issued by the license and inspection department. A child in arms shall not be counted as a passenger.

Sec. 6-7-35. Hauling contract passengers permitted.

Nothing contained in this article shall be construed to prohibit persons licensed under the provisions of this article to engage in the business of hauling contract passengers, persons hauled for a weekly or monthly compensation, from their homes to their places of employment, provided that such business tax certificate holders comply with the provisions of this article.

Sec. 6-7-36. Taxi stands-open stands.

(a) The Commission may establish open stands in such places upon the streets of Augusta-Richmond County as deemed necessary. The Commission shall not create an open stand where such stand would tend to create a traffic hazard.

(b) Open stands shall be used by the different taxicab drivers on a first come first served basis. The driver shall pull in to the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this article shall be construed as preventing a passenger from boarding the cab of his choice which is parked at open stands.

Sec. 6-7-37. Same—Assigned stands.

(a) The Commission may establish assigned stands upon the streets in such places as in its discretion it deems proper. A licensee under the provisions of this article desiring to establish a stand shall make written application to the Commission. The applicant shall attach to such application the written approval of the abutting property owners of such space, consenting to the creation of such stand. Upon the filing of any such application, the Sheriff's Department shall make an investigation of the traffic conditions at such place and shall thereafter file its written recommendation to the Commission, which shall then either grant or refuse the application. When an assigned stand has been established as herein provided, it shall be used solely by the licensee to whom the same was granted and his agents and servants and no other licensee shall be permitted to use the same; provided, however, that no licensee shall obtain permits for more than one such stand within the downtown business area.

(b) A licensee under the provisions of this article operating a call box stand as provided for in this section shall be allowed to install a telephone thereat, to have on duty at such stand a starter, or other employee, for the purpose of assisting in the loading or unloading of passengers from cabs, for receiving calls and dispatching cabs, and for soliciting passengers at such stand. The words at such stand shall mean that part of the sidewalk immediately adjacent to and of equal length with such call box stand.
(c) If any such stands shall be marked by signs owned by the licensee, such signs shall be of such size and with such markings as the Sheriff's Department may require and shall be maintained by the licensee. Should the signs not be maintained properly, they may be removed summarily by the Sheriff's Department.

Sec. 6-7-38. Same—Occupancy by other vehicles.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established under the provisions of this article as either open stands or assigned (call box) stands.

Sec. 6-7-39. Telephone directory listing required.

All persons engaged in taxicab businesses in Augusta-Richmond County operating under the provisions of this article shall have a telephone listed in the "BELLSOUTH—The Real Yellow Pages" telephone directory for Augusta-Richmond County in the name of their taxi company or business.

(Ord. No. 6922, § 4, 10-3-06)

Sec. 6-7-40. Advertising on or in taxicabs.

Subject to the rules and regulations of the Commission, it shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire subject to the payment of the required fee therefor.

Sec. 6-7-41. Manifest.

(a) Every taxicab business tax certificate holder shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. The forms for such manifest shall be of a character approved by the director of license and inspection.

(b) Every taxicab business tax certificate holder shall retain and preserve all manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the sheriff's department and/or license and inspection department.

Sec. 6-7-42. Records and reports—Generally.

(a) Every licensee under the provisions of this article shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information as may be required by the License & Inspection Department. Every such licensee shall maintain the records containing such information and other data required by this article at a place readily accessible for examination by the Commission.

(b) Every licensee hereunder shall submit reports of receipts, expenses and statistics of operation to the License & Inspection Department for each calendar year.

(c) It shall be mandatory for all holders of licenses under the provisions of this article to file with the License & Inspection Department copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station or other place of public gathering, whether such arrangement is made with such holder or any corporation, firm or association with which the holder may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a license of any offending holder or the cancellation of any cab stand privileges.

Sec. 6-7-43. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or
Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days’ notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

Sec. 6-7-44. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

Secs. 6-7-45—6-7-47. Reserved.

ARTICLE 3 LIMOUSINE SERVICE

Sec. 6-7-48. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **Business tax certificate holder.** A person to whom a business tax certificate has been issued in the form prescribed by Augusta-Richmond County to engage in the limousine business in the unincorporated area of the county.

(b) **[Business tax certificate holder.]** A person who has been granted a business tax certificate to drive a limousine upon the streets of Augusta-Richmond County.

(c) **Limousine service.** This business tax certificate class is defined as a contract service for limousine vehicle with driver, paid on a time basis, not for distance covered. Such business shall not be conducted in the manner of a taxicab, bus or sightseeing tour service. Limousine vehicles shall be limited to automobiles, including stretched cars. Vans and buses may not be used under this business tax certificate.

Sec. 6-7-49. Business tax certificate required.

Any person, firm or corporation who owns, operates or does business as a limousine service in Augusta-Richmond County shall, before engaging in such business, obtain a business tax certificate in accordance with the Augusta-Richmond County Code.

Sec. 6-7-50. Regulatory fee.

Any person, firm or corporation who owns, operates or does business as a limousine service in Augusta-Richmond County shall, before engaging in such business, pay such regulatory fee as is provided in section 2-2-3(c) of the Augusta-Richmond County Code.
Sec. 6-7-51. Transfer of business tax certificate.

A business tax certificate issued by Augusta-Richmond County under this article cannot be sold or transferred without prior approval of the Commission.

Sec. 6-7-52. Insurance.

Each business tax certificate holder under this article shall maintain a liability insurance policy issued by an insurance company authorized to do business in the State of Georgia in the amount of two hundred fifty thousand dollars ($250,000.00) for bodily injury to one (1) person; five hundred thousand dollars ($500,000.00) for bodily injury to more than one (1) person; and one hundred thousand dollars ($100,000.00) for property damage. The business tax certificate holder under this article shall furnish to the director of license and inspection a copy of the insurance certificate showing the amounts provided for herein and the expiration date of insurance policy required. Each policy shall require notice to be sent within ten (10) days to the Commission as a certificate holder of any cancellation of any policy provided for in this section.

Sec. 6-7-53. Initial inspection of vehicles; issuance of certificate.

Prior to the use and operation of any vehicle under the provisions of this article, such vehicle shall be thoroughly examined and inspected by the sheriff's department and found to comply with all such rules and regulations as may be prescribed and distributed by the sheriff's department. These rules and regulations shall be promulgated so as to provide safe transportation for passengers and the general public and shall specify and require installation and proper care and maintenance of such safety equipment and regulatory devices as the sheriff's department and the license and inspection department shall deem necessary therefor.

When the sheriff's department finds that a vehicle has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity of the vehicle so certified. This capacity shall at no time be exceeded.

Sec. 6-7-54. Safety belts required.

Each vehicle operated under this article in Augusta-Richmond County shall be equipped with safety belts for each passenger, and this equipment shall be subject to inspection at any time by the sheriff's department.

Sec. 6-7-55. Cleanliness.

Every vehicle operating under this article shall be kept, at all times, in a clean and sanitary condition according to rules and regulations promulgated and issued by the sheriff's department.

Sec. 6-7-56. Biannual inspection.

Every vehicle operating under this article shall be inspected by the sheriff's department every six (6) months to ensure the continued maintenance of safe operating and satisfactory sanitary conditions. A decal showing the date of last inspection shall be affixed to the windshield of the vehicle.

Sec. 6-7-57. Rates.

All rates charged for services shall be pursuant to contract between the business tax certificate holder and customer.

Sec. 6-7-58. Payment of fare.

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles controlled by this article after having hire the same, and it shall be unlawful for any person to hire any vehicle as herein defined and regulated with intent to defraud the person from whom he has hired the vehicle of the value of such service.

Sec. 6-7-59. Limitation on number of passengers.

No limousine driver shall permit more persons to be carried in a limousine as passengers than the rated seating capacity of his limousine as stated in the certificate for such vehicle issued by the license and inspection department. A child in arms shall not be counted as a passenger.
Sec. 6-7-60. Right of suspension by license & inspection department; revocation.

The License & Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License & Inspection Department, sheriff's department or health department; or violates any law or ordinance of the United States, or the state or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License & Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License & Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days' notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall either continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force.

A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License & Inspection Department, there is cause to revoke the license, a written notice of intention to revoke it shall be furnished the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and Code of Augusta-Richmond County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.

Sec. 6-7-61. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

ARTICLE 4 AMBULANCES

Sec. 6-7-62. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) Ambulance. Unless otherwise specified, the term ambulance means any privately or publicly owned motor vehicle that is specially designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including funeral coaches or hearses which otherwise comply with the provisions of this article, except any such motor vehicle owned by, or operated under the direct control of, the United States.

(b) Attendant. A trained and qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.

(c) Attendant-driver. A person who is qualified as an attendant and a driver.

(d) Driver. An individual who drives an ambulance.

(e) Health officer. The commissioner of health of the Richmond County Board of Health or other designated official.

(f) License inspector. The Augusta-Richmond County license inspector.

(g) Patient. An individual who is sick, injured, wounded or otherwise incapacitated or helpless.
Sec. 6-7-63. Vehicular requirements—Generally.

Each ambulance shall, at all times when in use as such under the provisions of this article:

(a) Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;

(b) Contain equipment conforming with the standards, requirements and regulations provided for in this article, which equipment shall be in proper and good condition for such use;

(c) Currently comply with all applicable laws, provisions of this Code and other local ordinances relating to health, sanitation and safety;

(d) Be equipped with a siren, red flashing lights, special markings to designate it as an ambulance and such other equipment as may be prescribed in reasonable regulations promulgated by the license inspector; and

(e) Be equipped with approved safety belts for the driver, and for a passenger in the front seat if such seat is provided.

Sec. 6-7-64. Required equipment; regulations promulgated by health officer.

(a) Required equipment in each ambulance licensed under the provisions of this article shall include, at all times when the ambulance is in use as such, equipment adequate in the judgment of the health officer for dressing wounds, splinting fractures, controlling hemorrhage and providing oxygen.

(b) The health officer is authorized and directed to promulgate regulations, after public notice and opportunity for public hearing, to implement the standards provided herein as to required equipment in ambulances. In determining the adequacy of equipment, the health officer shall take into consideration the current list of minimum equipment for ambulances adopted by the American College of Surgeons or its duly authorized committee on trauma. Each licensee of an ambulance shall comply with such reasonable regulations hereunder as may be promulgated by the health officer and shall maintain in each such ambulance, at all times when it is in use as such, all such equipment as may be prescribed by the health officer hereunder.

Sec. 6-7-65. Right of access of health officer.

Each ambulance licensed under the provisions of this article, and its equipment and the premises designated in the application for such license and all records relating to its maintenance and operation as such shall be open to inspection by the health officer during usual hours of operation.

Sec. 6-7-66. Service required of public ambulances.

All public ambulance licensees shall be required to respond to any summons or call to provide ambulance service for persons injured in accidents, collisions or other disasters occurring in Augusta-Richmond County, or for any person becoming incapacitated on the streets of Augusta-Richmond County, and, upon direction by any sheriff's deputy or fireman, shall transport any such person to a public hospital.

Sec. 6-7-67. Licenses required; exceptions.

(a) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys or any public way or place of Augusta-Richmond County unless he holds a currently valid license for an ambulance, issued pursuant to this article; provided, however, that an ambulance operated by an agency of the United States shall not be required to be licensed hereunder.

(b) No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes on the streets, alleys or any public way or place of Augusta-Richmond County unless it shall be under the immediate supervision and direction
of a person who is holding a currently valid license under this article as an attendant-driver or attendant.

(c) Provided, however, that no such licenses shall be required for an ambulance, or for the driver, attendant or attendant-driver of an ambulance, which (1) is rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of Augusta-Richmond County are insufficient or unable to cope; or (2) is operated from a location or headquarters outside of Augusta-Richmond County in order to transport patients who are picked up beyond the limits of Augusta-Richmond County to locations within Augusta-Richmond County, but no such outside ambulance shall be used to pick up patients within Augusta-Richmond County for transportation to locations within Augusta-Richmond County unless the driver, attendant and attendant-driver and the person subject to the provisions of subsection (a) of this section in respect to such ambulance hold currently valid licenses issued pursuant to this article.

Sec. 6-7-68. Ambulance licenses—Generally—Application; fee.

Applications for ambulance licenses under the provisions of this article shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

(a) The name and address of the applicant and of the owner of the ambulance.

(b) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business.

(c) The training and experience of the applicant in the transportation and care of patients.

(d) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number, current state license number, the length of time the ambulance has been in use, and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance.

(e) Whether the ambulance is to be used as a public ambulance or a private ambulance.

(f) The locations and descriptions of the one or more places from which it is intended to operate.

(g) Such other information as the license inspector shall deem reasonably necessary to a fair determination of compliance with this article.

(h) An accompanying regulatory fee as established by the Commission.

Sec. 6-7-69. Same—Liability insurance required.

(a) No ambulance license shall be issued under this article, nor shall such license be valid after issuance, nor shall any ambulance be operated in Augusta-Richmond County unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state for each ambulance owned or operated by or for the applicant or licensee, providing for the payment of damages, (1) for injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent, and (2) for the loss of or damage to the property of another, including personal property, under like circumstances, in the minimum amount of two hundred fifty thousand dollars ($250,000.00) for injury to or death of one person, five hundred thousand dollars ($500,000.00) for injury to or death of more than one person and one hundred thousand dollars ($100,000.00) for loss or damage to property.

(b) Such insurance policies shall be submitted to the License & Inspection Department for approval prior to the issuance of each ambulance license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the License & Inspection Department,
in such form as it may specify, by all licensees required to provide such insurance under the provisions of this article.

(c) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of such policy, recovered against any person other than the owner, his agent or employee, who may operate the same with the consent or acquiescence of the owner.

(d) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give not less than thirty days' written notice to the License & Inspection Department and to the assured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

Sec. 6-7-70. Same—Investigation of applicant and proposed operations.

The license inspector shall, within fifteen days after receipt of an application for an ambulance license as provided for in this article, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.

Sec. 6-7-71. Same—Issuance—Generally; term; findings prerequisite to issuance.

The Commission shall issue a license under the provisions of this article for a specified ambulance, to be valid for the calendar year in which the application is made, unless earlier suspended, revoked or terminated, designating whether it is for public or private use, when he finds:

(a) That the public convenience and necessity require the proposed ambulance service.

(b) That each such ambulance, its required equipment and the premises designated in the application, have been certified by the health officer as provided for in this article.

(c) That the applicant is a responsible and proper person to conduct or work in the proposed business.

(d) That only duly licensed drivers, attendants and attendant-drivers are employed in such capacities.

(e) That the number of ambulance licenses does not exceed the number specified in section 6-7-76.

(f) That all the requirements of this article and all other applicable provisions of this Code and other laws and ordinances have been met.

Sec. 6-7-72. Same—Inspections of vehicles, equipment and premises; powers of health officer—Generally; reports of inspections.

(a) Prior to the issuance of any ambulance license under the provisions of this article, the health officer shall cause to be inspected the vehicles, equipment and premises designated in each application hereunder, and shall certify his approval in a written report to the license inspector when he finds compliance with the standards prescribed in section 6-8-63 and in section 6-8-64, and with the regulations promulgated under such sections; provided, however, that under the terms of this article the health officer shall have no responsibility, and shall exercise no authority, in connection with the provisions of this Code and other laws and ordinances of general applicability which deal with motor vehicle inspection.

(b) Subsequent to issuance of an ambulance license under the provisions of this article, the health officer shall cause to be inspected each
such licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary but in any event no less frequently than twice each year, and shall promptly report his findings in a written report to the license inspector. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under this Code or other general law or ordinances, and shall not excuse compliance with any requirement of this Code or other law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law, Code provision or ordinance.

(c) A copy of each initial, semiannual or other ambulance, equipment and premises inspection report submitted by the health officer to the license inspector under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.

Sec. 6-7-73. Same—Transfer to another vehicle.

Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this article as upon original licensing. No ambulance license may be sold, assigned or otherwise transferred without the approval of the Commission and a finding of conformance with all the requirements of this article as upon original licensing.

Sec. 6-7-74. Same—Effect of change of ownership of ambulance.

Any change of ownership of a licensed ambulance shall terminate the license therefor and shall require a new application and a new license and conformance with all the requirements of this article as upon original licensing.

Sec. 6-7-75. Same—Defacing, removing, etc., Official entry upon license.

No official entry made upon an ambulance license issued under the provisions of this article may be defaced, removed or obliterated.

Sec. 6-7-76. Same—Number of ambulance licenses limited.

The number of ambulance licenses which may be issued annually under the provisions of this article shall be limited to fourteen.

Sec. 6-7-77. Licenses for drivers, attendants and attendant-drivers— Generally—Application; fee; affidavits and photographs required.

Applications for drivers, attendants and attendant-drivers licenses under the provisions of this article shall be made upon such forms as may be prepared or prescribed by the license inspector and shall contain:

(a) The applicant's full name, current residence, places of residence for three years previous to moving to his present address, and the length of time he has resided in Augusta-Richmond County.

(b) The applicant's age, marital status, height, color of eyes and hair.

(c) Whether the applicant has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.

(d) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant-driver, and if so, when and where, and whether his license as such has ever been revoked or suspended in any jurisdiction and for what cause.

(e) Affidavits of good character from two reputable citizens of the United States and residents of Augusta-Richmond County who have personally known such applicant and observed his conduct during three years next preceding the date of his application.

(f) Two recent photographs of the applicant, of a size designated by the license inspector, one of which shall be attached by the license inspector to the applicant's license.
(g) Such other information as the license inspector shall deem reasonably necessary to a fair determination of compliance with this article.

(h) An accompanying license fee of forty-two dollars.

Sec. 6-7-78. Same—Investigation of applicants.

The license inspector shall, within a reasonable time after receipt of an application as provided for in section 6-7-77, cause such investigation as he deems necessary to be made of the applicant for an ambulance drivers, attendants or attendant drivers license.

Sec. 6-7-79. Same—Issuance—Generally; term; findings prerequisite to issuance.

The license inspector shall issue a license to an ambulance driver, attendant or attendant-driver under the provisions of this article, valid for the period of the calendar year in which the application is made unless earlier suspended, revoked or terminated, when he finds that the applicant therefor:

(a) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(b) Is able to speak, read and write the English language;

(c) Has been found by a duly licensed physician upon examination attested to on a form provided by the health officer, to be of sound physique, possessing eyesight corrected to at least $20/40$ in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and

(d) For each applicant for attendant or attendant-drivers license, that such applicant has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first aid given by the American Red Cross.

Provided, however, that no one shall be licensed as a driver or attendant-driver unless he holds a currently valid chauffeur's permit from the state.

Sec. 6-7-80. Same—Assignability and transferability.

A license as ambulance driver, attendant or attendant-driver issued under the provisions of this article shall not be assignable or transferable.

Sec. 6-7-81. Same—Defacing, removing, etc., Official entry upon license.

No official entry made upon a license for an ambulance driver, attendant or attendant-driver under the provisions of this article may be defaced, removed or obliterated.

Sec. 6-7-82. Renewal of licenses.

Renewal of any license issued under the provisions of this article, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this article as upon original licensing.

Sec. 6-7-83. Suspension and revocation of licenses.

(a) The license inspector may, and is hereby authorized to, suspend or revoke a license issued under the provisions of this article for cause, i.e., failure of a licensee to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this article, or of regulations promulgated hereunder, or of any other applicable provision of this Code or other laws or ordinances or regulations promulgated thereunder, but only after warning and such reasonable time for compliance as may be set by the license inspector. Within fifteen days after a suspension, the licensee shall be afforded a hearing, after reasonable notice. The license inspector shall, within fifteen days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of such license. Such written decision shall be promptly transmitted to the licensee to whom it refers.
(b) The initial, semiannual or other ambulance, equipment and premise inspection reports of the health officer provided for in this Article shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided for herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

(c) Upon suspension, revocation or termination of an ambulance license hereunder, such ambulance shall cease operations as such and no person shall permit such ambulance to continue operations as such. Upon suspension, revocation or termination of a drivers, attendants or attendant-drivers license hereunder, such driver, attendant or attendant-driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.

Sec. 6-7-84. Violations and penalties.

(a) Any person violating, or failing to comply with, any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided by section 1-6-1 of this Code.

(b) Each day that any violation of, or failure to comply with, this Article is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder; provided, however, that the court may, in appropriate cases, stay the accumulation of penalties.

ARTICLE 5. PEDICAB SERVICE

Sec. 6-7-85. Definitions.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) Business Tax Certificate holder. A person to whom a Business Tax Certificate has been issued in the form prescribed by Augusta-Richmond County to engage in the pedicab business in the central business district. This person should also be identified as the owner or licensee of the pedicab business.

(b) Pedicab. A three or more wheeled vehicle with a hooded carriage body balanced on two of the wheels operated by a human being used for transporting passengers for hire. The body may be placed in front or in back of the driver, who propels the vehicle by pedaling.

(c) Pedicab driver. A person who has been granted a Business Tax Certificate to drive a pedicab upon the streets of Augusta-Richmond County. A driver may be an employee of a licensee or an independent contractor who leases his pedicab from a licensee. The pedicab driver and licensee may determine by contract the terms of their relationship. Nothing in this Article should be interpreted to the contrary. Where a pedicab driver leases his pedicab from a licensee, all references in this Article to licensee will apply to such a driver.

(d) Pedicab driver's permit. A person who has been granted a permit to drive a pedicab by the Sheriff's Department upon the streets of the central business district of Augusta-Richmond County.

(e) Pedicab service. This Business Tax Certificate class is defined as a contract service for pedicab vehicles with driver, paid for distance covered, not on a time basis. Such business may be conducted in the manner of a taxicab, bus or sightseeing tour service. Vans, buses and automobiles may not be used under this Business Tax Certificate.

(f) Passenger loading zone. A public space authorized by the Augusta-Richmond County Commissioners adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(g) Solicitation. The act of attempting to secure passengers for a particular pedicab by word or deed designed to call a potential customer's attention to one particular pedicab as opposed to all other pedicabs also present. It shall include but not be limited to shouts, gestures, catcalls or any other attention-securing maneuver or remarks uttered by or performed by the driver. This does not include talking in a normal tone of voice to potential passengers while seated in the pedicab or standing adjacent to it.
(h) **Trip.** Movement of one (1) or more passengers from point to point. The first discharge of a passenger shall terminate a trip and begin a new trip from the point of discharge.

(i) **Central business district.** The boundaries for the area designated for the combined use of pedicabs and regular vehicle traffic: the area of the Central Business District from Fifth Street on the east, Reynolds Street on the North, Thirteenth Street on the west and Telfair Street on the south.

(Ord. No. 7079, § 1, 8-5-08)

**Sec. 6-7-86. Business Tax Certificate required.**

Any person, firm or corporation who owns, operates or does business as a pedicab service in Augusta-Richmond County shall, before engaging in such business, obtain a Business Tax Certificate in accordance with the Augusta, Georgia Code.

(Ord. No. 7079, § 1, 8-5-08)

**Sec. 6-7-87. Regulatory fee.**

Any person, firm or corporation who owns, operates or does business as a pedicab service in Augusta-Richmond County shall, before engaging in such business, pay a regulatory fee of $25.00.

(Ord. No. 7079, § 1, 8-5-08)

**Sec. 6-7-88. Number limited; sale of Business Tax Certificate.**

The number of pedicabs authorized to be operated by Business Tax Certificate holders under the provisions of this Article shall be limited to the total number of ten (10).

(Ord. No. 7079, § 1, 8-5-08)

**Sec. 6-7-89. Transfer of Business Tax Certificate.**

A Business Tax Certificate issued by Augusta-Richmond County under this Article cannot be sold or transferred without prior approval of the Commission.

(Ord. No. 7079, § 1, 8-5-08)

**Sec. 6-7-90. Insurance.**

Each Business Tax Certificate holder under this Article shall maintain a general comprehensive liability insurance policy issued by an insurance company authorized to do business in the State of Georgia in the amount of One Million Dollars ($1,000,000.00). The Business Tax Certificate holder under this Article shall furnish to the Director of License and Inspection a copy of the insurance certificate showing the amounts provided for herein and the expiration date of insurance policy required. The policy shall require notice to be sent within ten (10) days to the Commission as a certificate holder of any cancellation or nonrenewal of any policy provided for in this section. Each business certificate holder must have, if applicable, Workers’ Compensation insurance in statutory amounts set forth by the State of Georgia.

(Ord. No. 7079, § 1, 8-5-08)

**Sec. 6-7-91. Initial inspection of pedicab; issuance of certificate.**

Prior to the use and operation of any pedicab under the provisions of this Article, such vehicle shall be thoroughly examined and inspected by the Sheriff’s Department and found to comply with all such rules and regulations as may be prescribed and distributed by the Sheriff’s Department. These rules and regulations shall be promulgated so as to provide safe transportation for passengers and the general public and shall specify and require installation and proper care and maintenance of such safety equipment and regulatory devices as the Sheriff’s Department and the License and Inspection Department shall deem necessary. When the Sheriff’s Department finds that a pedicab has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity and weight requirements of the vehicle so certified. This capacity shall at no time be exceeded.

(Ord. No. 7079, § 1, 8-5-08)

**Sec. 6-7-92. Cleanliness.**

Every pedicab operating under this Article shall be kept, at all times, in a clean and sanitary
condition according to rules and regulations promulgated and issued by the Sheriff’s Department.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-93. Biannual inspection.

Every pedicab operating under this Article shall be inspected by the Sheriff’s Department every six (6) months to ensure the continued maintenance of safe operating and satisfactory sanitary conditions. A decal showing the date of last inspection shall be affixed to the vehicle.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-94. Rates.

All rates charged for services shall be pursuant to contract between the Business Tax Certificate holder and customer. No owner or driver of a pedicab shall charge a greater amount for the use of the pedicab than in accordance with the published and advertised rates which shall be displayed on each pedicab. Rates shall be displayed in such place as to be conspicuous and to be in clear view of all passengers.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-95. Payment of fare.

It shall be unlawful for any person to refuse to pay the legal fare of any pedicab controlled by this Article after having hired the same, and it shall be unlawful for any person to hire any pedicab as herein defined and regulated with intent to defraud the person from whom he has hired the pedicab of the value of such service.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-96. Limitation on number of passengers.

No pedicab driver shall permit more persons to be carried in a pedicab as passengers than the rated seating capacity of his pedicab as stated in the certificate for such vehicle issued by the License and Inspection Department. A child in arms shall not be counted as a passenger.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-97. Right of suspension by License and Inspection Department; revocation.

The License and Inspection Department shall have the right to immediately suspend, for cause, any business tax certificate issued under this chapter whenever a person, firm or corporation doing business shall deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the License and Inspection Department, Sheriff’s Department or Health Department; or violates any law or ordinance of the United States, the State of Georgia or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate; or when it shall be proven before the License and Inspection Department that there is a violation of a nuisance law; or when the health, morals, interests and convenience of the public demand the suspension of such business tax certificate. The License and Inspection Department shall report the suspension of such business tax certificate to the next regular or called meeting of the Commission, and shall provide the licensee with at least three (3) days’ notice of said meeting, at which meeting the licensee may make such showing as he/she may deem proper. After a hearing, Commission shall continue the suspension, place the license on probation, permanently revoke the license, or restore the license such that it remains in full force. A license granted hereunder shall also be subject to revocation for cause, either with or without a prior suspension of the license. Whenever, in the opinion of the License and Inspection Department, there is cause to revoke the license, a written notice of intention to revoke shall be furnished to the holder thereof three (3) days before a regular or called meeting of the Commission at which time the holder of the license may make such showing as he/she may deem proper. After a hearing, the Commission may revoke the license if, in its discretion, it is in the best interest, peace and good order of Augusta-Richmond County, or there has been any violation of the ordinances and Code of Augusta-Richmond

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County, Georgia, or the laws of the State of Georgia or the United States in the conduct of the place of business.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-98. Driver's permit.

(a) Required. No person shall operate a pedicab for hire upon the streets of Augusta-Richmond County, and no person who owns or controls a pedicab shall permit it to be operated, and no pedicab licensed by the Commission shall be so driven at any time for hire, unless the driver of such pedicab shall have first obtained and shall have then in force a pedicab driver's permit issued under the provisions of this Article.

(b) Application-form; verification; contents; photograph and physician's certificate required; application fee; minimum age of drivers. An application for a pedicab driver's permit shall be filed with the Sheriff's Department on forms provided by the Commission. Such application shall be verified under oath and shall contain the following:

1. The names and addresses of two (2) residents of Augusta-Richmond County who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty and general good character of the applicant.

2. The experience of the applicant in the transportation of passengers.

3. The educational background of the applicant.

4. A concise history of his employment.

5. A picture of himself with his name, address, age (which shall not be less than eighteen (18) years), weight, height, sex, color of hair and eyes. Each application shall be accompanied by a certificate from a reputable physician of Augusta-Richmond County certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or incapable of meeting the physical requirements to operate a pedicab.

(c) Application fee. At the time the application is filed the applicant shall pay to the Commission the sum five dollars ($5.00).

The Commission may require additional periodic examinations in its discretion.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-99. Same—Examination and investigation of applicant; valid State motor vehicle operator's permit required.

Each applicant for a pedicab driver's permit shall be required to pass a satisfactory examination as to his knowledge of Augusta-Richmond County and to show that he has a current motor vehicle operator's permit issued by the state. The Sheriff's Department shall investigate the reputation of the applicant as to sobriety, careful driving and knowledge of driving. A report of such investigation and a copy of the applicant's traffic and police record, if any, shall be attached to the application.
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-100. Equipment.

(a) Passenger design. Prior to receipt of a Business Tax Certificate, each owner of a pedicab shall first establish for the inspector's approval that the vehicle was designed for passenger conveyance, at a minimum having seats and the means of safe ingress and egress into and from the vehicle. The inspector may make such additional requirements of vehicle design for particular vehicles as may be pertinent to the safe conveyance of the traveling public.

(b) Functioning components. All weight bearing and moving components of pedicabs shall be fully functional at all times, without requiring the driver or passengers to hold or constrain any component of the vehicle or to position themselves in any special way during the course of the trip for the sake of safety or comfort.

(c) Lights and reflectors. No vehicles without a motor shall operate except in broad daylight hours without being equipped with such lights and reflectors as the Sheriff's Department designee may require. The Sheriff's Department designee
shall require such lights and reflectors as can reasonably be expected to be seen by pedestrians and drivers of vehicles using the public rights-of-way and other public property from a distance of 500 feet. In implementing these requirements, the inspector shall have the discretion to consider the type, size, and shape of the vehicle as well as the anticipated or likely places of use for the vehicle. The Sheriff's Department designee shall have the further discretion to reconsider and revise the requirements for any previously approved lights and reflectors in view of actual practice.

(d) Certificate of capacity. Each vehicle without motor shall have displayed permanently a certificate showing the vehicle's maximum capacity, as determined by the inspector, of the total number of passengers or the total weight, or some combination of number of passengers and weight. No driver shall operate a vehicle in excess of the certificate's designated capacity.

(e) Owner identification. Each pedicab shall have displayed prominently on the exterior of the vehicle in a manner satisfactory to the inspector a sign identifying the business entity owning the vehicle and a telephone number for contact.

(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-101. Issuance; contents; term; renewal; display.

Upon approval of an application for a pedicab driver's permit, the Sheriff's Department shall issue a permit to the applicant which shall bear the name, address, color, weight, height, age, color of hair and eyes, signature and photograph of the applicant. Such permit shall be in effect for the remainder of the calendar year. A permit for each calendar year thereafter shall be issued upon the payment of such fee as may be prescribed annually by the Commission and a doctor's certificate as to the health of the applicant, particularly with respect to his hearing, sight, heart and physical handicaps and communicable diseases, unless the permit for the preceding year has been revoked. Every driver licensed under this Article shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a pedicab.

(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-102. Suspension and revocation.

Should any driver of a pedicab be arrested and charged with a violation of any provision of this Code or other ordinance of Augusta-Richmond County, the Sheriff's Department may require such driver to cease operating or driving any taxicab in Augusta-Richmond County for a period not to exceed ten days. Should such driver be convicted of violating any of such provisions of this Code or other ordinances, the Sheriff's Department may revoke such driver's permit and require that such permit be deposited with the Sheriff's Department, which action, however, is subject to appeal by the driver to the Commission. In addition, in the case of a conviction of a violation of any of such provisions of this Code or other Augusta-Richmond County Ordinances, the Magistrate Court Judge may suspend such driver's permit for a period not to exceed thirty (30) days, and in aggravated cases, may revoke such driver's permit.

(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-103. Appearance of driver.

A pedicab driver shall maintain a clean, neat personal appearance at all times while on duty. The pedicab driver should wear an identification badge.

(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-104. Prohibited actions by driver.

It shall be a violation of this Article for any driver of a pedicab to solicit passengers in a loud tone of voice or annoying manner. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers and their personal effects. The pedicab driver should not smoke, consume food or beverages while operating the pedicab.

(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-105. Service required—Generally.

All persons engaged in the pedicab business in Augusta-Richmond County operating under the
provisions of this Article shall render efficient service to the public. Holders of licenses hereunder shall maintain a central place of business.  
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-106. Locations for routes, loading, and unloading.  

(a) The use of pedicabs is restricted to the Central Business District as defined in section 6-7-85(i) of this Code.  
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-107. Solicitation of passengers—Regulated—Generally.  

(a) No pedicab driver shall solicit passengers for a pedicab except when sitting in the driver's compartment of such pedicab or while standing immediately adjacent to the curb side thereof.  
The driver of any pedicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street; except that, when necessary, a driver may be absent from his pedicab for not more than fifteen (15) consecutive minutes; and, provided, further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.  

(b) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.  
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-108. Receiving, discharging passengers.  

Drivers of pedicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible, or, in the absence of a sidewalk, to the extreme right-hand side of the street and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-hand or left-hand sidewalk or side of the street in the absence of a sidewalk.  
Pedicab drivers should advise passengers to enter and exit the vehicle with care and also require all passengers to remain seated at all times, except when loading and unloading.  
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-109. Pedicab stands.  

(a) The Commission may establish assigned stands upon the streets in such places as in its discretion it deems proper.  
A licensee under the provisions of this Article desiring to establish a stand shall make written application to the Commission.  
The applicant shall attach to such application the written approval of the abutting property owners of such space, consenting to the creation of such stand.  
Upon the filing of any such application, the Sheriff's Department shall make an investigation of the traffic conditions at such place and shall thereafter file its written recommendation to the Commission, which shall then either grant or refuse the application.  
When an assigned stand has been established as herein provided, it shall be used solely by the licensee to whom the same was granted and his agents and servants and no other licensee shall be permitted to use the same; provided, however, that no licensee shall obtain permits for more than one (1) such stand within the downtown business area.  

(b) A licensee under the provisions of this Article operating a call box stand as provided for in this section shall be allowed to have on duty at such stand a starter, or other employee, for the purpose of assisting in the loading or unloading of passengers from pedicabs and for soliciting passengers at such stand.  
The words at such stand shall mean that part of the sidewalk immediately adjacent to and of equal length with such call box stand.  

(c) If any such stands shall be marked by signs owned by the licensee, such signs shall be of such size and with such markings as the Sheriff's Department may require and shall be maintained by the licensee.  
Should the signs not be maintained properly, they may be removed summarily by the Sheriff's Department.  
(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-110. Records and reports—Generally.  

(a) Every licensee under the provisions of this Article shall keep accurate records of receipts from operations, operating and other expenses,
capital expenditures, and such other operating information as may be required by the License and Inspection Department. Every such licensee shall maintain the records containing such information and other data required by this Article at a place readily accessible for examination by the Commission.

(b) Every licensee hereunder shall submit reports of receipts, expenses and statistics of operation to the License and Inspection Department for each calendar year.

(c) It shall be mandatory for all holders of licenses under the provisions of this Article to file with the License and Inspection Department copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of pedicab service to any hotel, theater, hall, public resort, or other place of public gathering, whether such arrangement is made with such holder or any corporation, firm or association with which the holder may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a license of any offending holder or the cancellation of any cab stand privileges.

(Ord. No. 7079, § 1, 8-5-08)

Sec. 6-7-111. Penalty for violation of Article.

All persons, firms or corporations failing to comply with the mandatory provisions of this Article or doing any act prohibited in this Article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

(Ord. No. 7079, § 1, 8-5-08)
Chapter 8

ATTENDANCE OF DEPUTIES AND
FIREFIGHTERS

Sec. 6-8-1. When required.

The manager of, or any person giving, any public amusement show, exhibition or performance, any public ball, any dances either public or private, or any gathering at public facilities when alcohol is being served, or any occasion where the chief of the fire department and/or sheriff determine in their sole discretion that due to the nature of the function and/or facility, attendance of sheriff's deputies and/or firefighters is necessary, shall have in attendance such number of deputies and/or firefighters as shall be assigned by the chiefs of the respective departments.

Sec. 6-8-2. Managers, etc. To apply therefor.

Any manager or other person mentioned in the preceding section shall apply to the sheriff's department and the fire department to learn whether or not the attendance of deputies and/or firefighters is required.

Sec. 6-8-3. Payment for service.

Any manager or other person mentioned in section 6-8-1 shall pay each deputy and/or firefighter assigned in accordance with section 6-8-1 an amount equal to the pay per day of such deputy or firefighter at the time the service is performed.
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Chapter 1
BUILDING AND BUILDING REGULATIONS

ARTICLE 1 IN GENERAL

Sec. 7-1-1. Scope.

The provisions of this Chapter shall govern the administration and enforcement of the Standard Building, Gas, Mechanical and Plumbing Codes, and the National Electric Code, hereinafter referred to as the technical codes, as are adopted in Article 7 herein.

Sec. 7-1-2. Title.

The provisions embraced within the following articles and sections shall constitute and be known and may be cited as The Building Code of Augusta-Richmond County, hereinafter referred to as this building code.

Sec. 7-1-3. Code remedial.

(a) General. This building code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

(b) Quality control. Quality control of materials and workmanship is not within the purview of this building code except as it relates to the purposes stated herein.

(c) Permitting and inspection. The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this building code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Sec. 7-1-4. Applicability.

(a) Generally. Where, in any specific case, different sections of this building code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Building. The provisions of the Standard Building Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(c) Electrical. The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(d) Gas. The provisions of the Standard Gas Code shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in this building code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

(e) Mechanical. The provisions of the Standard Mechanical Code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

(f) Plumbing. The provisions of the Standard Plumbing Code shall apply to every plumbing installation, including alterations, repairs, replace-
ment, equipment, appliances, fixture, fittings and appurtenances, and when connected to a water or sewerage system.

(g) Federal or state authority. The provisions of this building code shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this building code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

(h) Appendices. To be enforceable, the appendices included in the technical codes must be referenced in the code text or specifically included in the adopting ordinance.

(i) Referenced standards. Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

Sec. 7-1-5. Alteration or repair of existing building.

Alterations or repairs to existing buildings shall be governed by the Standard Housing Code.

Sec. 7-1-6. Change in occupancy of existing building.

If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of this building code for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder of the building, then that portion must be made to conform pursuant to applicable building codes.

Sec. 7-1-7. Reserved.

Sec. 7-1-8. Preferential classification and assessment of landmark historic property.

Property in Augusta-Richmond County, Georgia, may qualify as landmark historic property and be eligible to receive the preferential assessment provided for in section (c.1) of O.C.G.A. § 48-5-7.

Sec. 7-1-9. Installation or maintenance by homeowner.

Nothing in this building code shall prevent a homeowner from installing electrical, mechanical or plumbing systems or maintaining his home within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this building code, nor is it construed as exempting any such property owner from obtaining a permit, paying required fees and requesting inspections.

Secs. 7-1-10—7-1-15. Reserved.

ARTICLE 2. STRUCTURAL STANDARDS AND REQUIREMENTS

Sec. 7-1-16. Technical codes—Adopted by reference.

The following codes as promulgated by the State of Georgia through the Department of Community Affairs are hereby adopted and incorporated by reference effective April 1, 1996. (Several have been in effect since October 1, 1995).

Adoption of the codes and appropriate appendices; codes that are amended by the State of Georgia are so denoted:

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Georgia Mandated Codes

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The building and inspection department shall be responsible for the administration and enforcement of the above codes adopted by reference.

Any person or persons failing to comply with the provisions of the above codes in Augusta-Richmond County shall be guilty of an offense and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.

(Ord. No. 6448, § 1, 1-2-02; Ord. No. 6689, § 1, 3-16-04; Ord. No. 6939, § 12, 1-2-07)

Sec. 7-1-17. Same—Conflicts with chapter provisions.

All provisions in this chapter in conflict with any provisions of the codes adopted in section 7-1-16 shall govern and control, and the conflicting provisions of the adopted codes shall be repealed.

Sec. 7-1-18. Reserved.

Editor’s note—Ord. No. 6176, adopted in 1999, repealed § 7-1-18 in its entirety. Formerly, said section pertained to rigid or thin wall conduit required in certain installations.

Sec. 7-1-19. Mothballing vacant structures.

(a) In lieu of enforcement under other provision of this Code, the owner(s) of a vacant structure may elect to close or ‘mothball’ the structure if the structure is vacant and unfit for human habitation and occupancy, and it is not dilapidated, unsafe, unsanitary, or in danger of structural collapse. Mothballing is defined as a method used to protect a vacant structure from weather damage and vandals while preserving the structure for future use. The goal of mothballing is to temporarily protect the property to allow the owner to plan the property’s future, or acquire funds for preservation, rehabilitation or restoration. In historic districts, the owner, prior to mothballing, must obtain a certificate of appropriateness pursuant to Augusta-Richmond County Code Title 7, Chapter 4, Article 4, Application to Preservation Commission for certificate of appropriateness.

(b) Prior to mothballing a structure, the property owners will be required to register the vacant property with the Augusta License and Inspection Department. The Augusta License and Inspection Department will issue a mothballing permit. Within ten (10) days of completion of the mothballing, the property owner must contact the Augusta License and Inspection Department to schedule an initial compliance inspection. Annually, the property will be inspected for compliance with the provisions of this Code Section.

(Ord. No. 6875, § 1, 3-29-06)

Sec. 7-1-19.2. Registration of vacant and abandoned buildings.

(a) Owners of vacant buildings, who elect to mothball in lieu of repairing or demolishing the structure, must register their properties at the
license and inspection department prior to beginning work. This registration shall be made through a form provided by the department and shall include a list of a contact person or persons responsible for the maintenance and repair of the property. This form shall contain the current telephone numbers and addresses of all contact persons. It is the sole responsibility of the property owner to update this information at the license and inspection department.

(b) Mothballing permit. After registration, the owners of vacant buildings must obtain a mothballing permit from the license and inspection department. The cost of the mothballing permit is twenty dollars ($20.00) that includes the compliance inspection. A separate building permit may be required for building repairs.

(c) Term of permit, one year; option to renew for one year. A mothballing permit shall be valid for one year next following the date of the registration of the property and may be renewed for one year next following the first anniversary of the date of the issuance of said permit. The fee for the renewal term shall be $20.00 and shall be paid when application is made for renewal. (Ord. No. 6875, § 1, 3-29-06; Ord. No. 6957, § 2, 3-6-07)

Sec. 7-1-19.3. Specific mothballing procedures.

The three highest priorities for a mothballed building are: 1) to protect the building from sudden loss, 2) to weatherize and maintain the property to stop moisture penetration, and 3) to control the humidity levels inside once the building has been secured. (Ord. No. 6875, § 1, 3-29-06)

Sec. 7-1-19.4. General mothballing procedures.

(a) A properly mothballed building will have a watertight roof, secured doors and windows, repaired or stabilized rot problems, painted wood, repaired masonry, and well maintained grounds. All trash, debris, garbage should be removed from inside, outside and under the house.

(b) To ensure compliance with this Code section, the property owner, at a minimum, should take the following actions:

1. The building’s roof should be weather tight. Missing shingles should be replaced, holes should be repaired. Rolled roofing is acceptable as a temporary repair material; but if it is used, it must be securely installed.

2. Windows should be covered on the exterior with high grade plywood cut to fit within the window opening. Window coverings should be attached with screws to minimize damage to the window when they are removed. Window coverings should be painted a flat color — i.e. dark grey or black, or a color that matches the building.

3. The water should be turned off and the pipes drained. If the building has a functional sprinkler system, it should remain operational.

4. All electrical systems not necessary for security, fire prevention, and/or ventilation should be disconnected.

5. Exterior walls surfaces shall be free of breaks, holes, loose or missing materials to prevent deterioration. All exterior surfaces shall be repaired and protected from the elements including but not limited to porches, decks, balconies and fences. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Gutters should be cleaned and inspected to verify that they discharge away from the building. Corrective measures should be taken as necessary.

6. Potential points for water intrusion, like crawlspace openings and basement windows, should be blocked and the water diverted away from the building; however, basement and crawlspace ventilation shall be maintained.

7. Loose architectural elements like brackets that should be documented, removed, and stored on site. Securely attached material should not be removed.
(8) Chimneys should be securely blocked with heavy duty wire mesh to prevent animal intrusion.

(9) The building should be adequately ventilated. Small openings covered with heavy duty wire mesh at the top of window coverings may be adequate. In humid climates, forced air ventilation may be necessary.

(10) Vegetation around the building should be pruned back from the walls a minimum of twelve (12) inches to allow good airflow. Overhanging dead tree limbs and branches should be removed. The property grounds shall be maintained at all times (including bushes, beds, and other vegetation), the grass shall not exceed six (6) inches in height and the property shall be kept free of trash and debris at all times.

(11) The owner shall establish a monitoring and maintenance schedule for the building. The schedule, at a minimum, should require that a drive-by inspection be done on a monthly basis, that a walk around be done every three (3) months, and that the building be entered and inspected annually.

(Ord. No. 6875, § 1, 3-29-06)

Sec. 7-1-19.5. Mothballing—Boarding specifications.

The property owner must comply with the following minimum requirements regarding windows, exterior doors and other openings in exterior walls of vacant structures.

(1) Minimum cleaning and safety requirements:

a. Remove to legal dumpsite all trash debris, garbage from inside, outside and under house before boarding. (Keep on file copy of all receipts from landfill or their disposal facility for review.)

b. Correct health and structural hazards inside, outside and under house before boarding.

(2) Minimum window board-up requirements

a. Remove windowpanes if broken. If window panes not broken, lower or raise window sash to permit installation of carriage bolts described below.

b. Neatly cut a single piece of one-half (1/2) inch high grade exterior plywood that is sized to fit snugly inside the window opening against the windows stop. Consider installing two (2) inches x four (4) inches blocking within opening for back of plywood to rest against snugly.

c. Cut an opening centered and six (6) inches below the top of the plywood and install a metal soffit vent that covers the opening but allows light to enter the structure once the plywood has been installed. Use screws to attach the vent to the plywood.

d. Cut at least two two (2) inches x four (4) inches wood support members that are sixteen (16) inches wider than the window opening.

e. The support members are to be mounted horizontally and flush against the interior window casing with eight (8) inches extending left and right of the window opening. The top support should be located within one-fourth (1/4) and one-third (1/3) of the window opening height from the top of the opening. The bottom support should be located within one-half (1/2) to one-third (1/3) of the window opening height from the bottom of the opening.

f. Drill at least two holes in each of the two (2) inches x four (4) inches support members then drill holes in the plywood that line up with the holes drilled in the support members.

g. Insert a washer over the end of a three-eighths (3/8) inch diameter round, smooth head, carriage bolt.

h. Line up each hole in the two (2) inches x four (4) inches support member and the plywood.
i. At each hole, insert a three-eighths \((\frac{3}{8})\) inch diameter carriage bolt—from exterior to interior—through the plywood, through the window opening and through the two (2) inches × four (4) inches and plywood toward each other until there is no play.

j. Prime the exterior surface of the plywood.

k. On the exterior, caulk the perimeter edges of the plywood.

l. Paint the exterior surface of the plywood a flat color—i.e. dark grey or black, or a color that matches the building.

(3) Minimum exterior door board-up requirements.

a. Remove door.

b. Neatly cut a single piece of one-half \((\frac{1}{2})\) inch high grade exterior plywood that is sized to fit snugly inside the door opening against the doorstop. Consider installing two (2) inches × four (4) inches blocking within opening for back of plywood to rest against snugly.

c. Cut an opening centered and six (6) inches below the top of the plywood and install a metal soffit vent that covers the opening but allow light to enter the structure once the plywood has been installed. Use screws to attach the vent to the plywood.

d. Cut a least two two (2) inches times; four (4) inches wood support members that are sixteen (16) inches wider than the door opening.

e. The support members are to be mounted horizontally and flush against the interior door casing with eight (8) inches extending left and right of the door opening. The top support should be located within one-fourth \((\frac{1}{4})\) and one-third \((\frac{1}{3})\) of the door opening height from the top of the opening. The bottom support should be located within one-fourth \((\frac{1}{4})\) to one-third \((\frac{1}{3})\) of the door opening height from the bottom of the opening.

f. Drill at least two (2) holes in each of the two (2) inches × four (4) inches support member and the plywood. At each hole, insert a three-eighths \((\frac{3}{8})\) inch diameter carriage bolt—from exterior to interior—through the plywood, through the door opening and through the two (2) inches × four (4) inches.

g. Insert a washer over the end of a three-eighths \((\frac{3}{8})\) inch diameter round, smooth head, carriage.

h. Line up each hole in the two (2) inches × four (4) inches support member and the plywood. At each hole, insert a three-eighths \((\frac{3}{8})\) inches diameter carriage bolt—from exterior to interior—through the door opening and through the two (2) inches × four (4) inches.

i. Slip a three-eighths \((\frac{3}{8})\) inch diameter nut and washer over the end of the carriage bolt inside the structure and securely tighten the nut—pulling the two (2) inches × four (4) inches and plywood toward each other until there is no play.

j. Prime the exterior surface of the plywood.

k. On the exterior, caulk the perimeter edges of the plywood.

l. Paint the exterior surface of the plywood a flat color—i.e. dark grey or black, or a color that matches the building.

(4) Crawlspace/basement door, gable vent or other opening.

a. Remove door or vent and install when necessary two (2) inches × four (4) inches blocking in the opening.

T7:14
b. Cut a single piece of one-half (1/2) inch high grade exterior plywood that will fit snugly against the outside edge of the blocking.

c. Screw plywood snugly to blocking using at least one (1) inch screws.

d. Prime the exterior surface of the plywood and caulk the perimeter edges.

e. Paint the exterior surface of the plywood a flat color — i.e. dark grey or black, or a color that matches the building.

(Ord. No. 6875, § 1, 3-29-06)

Sec. 7-1-19.6. Completion period.

(a) Period of completion. Owners of vacant structures shall have ninety (90) days from date of issuance of the mothballing permit to complete mothball the building, in compliance with these provisions.

(b) Extension. The director, license and inspection department may extend the completion period up to ninety (90) days based on unusual circumstances and financial hardships.

(Ord. No. 6875, § 1, 3-29-06)

Sec. 7-1-19.7. Initial compliance inspection.

(a) Initial compliance inspection. The license and inspection department will conduct an initial mothballing compliance inspection of the building, and shall issue an acceptance certificate if the property owner has substantially complied with the requirements as set forth in.

(b) Non-acceptance. If the owner has not substantially complied with the requirement of this ordinance, the department shall issue a note of non-acceptance during the initial compliance inspection, the department shall provide the owner with a copy of the noted deficit area(s). The building owner will have thirty (30) days from the date of the inspection within which to take corrective action(s) and request another compliance inspection. The owner may be subject to other enforcement proceedings under this Code if the department notes the structure as non-acceptance during a follow-up compliance inspection. (Ord. No. 6875, § 1, 3-29-06)

Sec. 7-1-19.8. Annual compliance inspections.

To ensure compliance, the license and inspection department will conduct annual inspections of all structures registered under this Code section. (Ord. No. 6875, § 1, 3-29-06)

Sec. 7-1-19.9. Enforcement.

The license and inspection department will be responsible for enforcing compliance with the mothballing ordinance. (Ord. No. 6875, § 1, 3-29-06)

Secs. 7-1-20—7-1-25. Reserved.

ARTICLE 3. LICENSE AND INSPECTION DEPARTMENT

Sec. 7-1-26. Established.

There is hereby established a department, to be called the License and Inspection Department.

Sec. 7-1-27. Employee qualifications.

(a) Director-Building Official qualifications. The person in charge of the License and Inspection Department shall be known as the Director-Building Official. The Director-Building Official shall have had at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Director-Building Official shall be certified as a building official through a recognized certification program. The Director-Building Official shall be appointed or hired by the Augusta-Richmond County Commission and shall not be removed from the office except for cause after full opportunity has been given to be heard on specific charges before the Commission.
(b) **Manager of construction qualifications.** The Director-Building Official, with the approval of the applicable governing authority, may designate a Manager of Construction to administer the provisions of the Building, Electrical, Gas, Mechanical and Plumbing codes. The Manager shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Manager should be certified at a minimum as a building inspector through a recognized certification program. The Manager shall also be known as Chief Inspector and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

(c) **Inspector qualifications.** The Director-Building Official, with the approval of the chief appointing authority, may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time. A person shall not be appointed as inspector of construction who has not had at least five (5) years' experience as an building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction. The inspector should be certified, through a recognized certification program for the appropriate trade.

**Sec. 7-1-28. Restrictions on employees' business interests.**

An officer or employee connected with the department, except one whose only connection is as a member of the board established by this building code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

**Sec. 7-1-29. Records and reports.**

(a) The Director-Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

(b) The Director-Building Official shall annually submit a report to the Augusta-Richmond County Administrator covering the work of the department during the preceding year. He may incorporate in said report a summary of the decisions of the Construction Advisory Board during said year.

**Sec. 7-1-30. Liability, defense of employees for actions taken in the course of their duties.**

Any officer or employee, or member of the Construction Advisory Board, charged with the enforcement of this building code, acting for the governing body in the discharge of his duties, shall not thereby render himself liable personally; and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this building code shall be defended by the Augusta-Richmond County attorney until the final termination of the proceedings.

**Sec. 7-1-31. Powers and duties of Director-Building Official.**

(a) The Director-Building Official shall enforce the provisions of this building code, and is authorized to render interpretations of this building code which are consistent with its spirit and purpose. The Director-Building Official's powers shall include, but not be limited to, the following:

1. **Right of entry.** Whenever necessary to make an inspection to enforce any of the provisions of this building code, or whenever the Director-Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director-
Building Official by this building code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

When the Director-Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director-Building Official, or his designer, for the purpose of inspection and examination pursuant to this building code.

(2) **Inspections.** The Director-Building Official may make, or cause to be made, the inspections required by this building code.

(3) **Tests.** The Director-Building Official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the Director-Building Official.

(4) **Stop work orders.** Upon notice from the License and Inspection Department, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this building code or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

Where an emergency exists, written notice shall not be required to be given by the License and Inspection Department.

(5) **Revocation of permits.**

a. The Director-Building Official may revoke a permit or approval, issued under the provisions of this Chapter, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

b. The Director-Building Official may revoke a permit upon determination by the Director-Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this building code.

**Sec. 7-1-32. Requirements not covered by code.**

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the License and Inspection Department.

**Sec. 7-1-33. Alternate materials and methods.**

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Director-Building Official. The Director-Building Official shall approve any such alternate, provided the Director-Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Director-
Building Official shall require that sufficient evidence or proof by submitted to substantiate any claim made regarding the alternate.

Secs. 7-1-34—7-1-45. Reserved.

ARTICLE 4. CONSTRUCTION ADVISORY BOARD*

Sec. 7-1-46. Created.

There is hereby created the Augusta-Richmond County Construction Advisory Board which shall consist of eleven (11) members. The Board shall serve in an advisory and mediation capacity only, and all members shall be appointed by the Augusta-Richmond County Commission and shall serve at the pleasure thereof. (Ord. No. 7055, § 1, 6-17-08)

Sec. 7-1-47. Composition.

The Board shall be composed of the following:

a. One (1) licensed electrical contractor;
b. One (1) master plumber;
c. One (1) licensed HVAC contractor;
d. One (1) commercial contractor;
e. One (1) residential contractor;
f. One (1) architect;
g. One (1) electrical engineer;
h. One (1) consulting engineer;
i. One (1) consumer member—Super District 9; and
j. One (1) consumer member—Super District 10.
k. One (1) Residential—Light Commercial Contractor

Members, other than the initial members, shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the amount of which the original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Commission, render any such member liable to immediate removal from office.

The Augusta-Richmond County employee holding the position of Director-Building Official of the License and Inspection Department shall be responsible for all administrative duties and support to the Advisory Board. The Director-Building Official, Building Inspectors, Planning Commission Director, Utilities Department Director, Public Works Director, and Fire Chief, employed by Augusta-Richmond County shall serve in an advisory capacity as non-voting, ex-officio members of the Advisory Board.

At its first meeting of each calendar year, the construction Advisory Board shall elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman to serve during the calendar year and until his/her successor has been elected and qualified for office. The Chairman shall preside at meetings of the Advisory Board. In the absence of the Chairman, the Vice-Chairman shall preside at the meetings. In order to take any action, a quorum of at least a majority of the voting members of the Advisory Board must be present at the duly called meeting. A vote of a majority of the voting members present at the duly called meeting at which a quorum is present shall be required to adopt or approve any proposed action by the Board.

The Construction Advisory Board shall meet on the second Thursday in each of the following months: January, March, May, July, September, and November. Special meetings may be called by the Chairman, or Vice-Chairman, as he/she deems necessary. (Ord. No. 7055, § 1, 6-17-08)

Sec. 7-1-48. Duties.

The Construction Advisory Board shall adopt such reasonable rules and regulations as are necessary for the conduct of its affairs and shall, when needing legal advice, consult with the Augusta-Richmond County Attorney, through the department Director/Building Official. It shall be the duties of the Construction Advisory Board to:

*Editor's note—Ord. No. 6308, § 1, adopted Oct. 3, 2000, amended Art. 4 in its entirety to read as herein set out. See the Code Comparative Table.
(a) Serve in an advisory capacity to the Commission on matters pertaining to Construction.

(b) Conduct mediation hearings to resolve differences of opinions in the interpreta-
tion of all construction codes and inspection procedures in force in Augusta-Richmond County.

(c) Make recommendations to the Commission concerning unresolved matters in interpretation of codes and inspection procedures.

(d) The Advisory Board Committee will not make any changes from the standard codes adopted. If it is felt that any code does not meet Augusta-Richmond County's needs due to unique physical or climatological conditions, a proposal to modify a code may be submitted to the Commission through the department Director/Building Official.

(e) Serve as a liaison between the City of Augusta and builders, developers, design professionals and other disciplines involved in the building and development industries. This duty includes dissemination of information such as adoption of new building codes and changes in policies to these groups and the general public.

(f) Appoint a member of the Construction Advisory Committee to serve as an ex-officio member of the Subdivision Regulations Committee.

Secs. 7-1-49—7-1-55. Reserved.

Sec. 7-1-56. Appeals proceedings—authorized; filing notice of appeal.

(a) Whenever the Director/Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the building code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the building code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent, may appeal from the decision of the Director/Building Official to the Construction Advisory Board.

(b) Notice of Appeal shall be in writing and filed within ten (10) days after the decision is rendered by the Director/Building Official. A fee of fifty dollars ($50.00) shall accompany such notice of appeal. In case of a building or structure which, in the opinion of the Director/Building Official, is unsafe or dangerous, the Director/Building Official may, in his order, limit the time for such appeal to be a shorter period. Appeals hereunder shall be on forms provided by the Director/Building Official.

Sec. 7-1-57. Same-decisions.

(a) The Advisory Board shall, in every case, reach a decision without unreasonable or unnecessary delay.

(b) The Advisory Board, when so appealed to and after a hearing, may vary the application of any provision of this building code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this building code or public interest, or when, in its opinion, the interpretation of the Director/Building Official would be modified or reversed. A decision of the Board to vary the application of any provision of this building code or to modify an order of the Director/Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(c) Every decision of the Advisory Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director/Building Official, and shall be open to public inspection; a copy shall be sent by mail or otherwise to the applicant.

(d) If a decision of the Advisory Board reverses or modifies a refusal, order, or disallowance of the Director/Building Official, or varies the applica-
tion of any provision of the building code, the Director/Building Official shall immediately take action in accordance with such decision.

(Ord. No. 6308, 10-3-00)

Secs. 7-1-58-7-1-80. Reserved.

ARTICLE 5. PERMITS, INSPECTIONS AND CERTIFICATES OF OCCUPANCY

Sec. 7-1-81. Permit application; exceptions.

(a) When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Director-Building Official and obtain the required permit for the work.

(b) Exceptions. Permits shall not be required for the following mechanical work: (i) any portable heating appliance; (ii) any portable ventilation equipment; (iii) any portable cooling unit; (iv) any steam, hot or chilled water piping within any heating or cooling equipment regulated by this building code; (v) replacement of any part which does not alter its approval or make it unsafe; (vi) any portable evaporative cooler; or (vii) any self-contained refrigeration system containing 10 lb. (4.54 kg) or less or refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(c) Temporary structures. A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

(d) Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(e) Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

(f) Information required. Each application for a permit, with the required fee, shall be filed with the license and inspection department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the license and inspection department.

(g) Time limitations. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than ninety (90) days each may be allowed by the Director-Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(h) Issuance to contractors only. No permit, except for homeowners as provided for in section 7-1-9 and section 7-1-121(a), shall be issued to anyone other than a properly licensed contractor under the laws of the State of Georgia and the ordinances of Augusta-Richmond County.

Sec. 7-1-82. Drawings and specifications.

(a) Requirements. When required by the Director-Building Official, two (2) or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany every application. Such drawings and specifications shall contain information, in the form of
notes or otherwise, as to the quality of materials, where quality is essential to conformity with this building code. Such information shall be specific, and this building code shall not be cited as a whole or in part, nor shall the term legal or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(b) Additional data. The Director-Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction and basis of calculations.

(c) Design professionals. All drawings, specifications, and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group E-Educational, Group I-Institutional and Group A-Assembly occupancy, and all buildings or structures three (3) stories or more in height or five thousand (5,000) square feet in area, except one and two-family dwellings, such designer shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered. Group R-3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

(d) Structural and fire resistance integrity. Plans for all buildings shall indicate how required structural and fire-resistive integrity will be maintained where a penetration of a required fire-resistive wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistive floors intersect the exterior walls.

Sec. 7-1-83. Site drawings; boundary line survey.

The Director-Building Official shall require drawings showing the location of the proposed building or structure and of every existing building or structure on the site or lot. He may also require a boundary line survey, if necessary, prepared by a qualified surveyor.

Sec. 7-1-84. Hazardous occupancies.

The Director-Building Official may require the following:

(a) General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

(b) Building floor plan. A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rates assemblies with their hourly rating, location of liquid-tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

Sec. 7-1-85. Examination of permit applications and documents; inspection of buildings prior to permit decisions.

(a) Review. The Director-Building Official shall examine, or cause to be examined, each application for permit and the accompanying documents, consisting of drawings, specifications, computations and additional data and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.
(b) **Affidavits.** The Director-Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Director-Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Director-Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Director-Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(c) Before issuing a permit, the Director-Building Official may examine, or cause to be examined, any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for permit to enlarge, alter, repair, move, demolish or change the occupancy.

**Sec. 7-1-86. Issuing permits.**

(a) **Action on permits.** The Director-Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. If the Director-Building Official is satisfied that the work described in an application for permit and the documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.

(b) **Refusal to issue permit.** If the application for a permit and the accompanying documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Director-Building Official shall not issue a permit, but shall return the documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

(c) **Public right-of-way.** A permit shall not be given by the Director-Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Director-Building Official to see that the street lines are not encroached upon except as provided in chapter 3 hereof.

**Sec. 7-1-87. Contractor's responsibilities.**

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical or plumbing systems, for which a permit is required, to comply with state and/or local rules and regulations concerning licensing which the applicable governing authority may have adopted.

**Sec. 7-1-88. Special permits for foundation pending permit issuance.**

When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Director-Building Official may, at his own discretion, issue a special permit for the foundation only of such building. The holder of such a special permit shall proceed at his own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet the provisions of the technical codes.
Sec. 7-1-89. Conditions of permit.

(a) Permit intent. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall such issuance of a permit prevent the Director-Building Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this building code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Director-Building Official.

(b) Permit issued on basis of affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Director-Building Official, are hazardous or complex, the Director-Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise the work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspection are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Director-Building Official.

Sec. 7-1-90. Permit fees.

(a) When due and payable. A permit shall not be issued until the fees prescribed in this section shall have been paid, nor shall an amendment to permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, shall have been paid.

(b) Accounting of fees. The Director-Building Official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

(c) Amount-fee schedule. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required in subsection (a) of this section at the time of filing application, in accordance with the following schedule:

(1) Residential.

a. Single-family fee schedule.

<table>
<thead>
<tr>
<th>Building, per sq. ft. under roof</th>
<th>0.048</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical, per house</td>
<td>21.60</td>
</tr>
<tr>
<td>Mechanical, per house</td>
<td>21.60</td>
</tr>
<tr>
<td>Plumbing, per house</td>
<td>21.60</td>
</tr>
<tr>
<td>Fireplace, each</td>
<td>6.00</td>
</tr>
<tr>
<td>Inspection fee, per house on crawl space (10 inspections at $15.00 each)</td>
<td>150.00</td>
</tr>
<tr>
<td>Inspection fee, per house on slab (11 inspections at $15.00 each)</td>
<td>165.00</td>
</tr>
</tbody>
</table>

b. Single-family attached (town houses). Where lot is sold with house, fees shall be same as for single-family.

c. Apartment and condominium dwelling units permit fees. The permit fee will be based on the construction cost using fee schedule.

| Electrical, per dwelling unit | $21.60 |
| Mechanical, per dwelling unit | 21.60 |
| Plumbing, per dwelling unit   | 21.60 |
| Fireplace, per unit          | 6.00  |

d. Fifteen dollars ($15.00) for each required inspection per dwelling unit.
e. All repairs, additions, alterations will be based on cost of labor and materials, using fee schedule, plus fifteen dollars ($15.00) for each required inspection.

(2) Commercial, industrial, multifamily and public building, having total valuation.
<table>
<thead>
<tr>
<th>Amount Range</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100.00 and less</td>
<td>No fee unless inspection required, in which case a $15.00 fee for each inspection shall be charged.</td>
</tr>
<tr>
<td>$101.00 to $2,000.00</td>
<td>$6.00 per thousand or fraction thereof.</td>
</tr>
<tr>
<td>$2,001.00 to $15,000.00</td>
<td>$12.00 for the first $2,000.00 plus $3.60 for each additional thousand or fraction thereof, to and including $15,000.00.</td>
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<tr>
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<td>$58.80 for the first $15,000.00 plus $3.00 for each additional thousand or fractions thereof, to and including $50,000.00.</td>
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<tr>
<td>$50,001.00 to $100,000.00</td>
<td>$163.80 for the first $50,000.00 plus $2.40 for each additional thousand or fraction thereof, to and including $100,000.00.</td>
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<td>$100,001.00 to $500,000.00</td>
<td>$283.80 for the first $100,000.00 plus $1.50 for each additional thousand or fraction thereof, to and including $500,000.00.</td>
</tr>
<tr>
<td>$500,000.00 and Up</td>
<td>$883.80 for the first $500,000.00 plus $0.90 for each additional thousand or fraction thereof.</td>
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</tbody>
</table>

(3) Moving of buildings or structures. For the moving of any building or structure, the fee shall be sixty dollars ($60.00).

(4) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be thirty dollars ($30.00) per building, except that a complimentary permit shall be issued to the fire department for burning a building as part of a training exercise.

(5) All subcontractors and contractors for electrical, mechanical, plumbing, low voltage and sprinklers (buildings and grounds) will be required to purchase their own permits based on the fee schedule provided in paragraph (2) of this subsection.

(6) All commercial repairs will be based on the cost of contract using the fee schedule in paragraph (2) of this subsection for building, electrical, mechanical, plumbing, low-voltage and sprinkler system contractors.

(7) Electrical permits for mobile homes shall be twenty-four dollars ($24.00) and permit for electrical repairs to mobile homes shall be fifteen dollars ($15.00).

(8) Reinspection. If it is necessary to make a reinspection for a required building, electrical, mechanical or plumbing inspection because of improper work, the contractor responsible shall pay a reinspection fee of fifteen dollars ($15.00) for each reinspection.

(d) Same—Permit valuation. Permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment and other systems, including materials and labor. If, in the opinion of the Director-Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimated cost to meet the approval of the Director-Building Official.

(e) Plan review fees. The fee for reviewing all plans shall be sixty (60) percent of the permit amount. One and two-family dwellings are exempt from plan review fees.

Sec. 7-1-91. Commencing work without permit prohibited; penalty for violation.

A person, firm or corporation who commences any work on a building, structure, electrical, gas, mechanical or plumbing system, or who causes the same to be done, before obtaining the necessary permits, shall be subject to a five hundred dollar ($500.00) penalty for the first offense and a one thousand dollar ($1,000.00) penalty for the second offense and each offense occurring thereafter.

(Ord. No. 6574, § 1, 12-3-02)
Sec. 7-1-92. Posting building permit card; keeping approved drawings available for inspection at site required.

(a) Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and located in such position as to permit the Director-Building Official or his authorized representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion has been issued by the Director-Building Official.

(b) When the Director-Building Official issues a permit, he shall endorse, in writing or by stamp, both sets of plans Reviewed for Code Compliance. One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the Director-Building Official or his authorized representative.

Sec. 7-1-93. Filing contractor permit and certification; when required; penalty for violation.

(a) Each contractor’s permit and certification shall be filed with the Director-Building Official, on a form furnished for that purpose, and shall contain the location of the work, the building permit number, the contractor’s address and license numbers, and such other information as may be required by the Director-Building Official. The contractor’s permit and certification shall be signed by the contractor and mailed or delivered to the license and inspection department prior to requesting the first required inspection.

(b) If any person fails to submit to the inspection department a contractor’s permit and certification form for electrical, mechanical, gas or plumbing work before the first inspection is required, he shall be subject to a fifty dollar ($50.00) penalty.

Sec. 7-1-94. Inspections.

(a) Existing building inspections. The Director-Building Official shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

(b) Manufacturers and fabricators. When deemed necessary by the Director-Building Official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. He shall make a record of every such examination and inspection and of all violations of the technical codes.

Sec. 7-1-95. Same—Inspection service.

The Director-Building Official may make, or cause to be made, the inspections required by section 7-1-94. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

Sec. 7-1-96. Same—Inspection prior to issuance of certificate of occupancy or completion.

The Director-Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

Sec. 7-1-97. Same—Required inspections.

The Director-Building Official, upon notification from the permit holder or his agent, shall make the following inspections of buildings and such other inspections as may be necessary, and shall either approve that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes.
**Required Inspections** | **Special Conditions**
--- | ---
Foundation: setback; footing | Do not pour any concrete until inspections approved
Concrete slab: building; | Do not pour slab until plumbing; or block foundation inspections approved
Rough: electrical; framing; | Do not cover work until mechanical; plumbing inspections approved
Finals: building; electrical; | Do not occupy until inspections plumbing; mechanical approved

Final Certificate of occupancy and final electric will not be authorized until inspections approved.

(Ord. No. 5994, 1-20-98)

**Sec. 7-1-98. Written approval required.**

Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining the written approval of the inspector. Such written approval shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing inspections.

**Sec. 7-1-99. Reinforcing steel and structural frames.**

Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed in any manner whatsoever without first obtaining the approval of the Director-Building Official.

**Sec. 7-1-100. Plaster fire protection.**

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Director-Building Official after all lathing and backing is in place. Plaster shall not be applied until the approval of the Director-Building Official has been received.

**Sec. 7-1-101. Certificates of occupancy.**

(a) **Building occupancy.** A new building shall not be occupied or a change be made in occupancy or the nature or the use of a building or part of a building until after the Director-Building Official shall have issued a certificate of occupancy therefore. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances, and approved by the Director-Building Official.

(b) **Prerequisites to issuance; contents.** Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the approved plans and the technical codes, payment of all fees, and after the final inspection herein referred to, and upon application therefor, the Director-Building Official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this building code.

(c) **Temporary/partial certificates of occupancy.** A temporary/partial certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building.

**Sec. 7-1-102. Certificates of occupancy for existing buildings.**

A certificate of occupancy for any existing building may be obtained by applying to the Director-Building Official and supplying the information and data necessary to determine compliance with this building code for the occupancy intended. When necessary, in the opinion of the Director-Building Official, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspec-
tion, it is found that the building conforms to the provisions of this building code for such occupancy, a certificate of occupancy shall be issued.

Sec. 7-1-103. Certificate of completion.

Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is approved for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

Sec. 7-1-104. Service utilities.

(a) Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until approved by the Director-Building Official and a certificate of occupancy or completion issued.

(b) Temporary connection. The Director-Building Official may authorize the temporary connection of a building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

(c) Authority to disconnect service utilities. The Director-Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Director-Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Sec. 7-1-105. Posting floor loads.

(a) Occupancy. An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Director-Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

(b) Storage and facility-industrial occupancies. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the license and inspection department.

(c) Signs required. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Director-Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner.

Sec. 7-1-106. Tests.

The Director-Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

Secs. 7-1-107—7-1-115. Reserved.
ARTICLE 6. CONSTRUCTION TRADES REGULATION

Sec. 7-1-116. Registration of building contractors and building inspectors; payment of occupation tax, bond and liability insurance required.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-1. Registration of building contractors and building inspectors; payment of occupation tax, bond and liability insurance required.

It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor, private inspector/consultant, builder or specialty contractor making such contracts and subletting the same, or any part thereof, to do the following.

(a) Obtain a business tax certificate in accordance with Title 2 of the Augusta-Richmond County Code; or, if a business tax certificate or business license has been obtained elsewhere in the State of Georgia and is current and valid, present a copy of said business tax certificate or license to the License & Inspection Department.

(b) Execute and deposit in the license and inspection department a bond as specified. Such bond to be conditioned that all work performed by the contractor or under his supervision shall be performed in accordance with the provisions of this building code and that he shall pay all fees and penalties properly imposed upon him for violations of the provisions of this building code.

(c) Place on file in the license and inspection department office a certificate of insurance for public liability and property damage for an amount not less than fifty thousand dollars ($50,000.00) for each person and one hundred thousand dollars ($100,000.00) for each occurrence. It shall be the responsibility of the contractor to notify the License and Inspection office immediately upon cancellation of or change in public liability and property damage insurance.

(d) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Each registrant under this Article must have workers compensation insurance on its employees, as required by the laws of the state of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificate evidencing same.

(e) Comply with the regulations provided in sections 7-1-116-2 through 7-1-116-17.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-2. Definitions.

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

Building Inspector/Consultant means a private person or entity which performs or offers to perform building inspection/consulting services.

Building official means that person designated with the title of building official employed within the License & Inspection Department.

Certificate means a registration certificate issued in accordance with this chapter.

City means Augusta, Georgia.

Commercial contractor means a person or entity which performs, supervises or offers to perform or supervise the construction, installation, alteration, replacement or repair of a building or structure, or the improvement of any kind to real property, for which a permit is required by the Code of Ordinances of Augusta, Georgia.

Commission means the Augusta-Richmond County Commission which is also known as the Augusta Commission.
Construction Board means the Augusta Construction Advisory Board established under this chapter (see §7-1-46).

Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc.

Department means the License & Inspection Department.

Designated Committee means a committee of the commission designated by the commission to act as provided for in this article.

Residential builder means a person or entity which performs, supervises, or offers to perform or supervise the construction, repair, improvement, or re-improvement of a residential building or structure which is not over three floors in height and which does not have more than sixteen units in any single apartment building, and/or any ancillary structures or facilities related to such residential buildings for which a permit is required by the Code of Ordinances of Augusta, Georgia. Residential builders are authorized to build commercial structures up to 5,000 square feet of heated area.

Specialty contractor means a person or entity which is not a registered residential builder or commercial contractor which performs or offers to perform construction installation, alteration, repair, improvement, or alteration of a specific aspect of any part of a building, structure or other improvement to real estate which requires special skills and involves the use of specialized construction trades or craft, involving the following elements of construction work for which a permit is required by the Code of Ordinances of Augusta, Georgia:

(a) Roofing
(b) Pool construction
(c) Landscaping
(d) Yard sprinkler installation

Sec. 7-1-116-3. Registration required.

Any person or other entity desiring to own, operate, conduct and carry on, in Augusta, the business of performing services as a residential builder, commercial contractor, specialty contractor, or private building inspector/consultant before doing so, shall register with the City as herein provided and shall have in his possession a then current certificate. A registrant holding a specialty contractor certificate is not registered to own, operate, conduct or carry on a business of providing the services of a residential builder or commercial contractor. A registrant holding a residential builder certificate is not registered to own, operate or conduct a business of providing the services of a commercial contractor, but may provide the services of a specialty contractor. A registrant holding a commercial contractor's certificate may perform the services of a residential builder or a specialty contractor. A registrant holding a private building inspector/consultant certificate may perform only the services of building inspection.

A certificate for any entity that is not a natural person must be held by an owner, partner, member, or officer of the business entity who is primarily responsible for the oversight of the performance of the construction services offered by the registrant in Augusta, Georgia.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-4. Qualifications for a residential builder's registration and certificate.

(A) In order to register as a residential builder and obtain a residential builder's certificate under this article, the applicant must satisfy the following requirements:

(1) File with the commission a written application on a form as prescribed by the commission.

(2) Present proof of a passing grade on the National Standardized Contractor Examination for residential builders or any other examination for residential builders that is approved for this purpose by the commission or certification by a residential builder or commercial contractor reg-
istered in the City that the applicant has a minimum of one year of actual experience or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following passage of any examination which has been determined by the Building Official to be a comparable examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina, Tennessee, Alabama and such other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirements of this paragraph.

(3) Present proof of worker’s compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificate evidencing same.

(4) Submit executed bond on the form and with a surety approved by the commission in the sum of not less than fifteen thousand dollars.

(5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc. One hour of credit is received for each meeting or seminar that is attended.

(B) The License & Inspection Department shall register the applicant as a residential builder if, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met all of the requirements and demonstrated an ability to engage in the business of serving as a residential builder in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-5. Qualifications for a commercial contractor's registration and certificate.

(A) In order to register as a commercial contractor and obtain a commercial contractor's certificate under this article, the applicant must satisfy the following requirements:

(1) File with the commission a written application on a form as prescribed by the commission.

(2) Present proof of a passing grade on the National Standardized Contractor Examination for commercial contractors or any other examination for commercial contractors that is approved for this purpose by the commission, or certification by a commercial contractor registered in that City that the applicant has a minimum of one year actual experience under a licensed general contractor or a certificate of completion in a building construction related field from a technical school. Proof of licensure in good standing in other jurisdictions following, a passage of any examination which has been determined by the Building Official to be a comparable examination to that required by this ordinance, including, but not limited to, South Carolina, Florida, North Carolina, Tennessee, Alabama and such other jurisdictions as the commission shall approve shall be sufficient to satisfy the requirement of this paragraph.

(3) Present proof of worker’s compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.

(Ord. No. 6704, § 1, 6-15-04)
(4) Submit executed bond in the form and with a surety approved by the commission in the sum of not less than twenty thousand dollars.

(5) Provide certification from the providers of continuing education for contractors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee, meetings, and construction, development, and environmental seminars, etc.

(B) The License & Inspection Department shall register the applicant as a commercial contractor if, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met all of the requirements and demonstrated an ability to engage in the business of serving as a commercial contractor in the City. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-6. Qualifications for a specialty contractor's registration and certificate.

(A) In order to register as a specialty contractor and obtain a specialty contractor's certificate under this article, the applicant must satisfy the following requirements.

(1) File with the commission a written application on a form as prescribed by the commission.

(2) Present proof of worker's compensation insurance as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.

(3) Submit executed bond in the form and with a surety approved by the commission in the sum of not less than five thousand dollars.

(B) The commission shall register the applicant as a specialty contractor if, based on the information generated in the application process or obtained from sources reasonably believed by the commission to be credible, the commission finds that the applicant has met all of the requirements and demonstrated an ability to engage in the business of serving as a specialty contractor in the designated areas of specialty in Augusta. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.

(C) The field and scope of the operations of a specialty contractor in the City are limited to those in which the specialty contractor is registered.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-7. Do it yourself registration for single family residential property owner.

(A) An owner of single family residential property who improves the property or who builds or improves structures or appurtenances on the property which require a building permit must apply for a do it yourself registration and certificate which will be good for and apply only to the specific construction project described therein if:

(1) the owner does the work himself, with his own employees, or serves as his own residential builder using licensed specialty contractors;

(2) the structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or occupancy by the owner's family and are not intended for sale or rent; and

(3) the general public does not have access to this structure.

(B) In order to register for a do it yourself project and obtain a do it yourself certificate under this article, the applicant must satisfy the following requirements:

(1) File with the commission a written application on a form as prescribed by the commission;
(2) Present a statement describing the project to be constructed, the role that the applicant will play in the construction, listing those who will be involved in performing any of the construction work and listing the applicant's education, training experience and other related factors demonstrating the applicant's ability and fitness to perform the work; and

(3) Present proof of worker's compensation insurance coverage in the amount required by the laws of the State of Georgia for those working on the project. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.

(C) The commission shall register the applicant as a do it yourself contractor if, based on the information generated in the application process, or obtained from sources reasonably believed by the commission to be credible, the commission finds the applicant is at least minimally qualified to construct the do it yourself project in accordance with the ordinances of the City. The submission of any false or misleading information in the application will be a basis for denying or revoking a registration.

(D) To qualify for a do it yourself registration under this section, an owner must personally appear and sign the building permit application. The department shall provide the person with a disclosure agreement in substantially the following form, which must be signed by the registrant agreeing to the terms thereof:

"Disclosure Agreement"
The Undersigned Agrees As Follows:

Augusta, Georgia ordinances require that residential construction work shall be performed by registered residential builders. I have applied for a do it yourself registration. The registration allows me, as the owner of my property, to act as my own residential builder even though I have not registered as a residential builder. I must supervise the construction myself. I may build or improve a single-family residence for use and occupancy only by myself and my family. It may not be built for sale or rent. If I sell or rent a building I have built myself within two years after the construction is complete, it will be presumed (subject to any right to rebut same) that I built the home for sale or rent, which is a violation of the ordinance. I may not hire an unregistered person or entity to perform services for me as a residential builder. It is my responsibility to make sure that people employed by me have the registration certificates required by Augusta's contractor registration ordinances. My construction must comply with all applicable laws, ordinances, building codes, and zoning regulation.

_______________________
Registrant's Signature

(E) Nothing in this chapter may be construed to authorize an owner of residential property to hire or engage a person or entity that is not registered in accordance with this Article, and an Owner shall not use a person as a superintendent who performs many of the duties of a registered residential builder, unless such person is a registered residential builder.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-8. Qualifications for home and commercial private building inspectors/consultants—Registration required.

(A) In order to register as a private residential home inspector/consultant or a private commercial building inspector/consultant and obtain a residential or commercial private sector building inspector's/consultant's certificate under this article, the applicant must satisfy the following requirements:

(1) Present proof of current certification by the American society of Home Inspectors, or any other national certifying agency for building inspectors that is approved for this purpose by the Commission, as a private building inspector for residential and commercial structures.

(2) File with the commission a written application on a form as prescribed by the commission.
§ 7-1-116-8 AUGUSTA-RICHMOND COUNTY CODE, READOPTED 7-10-2007

(3) Present proof of worker's compensation insurance in amounts as required by the laws of the State of Georgia. Failure to keep such workers compensation insurance in force at all times shall be grounds for immediate revocation of the registration and the certificates evidencing same.

(4) Provide certification from the providers of continuing education for building inspectors that the applicant has received not less than 6 hours of such continuing education in the preceding calendar year. Continuing Education Units means credits that are received for participation in continuing education and professional development activities, i.e.: attending Construction Advisory Board meetings, Subdivision Regulation Committee meetings, and construction, development, and environmental seminars, etc.

(B) The commission or examining officials shall register the applicant as a building inspector if, based on the information generated in the application process or obtained from sources reasonably believed by the commission or examining officials to be credible, the commission or examining officials finds that the applicant has met all of the requirements and demonstrated an ability to engage in the business of serving as a building inspector in the County in a competent and ethical manner. The submission of false or misleading information in the application will be a basis for denying or revoking a registration.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-9. Forms for application for registration.

(A) Application Forms for registration under this Article shall require, but shall not be limited to the following information:

(1) The name and address of each applicant.

(2) A description of all of the goods and services to be offered by the proposed business, and the type of registration being sought.

(3) The name of the business and location of the principal office of the business to be carried on.

(B) Incomplete applications; swearing to before notary public. Failure to pay the license, administrative and investigative fees at the time of filing the registration application, or failure to furnish all information as required by an application form, will cause the application to be deemed to be incomplete and no action will be taken thereon until such application is complete. All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administered oaths.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-10. Approval Procedures.

An application for a registration or renewal of registration under this article shall be presented to the Commission within 45 days after the date such application is deemed complete.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-11. Expiration; renewal of registration.

(A) Each registration granted under this article shall expire on December 31 of the third calendar year in which the certificate was issued. To renew a registration the person or entity holding the current registration shall file with the commission, on a form as prescribed by the commission, a written application for renewal of the registration. Such application form shall include but not be limited to updated information of that called for in the prior years registration or renewal application.

(B) If a registration expires and is not renewed within one (1) year after its expiration, the holder of such certificate seeking to again register will have to apply for registration as a new registrant and will not be allowed to use the reapplication process.

(C) As a condition of registration renewal, registrant must satisfactorily complete 18 hours of continuing education.
(D) Renewal applications shall be approved if the commission or designated committee finds from the information available that the applicant has met all of the requirements, complied with this Article and demonstrated an ability to engage in the business covered by the registration sought to be renewed. The submission of false or misleading information in the renewal application will be a basis for denying or revoking a renewal of the registration.

(E) A registrant must notify the commission in writing within thirty days of any change in the information required to be on file with the commission including, but not limited to, the licensee's current mailing address.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-12. Phase in procedures.

(A) Any applicant seeking to register under this Article as a residential builder or commercial contractor in calendar years 2005 and 2006 will not be required to meet the examination requirement set out in Sections 7-1-116-4-(A)2) or 7-1-116-5-A(2) as the case may be if such applicant files proof in a form acceptable to the examining officials that in the two years preceding the date of the application the applicant, acting in the capacity of residential builder or commercial contractor, as the case may be, started, pursued and successfully completed not less than three construction jobs of the type for which the applicant is seeking registration. The term "successfully completed" for this purpose shall mean that such job has been completed prior to the filing of the application. Such jobs need not be located in the City.

(B) Any applicant seeking registration under this Article as a building inspector/consultant in calendar years 2005 and 2006 will not be required to meet the examination requirement set forth in Section 7-1-116-8 A(2) if such applicant files proof in a form acceptable to the examining officials that in the two years preceding the date of the application, the applicant, acting as a building inspector, has performed and successfully completed not less than three building inspection jobs of the type applicant is proposing to conduct if registered. The term "successfully completed" for this purpose shall mean that such inspection has been completed prior to the filing of the application. Such inspections need not have been performed on property located in the City.

(C) The provisions of this Section 7-1-116-12 shall expire without any further action required by the Board of Commissioners on January 1, 2007 and thereafter shall be of no further force and effect.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-13. Transferability.

No registration under this article shall be transferable.

(Ord. No. 6704, § 1, 6-15-04)


(A) All registrants under this article are required to provide the construction services which they are registered to perform in accordance with all applicable ordinances, construction standards and building codes adopted by the state and City and all applicable state and federal laws, rules and regulations or acceptable insured warranties.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-15. Exemption from complaint handling procedure.

(A) If the complainant possesses an insured warranty provided by the registrant, the remedy of the complainant is through the complaint resolution procedures of the warranty company. At a minimum the insured warranty provided by the registrant must include one-year coverage for defects in material and workmanship and ten year coverage for major structural defects.

(B) Code violations are not exempt.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-16. Procedure for handling complaints.

(A) Complaint and Right to Hearing. Any party, including the City, may file a complaint against a registrant under this Article for violation of the provisions of this Article. The complaint shall be filed in writing on a form prepared by the building
official which form shall be completed and sworn to by the person filing the complaint. The building official shall give written notice of a complaint to the registrant being complained against. The building official shall try to resolve the complaint between the complainant and the registrant. If the complaint is not resolved in this manner, the building official shall make a determination as to whether or not the complaint could involve a violation of this article and notify the complainant and the registrant of this determination. If the building official determines that the complaint could involve a violation of this article, the complaint shall be heard by the construction board in an open hearing. The building official shall give the complainant and the registrant notice of the time and place of the hearing which must be mailed at least thirty (30) days before the date fixed for the hearing. The notice of the hearing shall set forth the nature of the complaint being made with reference to any relevant supporting documents that have been provided to the building official by the complainant. The notice must be sufficiently adequate to apprise the registrant of the charges against it.

(B) Rights of hearing participants. Any participant in the hearing shall be entitled to be accompanied and represented at the hearing by an attorney or other person of the participant’s choice. During a hearing, the representatives of each of the participants shall have the right to:

(1) Call and examine witnesses who voluntarily agree to appear on behalf of the participant calling such witnesses. Notice is given to the participants that the construction board does not have the legal power of subpoena.

(2) Introduce exhibits and documents relevant to the issues.

(3) Cross-examine witness of other participants on any matter relevant to issues.

(4) Rebut any evidence.

(5) Request that the record of the hearing be made by use of a court reporter (if such request is made at least ten (10) days prior to the hearing date or, if the material is to be reduced to writing promptly after the hearing, an electronic recording unit.

If any of the participants in the hearing do not testify in their own behalf, such participant may be called and examined by another participant as if under cross-examination.

(C) Presiding officer. The chairman of the construction board, or in his absence the vice chairman or in the absence of both the chairman and vice chairman a member of the construction board designated by the members present at the hearing shall be the presiding officer at the hearing. The presiding officer shall act to maintain decorum and to assure that all participants in the hearing have a reasonable opportunity to present relevant oral and documentary evidence. The presiding officer shall be entitled to determine the order of proceedings during the hearing, to promulgate rules of procedure not inconsistent with this Article, to exclude or remove any person who is disruptive to an orderly and professional hearing, and to refuse to admit evidence, which is not relevant to the subject matter of the hearing. Service as the presiding officer shall not in any way prevent the presiding officer from full participation in the deliberations and actions of the construction board on the matter. The presiding officer may in his/her discretion appoint a parliamentarian to serve as an advisor to the presiding officer on procedural matters during the course of the hearing and in preparing the construction board’s report. The parliamentarian may in the discretion of the presiding officer be present during deliberations by the construction board, but shall not have a vote on the matters to be determined by the construction board.

(D) A record of the hearing shall be kept that is of sufficient accuracy to permit the making of an informed judgment by anybody that may later be called upon to review the record and render a decision in the matter. The presiding officer of the hearing shall select the method to be used, such as court reporter, electronic recording unit, details transcription or minutes of the proceedings for making the record, subject to the right of either participant set forth in subsection B(5) of this section. If a court reporter is requested by
either participant, the take down charge of the court reporter shall be paid equally by the participants to the hearing and each participant shall bear the cost of obtaining copies of the transcript for such participant's use.

(E) Obligations to present evidence. The complainant shall have the initial obligation to present evidence in support of the complaint. The registrant shall thereafter be responsible for presenting evidence in support of the registrant's response to and defense against the complaint. Following the close of the registrant's evidence, the complainant shall have the right to introduce evidence in rebuttal of that presented by the registrant. The construction board shall base its decision only on the evidence introduced at the hearing. It shall be the function of the construction board to determine whether the complaint involves a violation of this Article and if so the corrective action as specified in this article to be taken against the registrant. Such decision must be supported by a preponderance of the evidence presented at the hearing.

(F) Evidence permitted. The hearing need not be conducted in accordance with the rules of evidence which are followed in a court of law. The presiding officer may permit the admission of any relevant evidence, which at his/her discretion is of the type on which responsible people customarily rely in the conduct of serious affairs.

(G) Construction board report. Within twenty-one (21) days after the closing of the hearing, the construction board shall make a written report of its findings and determinations in the matter and shall forward the same together with the hearing record and all other documentation introduced at the hearing to the commission. A copy of the report shall be sent to the participants in the hearing. The construction board report shall concisely state the reasons for the findings and recommendations made in the report and how such findings are supported by the facts and the evidence as presented at the hearing. The construction board report shall specifically recommend any corrective action as specified in this article that the construction board finds should be taken. The construction board may request the participants in the hearing to submit proposed findings and recommendations for its consideration in preparing its report. No participant shall be required to submit proposed findings and recommendations. If requested, proposed findings and recommendations must be submitted to the construction board within fourteen (14) days after the closing of the hearing.

(H) Appeal. If any participant in the hearing desires to appeal the findings and recommendations of the construction board, such participant file a written request for such an appeal with the Clerk of the Augusta Commission within fifteen (15) days after the mailing of a copy of the construction board's report. Failure to file a timely request for appeal shall constitute waiver by the party of his/her rights to appeal the report of the construction board from the construction board.

(I) Hearing of the appeal. Any appeal shall be heard by the Augusta Commission. The Clerk of Commission shall set a date and time for the hearing of the appeal and the participants shall be notified in writing thereof. The date of the hearing of the appeal shall be set as soon as possible but not less than thirty (30) days after the date of the notice of the appeal is received by the Clerk of the Commission.

(1) After timely filing of an appeal to the Augusta Commission and prior to any assignment of the appeal for hearing on any agenda of the Augusta Commission, the appealing party shall submit the case to mediation.

(2) The Commission mediator shall be a person chosen by the agreement of the appealing party and the Construction Board. In the event the appealing party and the Construction Board cannot agree upon the appointment of a mediator, the mediator shall be the Director of Planning & Zoning or his/her designee.

(3) Any fee charged by the mediator for professional mediation services shall be paid by the appealing party prior to the commencement of the mediation.

(4) If the mediation is not scheduled and heard within thirty (30) days of the filing of the appeal, the decision of the Construc-
tion Board shall be affirmed without further hearing by the Augusta Commission.

(5) The Augusta may affirm the determination made by the Construction Board, or if the Augusta Commission finds that the Construction Board abused its discretion in reaching its decision, the Augusta Commission may modify or reverse the determination made by the Construction Board. Appeals from decisions of the Augusta Commission may be taken to the Superior Court of Richmond County, Georgia in the manner provided by law.

(J) Written statements. The party seeking the appeal shall submit a written statement detailing the findings, conclusions, recommendations and procedural matters with which such participant disagrees and the reasons for such disagreement. The written statement may cover any matters raised at any step in the hearing process and legal counsel may assist in the preparation thereof. The statement shall be submitted to the building official at least ten (10) days prior to the scheduled date for the hearing of the appeal, with a copy being furnished to the other participants. A similar written statement and reply may be submitted by the other participants at least two (2) days prior to the scheduled date of the hearing on the appeal with a copy being furnished to the other participants. Failure of the appealing party to file such written statement in a timely manner shall constitute a waiver of such participant's rights to appellate review.

(K) Oral arguments. If the participant requesting an appeal desires to have oral arguments before the Commission hearing the appeal, he, she or it shall so state in the request for appeal. If the other participants desire oral arguments before the Commission hearing the appeal, he, she or it shall file a request with the building official within five (5) days after the filing of the request for appeal. No party shall have a right to oral argument and the decision as to whether or not to permit oral argument shall be entirely within the discretion of the Commission hearing the appeal as the case may be. Oral arguments may be required by the commission or the designated committee hearing the appeal as the case may be, even if not requested by any participant. If oral arguments are made, they may be presented for each participant by one representative of such participant.

(L) Consideration of new or additional matters. New or additional matters or evidence not raised or presented during the hearing before the construction board or in the construction board's report, nor otherwise reflected in the record, shall not be introduced during the appellate process. The commission or the designated committee hearing the appeal, in its sole discretion, shall determine whether such matters or evidence shall be considered or accepted.

(M) Function of Commission (See Subsection "N" below)

(N) The Commission may recommend affirmation, reversal or modification of the findings and recommendations of the construction board or it may refer the matter back to the construction board with directions for further consideration or additional hearings.

(O) Action by the commission. Once the hearing and appeal process has been completed or the participants involved have waived their rights to any further hearing or appeal hereunder, the commission may act upon the findings and recommendations made to it by the construction board as modified by the findings and recommendations on any appeal which may have been taken thereto and such action by the commission shall be final and subject to no further appeal. Notice of the final action of the commission shall include a statement of the basis for the decision and shall be promptly given to the participants in the hearing.

(P) Corrective action. The commission on motion adopted by not less than six affirmative votes may revoke or suspend for such period of time up to one (1) year as the commission shall specify the registration of the registrant or reprimand the registrant and/or fine the registrant in an amount not to exceed $1,000 if it finds that the registrant:

(a) Violated the obligations of the registrant in performing construction services as provided for in this article;
(b) Committed fraud or deceit in obtaining registration under this article; or

The building official or commission may require the forfeiture of the surety bond if the registrant fails to make necessary repairs required by the commission after the hearing and appeal process have been completed. The property owner will be paid an amount to cover documented costs up to the amount of the repairs or the amount of the surety bond, whichever is lower. County funds will not be used to pay the cost of repairs.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-116-17. Violation; penalties.

In addition to a suspension or revocation of a registration, a person or entity which engages or offers to engage in the business of providing the services of a residential builder, specialty contractor, commercial contractor, do-it-yourselfer, or private building inspector/consultant without first having registered with the City, which registration has not expired or been revoked or suspended, or who knowingly presents to, or files with, the City false information for the purpose of obtaining registration shall be subject to the penalties as set forth in Section 1-6-1 of the Code of Ordinances of Augusta, Georgia.

(Ord. No. 6704, § 1, 6-15-04)

Sec. 7-1-117. Performing electrical, plumbing, and HVAC work.

Electrical, Plumbing, and HVAC contractors required to employ State certified personnel before being licensed to perform electrical, plumbing, and HVAC contracting and construction in Augusta-Richmond County, each person, firm or corporation desiring such license shall have a person regularly employed who has been certified by the Georgia State Construction Industry Board (O.C.G.A. Title 43).

Sec. 7-1-118. Limitations on use of master electrician's or plumber's certificate to obtain permit.

(a) No person holding State certification as an electrician, plumber or HVAC contractor (conditioned air) shall allow his certification to be used, directly or indirectly, for the purpose of obtaining a permit, business license, or to perform work unless said person is employed by the firm applying for the permit, business license or performing said work.

(b) Any person or persons found guilty of using another person's master's certificate for the purpose of obtaining a permit or doing work under a certificate other than his own shall be subject to penalty as prescribed in section 7-1-120.

Sec. 7-1-119. Exemptions from sections 7-1-117 through 7-1-118.

(a) Owner wiring residence. Nothing contained herein shall prevent or prohibit an owner from doing electrical or plumbing work in a dwelling in which he resides; provided, however, such owner shall pay required permit fees and shall make such installations as required by this building code for safety purposes and provided, however, such person does not employ a journeyman electrician or plumber to assist with work.

(b) Industry maintenance department. Any manufacturing industry employing fifty (50) or more workers and operating its own maintenance department shall be exempt from the provisions of this article, except that the installations shall be in compliance with the standards provided by the applicable code.

Sec. 7-1-120. Penalties for violations of sections 7-1-117 through 7-1-118.

(a) Any violation of any of the provisions, sections or subsections of sections 7-1-117 through 7-1-118, shall be tried as a misdemeanor and punished as provided in section 1-6-1 of this Code. The inspector shall have the authority to issue or cause to be issued a subpoena to the person violating said sections to appear in the appointed court for a hearing.

(b) Any person, firm or corporation who shall continue to violate sections 7-1-117 through 7-1118, shall, after due consideration by the Commission Council, pursuant to the provision of section 7-1-136 hereof, forfeit his or their licenses and/or certificates issued under the terms of said sections. No licenses and/or certificates shall be
reinstated within thirty (30) days after having been revoked, and no such reinstatement shall be made without examination as required by sections 7-1-117 through 7-1-118.

(c) In addition to (a) of this section, any person, firm or corporation who violates 7-1-117 through 7-1-118 will be reported to the State Construction Industry License Board for further punitive action as provided for in O.C.G.A. (Title 43).

Secs. 7-1-121—7-1-130. Reserved.

ARTICLE 7. MAINTENANCE—
GENERALLY

Sec. 7-1-131. Required.

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this building code in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

Sec. 7-1-132. Definitions.

(a) Abandoned vehicle. Abandoned motor vehicle as defined in section 40-11-1 of the official Code of Georgia Annotated.

(b) Augusta-Richmond County. Augusta-Richmond County, Georgia.

(c) Blighted. Unsightly conditions including the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead or damaged through the natural elements; and any other similar conditions of disrepair and deterioration.

(d) Building. Any structure designed for occupancy including manufactured homes, factory built buildings, and like property for which taxes may be assessed together with all garages, outbuildings and accessory structures.

(e) Brush. Shrubs or growth which present or may present a blight or fire hazard.

(f) Commission. The Augusta-Richmond County Commission or its designated representative.

(g) Debris. Substance of little or no apparent economic value, which may be present in a state of apparent unpremeditated disarray.

(h) Deterioration. A lowering in quality in the condition or appearance of a building or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

(i) Dwelling. Any building or a portion thereof which is intended, or designated to be built, used, rented, leased, let, or hired out to be occupied, or which is occupied for living purposes by humans.

(j) Excavation. Wells, shafts, basement, cesspools, septic tanks, fish ponds, and other like or similar conditions more than six (6) inches in diameter and three (3) feet in depth.

(k) Exterior opening. An open or closed window, door, or passage between interior and exterior spaces.

(l) Garbage. Swill, offal, and any accumulation of animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and the waste wrappers or containers thereof and filthy or odoriferous objects.

(m) Hazardous waste. Any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State to be Hazardous Waste as defined in 40 C.F.R. Sections 261.1 through 261.33, except that, for purposes of this ordinance hazardous waste shall include household waste as defined in 40 C.F.R. 261.4 Bl.

(n) Litter. Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, tin cans, yard clippings, wood, glass, debris; scrap paving material, discarded appliances, discarded furniture, bedding, dry vegetation, weeds, dead trees and branches, overgrown vegetation and...
trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects.

(o) Occupant. A legal entity that, through rights of ownership or rental, has the use and enjoyment of the subject real property for residential or commercial purposes.

(p) Owner. A legal entity listed as current or rightful owner as recorded in the official records of the Clerk of Superior Court of Richmond County, Georgia.

(q) Responsible party. An occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land.

Sec. 7-1-133. Maintenance standards.

(a) Exterior surfaces. All exposed exterior surfaces, windows and doors of all residential, commercial and other buildings and structures shall be maintained so as to be free of deterioration that is a threat to health and safety or otherwise presents a deteriorated or blighted appearance. Windows, doors, locks on doors, hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Examples of such deterioration and blight include but are not limited to: improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions; chimneys that are structurally unsafe; exterior windows and doors that are not fitted securely in their frames and are not substantially weather tight; paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare, unprotected surfaces. Window screening, if present, shall be maintained in good condition.

(b) Fences, retaining walls. All fences and retaining walls on the premises shall be safe, structurally sound and uniform or compatible in color and structure and shall be maintained so that they do not constitute a blighting influence. Examples of blighting influence with respect to fences include, but are not limited to, leaning fences, fences that are constructed out of deteriorated scrap materials not designed for use as fencing such as doors and sheets of tin, fences that are missing slats, rails or blocks, fences that contain graffiti or paint which is peeling or otherwise deteriorated.

(c) Exterior insect and rodent control. All premises shall be kept free from insect and rodent infestation and other noxious pests.

(d) Drainage. All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to retention basins or other similar conditions approved by the Commission.

(e) Foundations, wall and roofs. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in structurally sound and weather tight condition. The foundation elements shall adequately support the building at all points and shall be free from deterioration.

(1) The building foundation shall be maintained in a safe condition and be capable of supporting the load which normal use may place thereon.

(2) The exterior walls shall be substantially weather tight, weatherproof, free from dry rot and mildew, and shall be maintained in sound condition and good repair so as to prevent infestation. All exterior surfaces other than decay-resistant materials, shall be protected from the elements by painting or other protective covering according to manufacturer’s specifications. No lead-based paint shall be used on any surface of any structure.

(3) Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance.

(f) Outdoor stairs, porches, railings. All outdoor stairs, porches and hand railings shall be adequate for safety. Every stair and porch shall be maintained so as to be safe and in structurally...
sound condition. The support for railings, stairs, and porches shall be structurally sound and adequate. Every stairway, stair, porch, and any appendage thereto shall be maintained in safe condition and shall be capable of supporting a load that normal use may place thereon.

(g) Exterior premises.

(1) Generally. All land, whether improved or unimproved, shall be maintained free from any accumulation of garbage or a blighting influence which includes, but is not limited to graffiti on walls, fences, mail boxes, and similar structures; accumulation of litter, rubbish, refuse, waste material, bottles, papers, glass, cans, organic or inorganic material, abandoned vehicles, discarded appliances, discarded furniture, broken glass, used or deteriorated roofing shingles, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents, snakes, or other harmful pests or which may otherwise create a fire hazard.

(2) Weeds, underbrush and other vegetation. All exterior property areas shall be kept free from weeds, vines, underbrush and dead trees and branches which present a visual blight upon the area, which may harbor insect or rodent infestations or which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. All lawn grass shall be kept at less than six (6) inches in height.

Sec. 7-1-134. Administration and enforcement of standards.

(a) Authority to enforce standards. The Director-Building Official, or his designee, shall enforce the provisions of this section.

(b) Authority and inspections. The Director-Building Official or his designee is authorized and directed to make reasonable inspections of property to determine compliance with this section.

(1) Such an inspector may expand the scope of any inspection on the original complaint to include other violations noted during inspection on the subject property.

(2) Exempted from the operation of this section are large, remote acreage in its natural state, acreage impossible to service with large machinery due to its terrain, industrially zoned areas wherein zoning permits the storage of material ordinarily prohibited by this section; provided, however, this exemption is not operable when actual and probable danger exists.

(3) Unscrened exterior areas, buildings, structures and lands, may be inspected at any time with or without the involvement of the owner, in accordance with legal requirements.

(4) Screened exterior areas shall be inspected only during the normal business hours of Augusta-Richmond County unless otherwise arranged, upon invitation or with the concurrence of the owner or occupant or when ordered by a court or when probable cause exists to believe that conditions therein may be detrimental to health and safety.

(5) Except in cases of alleged imminent hazards, if the occupant is not the owner of the premises or dwelling unit to be inspected, the Director-Building Official or his designee shall provide reasonable notice in writing or by telephone to the occupant as to the time and place of inspection. A reasonable attempt must be made by Augusta-Richmond County staff to contact the owner and advise the owner of the time and place of inspection.

(6) The owner or responsible party will be required to correct all violations within a reasonable amount of time. In the event that the building becomes unoccupied, future occupancy will be prohibited until
a compliance letter is issued by Augusta-Richmond County. It shall be incumbent upon the Director-Building Official or his designees to reinspect for the purpose of re-occupancy within five (5) business days of the receipt of a written request by the owner.

(c) Notice of violation. If, after an inspection, the Director-Building Official finds one or more violations of this section, he shall, in writing, notify the owner via a Notice of Violation sent by certified mail or hand delivery to the owner. The Notice of Violation shall include:

1. Identification of property in violation;
2. Statement of violations in sufficient detail to allow the owner to identify and correct the problem;
3. Reinspection date.

(d) Service of notice. Any notice permitted or required to be given for any purpose under this section shall be deemed effective on the date when written notice is hand delivered to the owner or delivered to the residence of the owner and left with a person of suitable age and discretion or when deposited in the United States mail by certified mail addressed to the property owner at such owner's last known address. In the event of service by certified mail as set forth above, a copy of said notice shall also be posted on the premises for a period of thirty (30) days. The Director-Building Official or his designees will use reasonable efforts to locate and communicate with the owner of the property upon which the violation exists. Service of notice shall also be deemed effective upon notification through one time public notice published in the newspaper in which Sheriff's sales are advertised in Augusta-Richmond County, Georgia and by posting the property for a period of thirty (30) days in the event the address of the owner cannot be obtained upon reasonable inquiry. [For vacant lots see section 4-2-2]

Sec. 7-1-135. Enforcement.

(a) The authority of Augusta-Richmond County to enforce the provisions of this section is independent of and in addition to the authority of other Augusta-Richmond County officials to enforce the provisions of any other law, ordinance or regulation which such officials are authorized to enforce.

(b) The remedies herein are cumulative and Augusta-Richmond County may proceed under one or more such remedies.

(c) Any owner, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of this section or who fails to perform any act or duty required by this section shall be punished as provided in section 1-6-1 of the Augusta-Richmond County Code.

(d) No criminal complaint shall be filed prior to the passage of thirty (30) days from the issuance of the Notice of Violation.

(e) Each day any violation of any provision of this section or the failure to perform any act or duty required by this section exists shall constitute a separate violation or offense.

(f) The owner of record, as recorded in the office of Clerk of Superior Court of Richmond County, Georgia, of the property upon which a violation of this section exists shall be presumed to be the person having lawful control over a structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons shall be jointly and severally presumed to be persons having lawful control over a structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this section against any person specified in subsection (3) of this section.

(g) It is an affirmative defense for an owner of record that any violation of this section was caused by an act or acts of a lessee or tenant who was a resident of the property on the date of violation alleged in the Notice of Violation provided that the owner provides the Director-Building Official with the name of such tenant(s) in writing and eliminates the violation within a reasonable period of time to be established by the Director-Building Official. No defense shall be asserted pursuant to this provision unless notice thereof is filed with the court having jurisdiction over the violation and is provided to the solicitor.
or prosecutor of said court at least three (3) business days in advance of the date set for trial.

Sec. 7-1-136. Appeals to the construction advisory board.

(a) Any person may appeal a notice, order or decision of the Director-Building Official to the Augusta-Richmond County Construction Advisory Board when it is claimed that the true intent of the codes or standards described in this section has been incorrectly interpreted or when special circumstances or conditions exist which would authorize a minor variance on the grounds hereinafter set forth. Appeals to the Construction Advisory Board shall be made in writing and filed with the Director of the License and Inspection Department within the time period set in the Notice of Violation or within five (5) days after service of any such order upon the owner as provided herein. The applicant’s written appeal shall specifically set forth the grounds upon which said appeal is based. The Commission may grant a minor variance to this section when it is determined that:

(1) special circumstances or conditions apply to this appeal application such as an undue hardship;

(2) authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and

(3) authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

(b) Except for orders to vacate, the timely filing of an appeal shall stay enforcement of the order appealed until the appeal is finally determined by the Commission.

(c) Failure of a person entitled to appeal under this section to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint before the Construction Advisory Board and such person shall be estopped to deny the validity of any order or action of Augusta-Richmond County which could have been timely appealed.

(d) Any party aggrieved by a decision of the Construction Advisory Board may apply to Superior Court. Said appeal shall be the same as an appeal to the superior court from any decision made by the probate court, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Construction Advisory Board or of any official charged with the enforcement of any order, requirement or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Construction Advisory Board shall be final.

Sec. 7-1-137. Supplemental nature.

This section shall not be the exclusive regulation of the maintenance of buildings within Augusta-Richmond County, but shall be supplemental in addition to other regulations and ordinances of Augusta-Richmond County and statutes or provisions of law heretofore and hereinafter enacted by the state or other legal entity or agency having jurisdiction. In the event of a conflict between this section and any other such regulation, ordinance, statute or provision of law, the stricter of the two shall apply.

Sec. 7-1-138. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this section should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section, which shall remain in full force and effect; and to this end the provisions of this section are hereby declared to be severable.
Chapter 2
NUISANCES

[ARTICLE 1 IN GENERAL]

Sec. 7-2-1. Generally.

The following conditions, in addition to those conditions recognized as such pursuant to State law, are hereby declared to constitute nuisances: substances emitting noxious odors, carcasses of animals, establishments or structures emitting noxious odors, vapors, or fumes; deposits of wastewater; litter, trash, refuse, rubble, and rubbish of all sorts; overgrown vegetation, weeds, brambles, brush or thickets; malfunctioning private sewage disposal systems; dilapidated buildings open to unauthorized or unlawful entry; hazardous trees; all articles, conditions, acts, or things whatsoever, kept, maintained or permitted by any person to pose a threat of injury, inconvenience, or annoyance to the public; and, all pursuits followed or engaged in, behavior or conduct performed by any person, which pose a threat of injury, annoyance, or inconvenience to the public.

Sec. 7-2-2. Nuisances—Prohibited.

It shall be unlawful for any owner or occupant of any parcel of land lying within Augusta-Richmond County to cause or permit any nuisance to be created or remain upon such premises; and it shall be the duty of such owner or occupant to abate and remove any such nuisance from such premises. No owner or occupant of any parcel of land lying within Augusta-Richmond County shall permit, cause, keep, maintain, or engage in any activity constituting a nuisance, as defined herein, or as otherwise defined by the law of the State of Georgia, within Augusta-Richmond County.

Sec. 7-2-3. Nuisances—Notice.

Whenever an inspector of the License and Inspection Department or any other duly constituted inspecting authority of the Augusta-Richmond County Commission determines that a nuisance exists on any premises within Augusta-Richmond County, he may serve written notice upon the owner or occupant, or his agent having control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; describe the premises where the nuisance is alleged to exist or to have been committed; and specify a reasonable period of time for the abatement of said nuisance. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent. If service cannot be effectuated in such a manner after diligent effort to do so, service may be made by conspicuously posting the notice in or about the premises described in the notice, or by causing such notice to be published once in a newspaper of general circulation in Augusta-Richmond County. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process.

Sec. 7-2-4. Nuisances—Procedures in the event nuisance not abated when specified.

In the event that such nuisance is not abated by the owner or occupant within the time specified, then the owner and/or occupant may be cited for violation of this chapter.

Sec. 7-2-5. Nuisances—Penalties.

Violations of the provisions of this chapter shall be punished as provided in section 1-6-1 of this Code.

Sec. 7-2-6. Nuisances—Designation of public officer to exercise statutory nuisance abatement powers.

All unsafe building abatement determinations and proceedings shall be governed by the Standard Unsafe Building Abatement Code as adopted in section 7-1-16 hereof.

Sec. 7-2-7. Nuisances—Injunctions against order to abate a nuisance, repair, close, or demolish unfit dwellings, buildings or structures.

Any person affected by an order issued by the public officer under this Article, may petition to the Superior Court for an injunction pursuant to the provisions of O.C.G.A. § 41-2-13.
Secs. 7-2-8—7-2-40. Reserved.

ARTICLE 2 ABATEMENT

Sec. 7-2-41. Powers of director-building official to abate nuisance.

The Director-Building official shall have the powers set forth in O.C.G.A. § 41-2-11, in addition to those powers set forth in this Title, in regard to unfit structures.

Sec. 7-2-42. Incorporation of state procedures.

The provisions of O.C.G.A. § 41-2-7 through § 41-2-17, as presently adopted or hereafter amended are incorporated herein by reference.

Secs. 7-2-43—7-2-62. Reserved.

ARTICLE 3. REGULATING AUTOMOBILE JUNK YARDS, SALVAGE/RECYCLING FACILITIES

DIVISION 1. DEFINITIONS

[Sec. 7-2-63. Definitions.]

Affected land means the area of land that is under operation and under excavation within the approved area only.

Automobile wrecking yard or automobile used parts lot shall mean any place where one or more vehicles not in running condition, or parts thereof, are stored in the open or in any building or structure used principally for wrecking or storage of automobiles not in running condition or automotive parts.

Buffer shall mean a portion of a lot, tract, or parcel set aside for open space, and visual screening purposes, pursuant to applicant provisions of this ordinance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or different use district.

Construction and demolition waste means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on pavements, houses, commercial buildings, and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible waste which have a low potential for groundwater contamination as defined in the Georgia Rules for Solid Waste Management 391-3-4-.01(14).

Containment shall mean the act, process, or means of containing fluids to prevent spillage of contents onto the soil, water ways, sewer system, storm water system, or any other means except through proper disposal procedure.

Contaminate shall mean the intrusion or contact with dirt or foulness from an outside source, to taint stresses the loss of purity or cleanliness that follows contamination, to soil stain, stain, corrupt, or infect by contact or association.

Disposal facility shall mean any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, land filling and solid waste thermal treatment technology facilities.

Enforcement. The License and Inspection Department.

Generator shall mean any waste generated or accumulated at any facility lying within Augusta-Richmond County Georgia under daily operations, for commercial gain or mass distribution.

Inventory shall mean a written recorded description and quantity of materials.

Junkyard, salvage yard, recycling facility shall mean any place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packaged, disassembled, or handled; including automotive wrecking yards, automobiles used parts lots, used lumber yards, salvaged building materials, salvaged household appliances, or other types of material; but excluding establishments for the sale, purchase, or storage of used automobiles in running condition, used furniture, or salvaged materials used as parts of a manufacturing process on the same site.
Leachate shall mean a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

Legally existing business. A business that is in compliance with the Augusta-Richmond County Comprehensive Zoning Ordinance, and the business owner/operator is in possession of a current Occupation Tax Certificate.

Manifests/receipt shall mean a form or document used for identifying the quantity or composition and the origin, routing, and destination of special solid or liquid waste during its transport from the point of generation through any intermediate points to the point of disposal, treatment or storage.

Occupation tax certificate holder means any person(s), firm or corporation who owns a business and/or holds an Occupation Tax Certificate within Augusta-Richmond County, Georgia and/or operating with an Occupation Tax Certificate in Augusta-Richmond County, Georgia.

Ordinance administrator. The Director of the License & Inspection Department.

Owner means the person(s), firm, or corporation who owns a parcel of property lying within Augusta-Richmond County, Georgia.

Person shall mean any individual, firm, partnership, association, company, group, entity, or organization of any kind.

Petroleum contaminated soil shall mean any soil tainted or affected by any petroleum or a substance containing any traces of petroleum constitutes.

Pre-existing junkyard, salvage yard, automobile wrecking yard, and/or recycling facility. Prior to the date of Ordinance implementation.

Reclamation shall mean the reconditioning or rehabilitation of affected land under the junkyard, salvage yard, automobile wrecking yard, and recycling facility. Such as refilling, and re-packing the excavated areas with suitable materials, such as dirt, and/or sand.

Recovered materials processing facility shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling shall mean any process by which materials which would otherwise become solid waste or collected, separated, processed and reused or returned in the form of raw materials or products.

Regulatory fee. Payment whether designated at license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business.

Run-off means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Salvageable/recovered/collectable materials shall mean those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

Solid waste/waste shall mean any garbage or refuse including solids, semi-solids, liquids, gaseous, materials that have no use or future use.

State waters includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Tire shall mean a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

Waste shall mean all discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or fifteen cubic feet (15 ft.³) in
Waste stream shall mean the point of generation/origin of said waste (as defined), manner in which it is recovered, transported, final destination site for generator and/or disposal point.

Zoning shall mean by Ordinance into sections reserved for different purposes (as residence, business, or activity).

(Ord. No. 6727, § 1, 9-21-04)

DIVISION 2. GENERAL ENVIRONMENTAL MANAGEMENT

Sec. 7-2-64. General management.

(a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all waste; scrap tires, municipal commercial industrial waste, solid waste, recovered or recyclable material, at any place in Augusta Richmond County, Georgia.

(b) It shall be unlawful to dump, open dump, burn, bury, or permit the dumping of waste, scrap tires, municipal, commercial industrial waste, solid waste, recovered or recyclable material, construction/demolition waste at any un-permitted and approved site or place in Augusta Richmond County, Georgia.

(c) It shall be unlawful to operate, accumulate, or generate any type waste in Augusta Richmond County without obtaining proof of disposal documentation, such as manifest, receipts, and other proof approved by enforcement authority.

(d) Unless authorized to do so by law or by duly issued permit, it shall be unlawful for any person to dump or place waste:

1. In any pit to include inert waste, scrap tires, waste, concrete, brickbats, stumps, limbs, fluid waste.

2. In any fresh water lake, stream, river, canal, creek, storm drain, or sanitary sewer drain.

3. In any ambient air, indoor air, incinerator, any form of emission unless duly permitted.

(e) Any business, entity, person, etc. that generates waste shall retain and maintain all receipts, manifests, and documentation for 3 years for any transport of waste, recyclable, salvageable, collectable materials generated within Augusta-Richmond County Georgia.

(f) Any waste not accounted for by referenced terms shall constitute improper management of said waste and/or dumping.

(Ord. No. 6727, § 2, 9-21-04)

Sec. 7-2-65. Accumulation.

(a) No owner or occupant of any property in Augusta-Richmond County shall burn bury any waste without prior authorization and written permission from an applicable governing regulatory agency. Nothing in this provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by federal, state, or local regulations.

(b) No owner or occupant of any property in Augusta-Richmond County shall allow the accumulation of any type waste on his or her property and/or premises where such material creates or
causes a health hazard to surrounding properties, citizens, and/or impairs the quality of life for surrounding areas.
(Ord. No. 6727, § 2, 9-21-04)

DIVISION 3. GENERAL YARD MANAGEMENT

Sec. 7-2-66. Waste management.

(a) Any auto salvage yards, and those who are involved in operating any type salvage/recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation of any kind shall be subject to rules as noted below:

(b) All auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots approved for operation are required to install a "containment station/dismantling area" at the point of entry for said vehicles. Containment station/dismantling area shall be a permanent structure meeting the intent and requirements as follows:

(1) Secure shelter above a concrete impermeable base with elevated sides without drains, discharge or entry points, designed and suitable to use as a staging area for the extrication of items listed below:
   a. Waste Oil
   b. Transmission Fluid
   c. Gasoline
   d. Anti-freeze
   e. Batteries
   f. Oil filters
   g. Hydraulic fluid or lubricant
   h. Transmission filters
   i. Freon, gases, or gaseous type

(c) Upon vehicle entrance into said salvage yard, vehicle shall be fully relieved of any flowing fluids, filters, and batteries, and waste — except engine oil and transmission fluid. Engine oil and transmission fluid may remain in the engine and transmission provided there are no leaks. The vehicle must be located on the 'containment station' when the parts (engine and/or transmission) are removed from the vehicle. Said flowing fluids, filters, and batteries, and waste shall be stored in accordance with regulations specified in this ordinance. Any waste generated by said facility is further required to meet any applicable local, state, and federal codes and/or laws concerning "hazardous waste management and/or potential hazardous waste contamination." Maintain verification on any waste generated, accumulated, and/or disposed of on site, and any questionable waste located at said facility shall be documented and accounted for, and located in the containment station area.

(d) Parts containing liquids can be salvaged from the vehicle only while the vehicle is located on the "containment station/dismantling area".

(e) All removed parts/components must be stored on an impermeable surface under roof.

(f) Crushing of vehicles, other than by a manufactured auto crusher with a self containing captured fluid reservoir, shall be performed in the containment area/dismantling area.
(Ord. No. 6727, § 3, 9-21-04)

Sec. 7-2-67. Vehicular waste management.

(a) Drain and collect all fluids in the containment station area in the appropriate containers.

(b) Store in appropriate container, metal drums for non-corrosive, plastic for corrosive, both complete with caps.

(c) Monitor container for leaks, rust, cracks, and perform maintenance as needed.

(d) The containers must be clearly identifiable of its contents by proper labeling and markings with birth date and death date.

(e) Reserved.

(f) All materials recovered transported and disposed of must be performed by a permitted and licensed individual(s) that will provide you with the required documentation needed for review.
(Ord. No. 6727, § 3, 9-21-04)
Sec. 7-2-68. Storage/containment area.

(a) Containment stations shall consist of individual containers that are placed on concrete, under shelter, clearly labeled to identify its contents, sealable, and suitable for storage.

(b) Premises must be monitored continuously, and any leaks or drips are to be addressed immediately.

(c) The base of the containment station shall be dry kept only and never cleaned by spraying or pressure washing.

(d) Scrap tires shall be stored as follows:

1. It shall be unlawful for any commercial business to accumulate more than five hundred (500) scrap tires on the property in which it owns or occupies at any given time. Accumulated scrap tires shall be disposed of a minimum of once every 90 days.

2. It shall be unlawful for any person or entity authorized by this article and/or state law to handle store, and/or dispose of scrap tires, to do so in any manner other than the following: permitted quantities of scrap tires may be stored outside on the property of an authorized business in a container enclosed on all four (4) sides by a solid screen and having a secure top cover, which container is not visible from any public right of way or any adjoining property.

(Ord. No. 6727, § 3, 9-21-04)

DIVISION 4. GENERAL YARD MAINTENANCE

[Sec. 7-2-69. General yard maintenance.]

(a) Vegetation shall be maintained in a manner, which will not be conducive to insect or rodent infestation.

(b) Property shall be maintained in accordance with local and state storm water and environmental and sedimentation regulations.

(c) All waste shall be disposed of by a GAEPD or USEPA approved facility and all manifest, receipts, and or approved documentation shall be retained on site for review upon inspection for a minimum of (3) three years.

(d) Property shall be maintained in a manner not to impair or pose potential threat to human, health, safety and shall not affect the quality of life in surrounding, and/or adjoining properties, as follows:

1. All vehicles, recovered materials, and waste are not to exceed stacks higher than 1 vehicle high or 6 feet in height.

2. Vehicles must remain in orderly formation (in rows), and establish and maintain a fire/maintenance lane between rows.

(Ord. No. 6727, § 4, 9-21-04)

DIVISION 5. LAND USE REQUIREMENTS

[Sec. 7-2-70. Land use requirements.]

(a) All buildings, (excluding existing buildings and equipment and operation therein) equipment, operation, (except roads) and salvage material and parts thereof, shall not be situated within 50 feet of an intermittent or continuously flowing stream as designated on the most recent Geological survey map and/or labeled or deemed "State Waters."

(b) Any proposed auto salvage yards, used parts lots/junk yards, shall provide a parcel size of 10 acres or greater to include the "active area" labeled after set backs are determined.

(c) All existing and/or proposed auto salvage yards, used parts lots, junk yards shall provide screening as listed:

1. Green mesh nylon shade cloth securely attached to 6 foot cyclone fence, or

2. Six foot in height wood board privacy fence with no color alteration, and maintained on a continuous basis.

3. Comply with the Augusta-Richmond County Tree Ordinance—Chapter 8-4-11(e)(5) Street Yard Requirements.

(Ord. No. 6727, § 5, 9-21-04)
DIVISION 6. PROCEDURES: REGISTRATION AND PERMITTING

Sec. 7-2-71. Existing locations.

(a) All owners, operators, or maintainers of automobile salvage yards, used parts lot or other junk yards legally existing under approved zoning status at the effective date of this Ordinance shall register and pay a Regulatory Fee with Augusta License & Inspection Department within a period of 30 days from the effective date of this Ordinance. Permit application will include:

1. The dimensions and acreage of existing or proposed site and the description and location of any structure, heavy equipment or any other permanently affixed edifice.

2. A detailed drawing of land use, to include an estimated vehicle capacity, and site entry and exit points.

3. Containment station plan to include size of overhead shelter, impermeable concrete base, waste container list, amount, and type waste.

(b) Existing automobile salvage yards, used parts lot, junk yards shall conform to the approved permit and standards of this Ordinance in accordance with the graduated compliance schedule listed as follows. The times listed are from the date of plan approval.

1. Meet Section 6-1 (a) within 30 days of effective date of Ordinance.

2. Meet Section 5 (c) within 60 days of date of plan approval.

3. Meet Section 3-1 (b) within 90 days of date of plan approval.

4. Meet Section 3-3-(d) within 120 days of date of plan approval.

All existing auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, or used parts lots that have not been registered within 30 days shall be in violation of the registration provisions of this Ordinance. Unless said facilities can be documented to the satisfaction of the Ordinance Administrator as existing prior to the effective date of this Ordinance they shall be considered new facilities. If so documented, said auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots may be considered existing facilities, be required to register and required to comply with a revised compliance schedule listed.

One copy of the completed signed registration application shall be submitted to the Ordinance administrator.

(Ord. No. 6727, § 6, 9-21-04)

Sec. 7-2-72. New locations.

(a) Comply with Augusta-Richmond County Comprehensive Zoning Ordinance with regard to zoning and site plan requirements. In addition to requirements specified by the Planning Commission Site Plan Development Regulations, the site plan shall include:

1. The dimensions and acreage of the proposed site and the description and location of any structure, heavy equipment or any other permanently affixed edifice.

2. A detailed drawing of land use, to include an estimated vehicle capacity, and site entry and exit points.

3. Containment station plan to include size of overhead shelter, impermeable concrete base, and waste containers.

4. All proposed auto salvage yards, used parts lots, junk yards or recycling facility shall provide screening either green mesh nylon shade cloth securely attached to a 6 foot cyclone fence or a six foot in height wood board privacy fence with no color alteration, and maintained on a continuous basis.

(b) Comply with approved site plan.

(c) Any person, firm or corporation who does business in Augusta-Richmond County as an automobile wrecking yard or automobile used parts lot or junkyard, salvage yard, recycling facility, shall, before engaging in such business, pay such regulatory fee as is provided in § 2-2-3 (c) of the Augusta-Richmond County Code.
(d) Apply for an Occupation Tax Certificate, pay Tax and receive Occupation Tax Certificate, and receive commitment to issue Occupation Tax Certificate. (Ord. No. 6727, § 6, 9-21-04)

Sec. 7-2-73. Permit required for automobile wrecking yard, automobile used parts lot, junkyard, salvage yard, recycling facility.

No person, firm or business entity shall establish, operate, or maintain an auto salvageyards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots yard without complying with this ordinance. Any expansion of an auto salvage yards, recycling/junk yard, used parts lots, automobile wrecking yard, and/or any type recycling/salvage operation, used parts lots yard, whether pre-existing or newly permitted, shall require compliance with the sections of this ordinance pertaining to New Locations. The permit shall only be issued upon the persons, firm or business entity seeking the permit submitting a statement that the existing or proposed facility does not violate any of the provisions of this Ordinance. The permit shall be valid unless revoked for non-conformance with this Ordinance. (Ord. No. 6727, § 6, 9-21-04)

Sec. 7-2-74. Application.

Application for the permit shall be made to the Administrator of the Ordinance, on such forms as the Administrator of the Ordinance shall prescribe along with a non-refundable regulatory fee as established by the Board of Commissioners. The permit application shall include but not be limited to the information required for the registration application and a junkyard plan. The plan shall indicate setbacks, location of public right-of-ways, all proposed structures, all structures within 500 feet of the proposed facility, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junk yard, gross acreage, preparer of plans name(s) and address(es) and phone numbers.

Any expansion of a junkyard, whether pre-existing or newly permitted, shall require a permit. Procedures and standards for an expansion permit shall be those required for a new establishment. (Ord. No. 6727, § 6, 9-21-04)

Sec. 7-2-75. Permitting procedure.

The completed permit application and yard plan shall be submitted to the Ordinance administrator. The administrator shall have the authority to either approve or deny the permit. A denied permit may be resubmitted within 14 days from the date of denial without incurring an additional permit fee. (Ord. No. 6727, § 6, 9-21-04)

DIVISION 7. ENFORCEMENT

[Sec. 7-2-76. Enforcement.]

Enforcement of this ordinance shall be the responsibility of the Augusta-Richmond County License and Inspections Department. Any person or person(s) authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonable or necessary times in order to inspect for violations of this ordinance, subject to the condition that to allow entry onto private property for inspections, the alleged violation of this ordinance, must be visible from a public road or right of way, or upon said officer(s) having received a valid complaint alleging a violation of this ordinance, or by a Judge's Order upon said officers having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur. (Ord. No. 6727, § 7, 9-21-04)

DIVISION 8. VIOLATIONS

[Sec. 7-2-77. Violations.]

Any person(s), firm, or corporation violating any portion of this ordinance shall be charged with each and every violation and upon trial and
conviction shall be subject to the penalties provided in § 1-6-1 of the Augusta-Richmond County Code. (Ord. No. 6727, § 8, 9-21-04)

DIVISION 9. PENALTIES REMEDIES AND ABATEMENT OF NUISANCE

[Sec. 7-2-78. Penalties remedies and abatement of nuisance.]

Upon finding evidence that any provision of this ordinance has been violated, a Notice of Violation will be issued at the discretion of the enforcing officers in lieu of a Citation. If the owner of a business fails to correct the violations and comply with the Ordinance within the time specified, the Ordinance Administrator may request the Augusta Commission to approve an ordinance providing for the actions necessary to correct the violations. The Ordinance Administrator may cause the violations to be corrected either through an available public agency or by contract or by private persons, and the cost of such work shall constitute a lien against the property upon which the work was performed. The delinquent tax collector shall issue a fi. fa. in the name of Augusta-Richmond County, for the cost, and levy the fi. fa. and expose the property for sale. (Ord. No. 6727, § 9, 9-21-04)

DIVISION 10. SEVERABILITY

[Sec. 7-2-79. Severability.]

Should any sentence, section, subsection or provisions of this ordinance, or application of a provision of this Ordinance, be declared invalid or unconstitutional by any Court or other competent jurisdiction, such declaration shall nor affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared as invalid or unconstitutional. (Ord. No. 6727, § 10, 9-21-04)

DIVISION 11. REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES

[Sec. 7-2-80. Repeal of conflicting resolutions or ordinances.]

All ordinances or parts of ordinances previously adopted by the Board of Commissioners of Augusta-Richmond County, Georgia which are in conflict with this ordinance are hereby repealed to the extent necessary to eliminate such conflict. (Ord. No. 6727, § 11, 9-21-04)

DIVISION 12. EFFECTIVE DATE

[Sec. 7-2-81. Effective date.]

This ordinance shall become effective on upon adoption. (Ord. No. 6727, § 12, 9-21-04)
Chapter 3

STREETLIGHTING

ARTICLE 1 IN GENERAL*

Sec. 7-3-1. Program—Creation.

(a) There is hereby created and established within Augusta-Richmond County a Streetlighting Program.

(b) Pursuant to Constitutional authorization in 1970 Ga. Laws, p. 1097, the Augusta-Richmond County Commission is authorized and empowered to establish districts for the purpose of erecting, establishing, maintaining and operating within Richmond County streetlights and lamps for illumination of the public streets, roads, sidewalks and ways situated in said County. If at least fifty (50) percent of the property owners within the proposed district shall assent thereto, the Augusta-Richmond County Commission shall be further authorized to levy, assess and collect a tax or special assessment against the property located in said districts for the aforesaid purposes or make service charges against all businesses and residents served by said facilities as the Commission shall deem necessary for the services rendered, all without regard to uniformity. Such tax assessments shall be collected by the Tax Commissioner and may be enforced by the issuance of fi fa’s or executions for said charges in the same manner and with the same lien dignity and priority as fi fa’s or executions are issued for state and county taxes. Said Commission is further authorized to compel compliance with reasonable rules and regulations necessary for said services.

(c) Pursuant to 1995 Ga. Laws, p. 3648, the Augusta-Richmond County Commission is authorized to create special services tax districts and to assess, levy, and collect ad valorem taxes and collect service charges and fees for the provision of district services within a special services district only in accordance with the kind, character, type, and degree of district services provided by the Commission within such special services tax district. The provisions of this section shall control ad valorem taxation and the collection of service charges and fees for the provision of district services within special tax districts by the Commission. District services as used herein specifically includes streetlights as provided in Article 9, Section 2, Paragraph 3, of the Constitution of the State of Georgia.

Sec. 7-3-2. Streetlight program—Responsibility.

The administrative responsibility for the program is hereby assigned to the traffic engineering division of the Public Works Department of Augusta-Richmond County.

Sec. 7-3-3. Streetlight coordinator—Securing services.

The Public Works Department is hereby authorized to secure the services of a competent and qualified person to assume the duties of streetlight coordinator.

Sec. 7-3-4. Streetlight coordinator—Duty to recommend standards and procedures.

(a) The coordinator shall recommend to the Augusta-Richmond County Commission such resolutions, standards and procedures that he deems desirable to implement the streetlighting program.

(b) The coordinator, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the Augusta-Richmond County Commission for approval. Upon approval by the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the Tax Commissioner. In making assessments against the abutting property, the same shall be equitable and in portion to the street frontage to be served by said streetlights.

*Editor’s note—Ord. No. 6189, § 1, adopted Aug. 11, 1999, amended Art. 1 in its entirety to read as herein set out. See the Code Comparative Table.
(c) The Augusta-Richmond County Commission, by resolution, shall designate a special service tax district, identifying the district boundaries and approving the assessment roll described in subparagraph (b) hereof.

Sec. 7-3-5. Assessment of cost.

The annual cost and charges for the maintenance and operation of the streetlights shall be assessed on a street side footage basis per year to each property owner and shall be a lien upon the abutting property annually from January 1 next and continuing each year until all annual charges have been paid.

Sec. 7-3-6. Standards for installation and operation of system—Adoption.

The American Standard Practice for Roadway Lighting as sponsored by the Illuminating Engineering Society and approved by the American Standards Association will be used as standards for installation and operation of street and roadway lighting in Augusta-Richmond County.

Sec. 7-3-7. Standards for streetlights—Mandatory.

No lighting fixtures will be installed, operated or maintained within the rights-of-way of any public street, road, highway, alley or sidewalk within Augusta-Richmond County or affixed to any pole, standard or other supporting device which is located within rights-of-way, unless such fixture conforms as to location, installation, equipment, operation and maintenance to the roadway and streetlighting standard and procedures established in section 7-3-4. Fixtures located outside of the rights-of-way will be installed, operated and maintained in such a manner as to prevent light beams, patterns or glare from projecting on rights-of-way in such manner as to be a hazard to, or interfere with, the normal use of the public street, road or highway.

(Ord. No. 6189, 8-17-99)

ARTICLE 2 CONSTRUCTION AND MAINTENANCE

Sec. 7-3-8. Conditions.

The construction or maintenance of any streets, roads, sidewalks, curbs, speed humps, storm water systems and sewer systems in Augusta-Richmond County may be done by Augusta-Richmond County upon approval of the Augusta-Richmond County Commission when seventy-five (75) percent of the owners of the property abutting such improvements shall consent thereto and agree to be assessed for the cost thereof on a pro rata basis as provided for herein.

(a) The Traffic Engineering Division will process the speed hump policy, and will conduct the necessary studies to determine whether a street is eligible for street humps.

(Ord. No. 7097, § 1, 11-18-08)

Sec. 7-3-9. Required development.

No construction or improvement of any streets, roads, sidewalks, speed humps or curbs in Augusta-Richmond County may be done by Augusta-Richmond County unless the property adjacent to the street, road, sidewalk or curb is eighty (80) percent developed. The required development herein shall be determined by the following formula: The front footage of all lots or parcels adjacent to the street, road, curb or sidewalk being installed or improved shall be totaled and the total front footage of all lots or parcels shall be divided into the total front footage of all lots or parcels with improvements thereon to arrive at the percentage of development.

(Ord. No. 7097, § 1, 11-18-08)

Sec. 7-3-10. Assessment of cost.

The Augusta-Richmond County Commission assess the entire cost of such improvements, or any portion thereof, as determined by the Commission, against such abutting property owners; however, no assessment shall be made against the abutting property owners unless the same is consented to in writing by the owners of seventy-five (75) percent of the property abutting such improvements.

(Ord. No. 7097, § 1, 11-18-08)

Sec. 7-3-11. Construction by Augusta-Richmond County or by contract.

The Augusta-Richmond County Commission, after determining the cost of such construction or
maintenance to be done, including the cost of acquiring rights-of-way, if any are to be required, and all cost necessary thereof, including the cost of engineering, supervision and inspection, shall proceed to construct the same either by forces of the Public Works Department or by contract, as the Commission deems best.

Sec. 7-3-12. Collection of assessments.

The Augusta-Richmond County engineer, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the governing authority for approval. Upon approval of the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the collector of delinquent taxes for collection. In making assessments against the abutting property, the same shall be equitable and in proportion to the street frontage to be served by said improvements.

Sec. 7-3-13. Liens; collector of delinquent taxes.

All assessments made hereunder shall be liens against the property abutting such streets, roads, sidewalks, curbs, stormwater systems or sewer systems from the date of the adoption of the resolution authorizing such improvements and the assessment of the cost for the same. A copy of each resolution as adopted by the Augusta-Richmond County Commission shall be forwarded by the clerk to the collector of delinquent taxes.

Sec. 7-3-14. Docket; payment of assessments; executions.

A docket shall be kept by the director of delinquent taxes for listing the property owners and property and the amounts assessed thereon for construction and maintenance authorized hereunder. Said assessments shall be paid thirty (30) days from the date that the same is submitted to the property owner or in any other manner as provided for by the Augusta-Richmond County Commission. All delinquent assessments shall bear interest at the rate of nine (9) percent per annum. An execution shall issue for the collection of any delinquent assessments; and the same shall be signed by the Chairman of the Commission, and shall be recorded on the general execution docket in the office of the clerk of superior court of Richmond County, and shall be collected by the delinquent tax collector as other fi.fa.'s, and in the event that the defendant in fi.fa. shall claim the amount thereof, or some part of same thereof is not owing, or that the same is proceeding illegally, he may file illegality thereon, and proceed thereon the same as provided for in case of tax fi.fa.'s.

Sec. 7-3-15. Fi.Fa.; Propriety; transfer.

All fi.fa.'s or executions issued hereunder shall be with the same lien, dignity and priority as fi.fa.'s or executions are listed for state and local taxes. Any if. fa. issued hereunder may be transferred or assigned and the property levied upon and sold under the rules governing judicial sales.

Sec. 7-3-16. Augusta-Richmond County road system.

(a) All public roads, streets, avenues, drives, and other ways open to the public and intended or used for its enjoyment and for the passage of vehicles as defined by Georgia Laws 1973, pp. 947, 959, located in Augusta-Richmond County, as shown by recorded deeds of conveyance to the County, which are on file in the office of the Augusta-Richmond County engineer; and all said public roads shown by the County road register maintained by the Augusta-Richmond County engineer; and all said roads shown as County roads on the most recent map of public roads in the County prepared by the state department of transportation, collectively, are hereby designated as the County road system; and each said road or portion thereof is declared to be a part of the County road system as is provided in Georgia Laws 1973, pp. 947, 967.

(b) The County engineer shall notify the state department of transportation of this section and shall, as soon as practicable, submit any additions or deletions which may be necessary to conform
the map and written record maintained by the department of transportation showing public roads in the County to reflect those roads which are hereby designated as the County road system.

Sec. 7-3-17. Adding road to the Augusta-Richmond County road system.

Prior to the adding of any road to the Augusta-Richmond County road system, the following resolution shall be adopted by the Augusta-Richmond County Commission:

RESOLUTION ADDING ROAD TO THE AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.

WHEREAS, [Road] is an existing Road in Augusta-Richmond County, Georgia open to public usage; and

WHEREAS, Augusta-Richmond County desires to make Road a part of its Road System.

NOW, THEREFORE, BE IT RESOLVED by the Augusta-Richmond County Commission that [Road] is hereby added to its official Road System of Record, being described as follows and as shown on the attached sketch map or plat showing the approximate alignment and location of said road:

(a) Points of beginning and ending:
   Beginning at ;namerule and ending at __________________________.

(b) Length of road to nearest 1/10th mile: __________________________.

(c) Width and type of road surface: __________________________.

The Clerk of the Commission is hereby directed to forward a certified copy of this Resolution to: Georgia Department of Transportation, Office of Planning, Inventory Branch, 2 Capitol Square, Atlanta, Georgia, 30334.

Adopted this __________ day of __________________, 19____.

/s/ __________________________
   MAYOR,
   Augusta-Richmond County Commission

ATTEST:

/s/ __________________________
   CLERK,
   Augusta-Richmond County Commission

Sec. 7-3-17.1 Maintenance or construction for private streets for purposes of police, fire and other emergency vehicles access.

(a) The Augusta-Richmond County Commission desires to protect the health, safety and welfare of its citizens by ensuring that emergency vehicles have access to private roads and streets in the safest possible manner, and that the County be reimbursed for costs of such maintenance services, and provide other assurances;
(b) The provisions of this Article shall apply to incorporated areas within Augusta-Richmond County under the jurisdiction of the Board of Commissioners.

(c) The Public Services Department Engineering Maintenance is responsible for the administration of the program and will enter into a release with the owner(s) of the property regarding ingress and egress to the property and the costs and/or expenses associated with making the improvements.

(Ord. No. 7056, § 1, 6-17-08)

Editor’s note—Ordinance 7056 has been editorially designated as Section 7-3-17.1. Official redesignation of Ordinance 7056 as Section 7-3-17.1 is pending before the Augusta-Richmond County Commission as of the date of the publication of the third supplement to the Augusta Code.

ARTICLE 3. EXCAVATIONS

Sec. 7-3-18. Requirements.

No excavation shall be made within any public right-of-way (street, road, alley, lane or other public thoroughfare) of Augusta-Richmond County until the following requirements have been met:

(a) A fifteen hundred dollar ($1,500.00) bond with adequate security has been filed with Augusta-Richmond County in the office of the director of public works or a letter from a chartered state or national bank or savings and loan institution within the state, confirming an escrow deposit, by the contractor or applicant for the benefit of Augusta-Richmond County or a letter of credit from a chartered state or national bank or savings and loan institution within the state.

(b) A letter and/or plans have been submitted to the director of public works or his representative giving the details regarding the proposed excavations and expected dates of the same.

(c) A permit is obtained from the director of public works or his representative and posted on the job site.

Sec. 7-3-19. Notification of the director of public works or his representative; completion of work.

The director of public works or his representative shall be notified at least twenty-four (24) hours prior to the beginning of the excavation, and all work shall be completed within seven (7) calendar days or an extension of time shall be secured in writing from the director of public works or his representative. A minimum of one (1)
hour’s advance notice during regular working hours (8:30 a.m. to 5:00 p.m.) shall be given prior to beginning any backfill operation. Any backfill accomplished without the minimum one-hour advance notice shall be removed in its entirety. The applicant must obtain permission from Augusta-Richmond County’s inspector before placing concrete or asphalt.

Sec. 7-3-20. Construction standards.

Construction for all road cut excavations shall conform to the standard detail approved by the Augusta-Richmond County engineer, including as a minimum:

(a) Select backfill compacted in lifts no more than six (6) inches, loose measure, to at least ninety-eight (98) percent of the maximum dry density as determined by a standard proctor. No backfill work shall begin until all required materials, along with a mechanical compactor and competent operator for the compactor, are on the job site.

(b) Eight-inch-thick portland cement concrete, class "A" or better (minimum 611 pounds cement/cu. yd.) shall be placed twelve (12) inches wider, each side, than the excavated trench/ditch. All edges shall be squared. The concrete shall be protected until proper set is obtained.

(c) Final position of asphalt surface with saw cut edges to match the existing grade of the surrounding pavement after proper rolling.

Sec. 7-3-21. Blocking traffic; signs.

No traffic shall be blocked at any time during construction unless approved as part of the permit and all required signs and state-certified flagmen are in place. All signs, barricades and flagmen shall be provided by the contractor at his expense, and placed as directed by the public works director or his representative.

Sec. 7-3-22. Repairs to cut pavement; cost.

Where pavement is cut, repairs to such pavement shall be made by the person, utility company or contractor who made the cut. Such repairs shall be made according to specifications approved by the public works director which shall be furnished to the person, utility company or contractor by said director. All cuts and repairs to cuts shall be made under the supervision of the public works director. The person, utility company or contractor shall pay as a fee the sum of ten cents per square foot on footage agreed upon by the commissioner of public works and the person, utility company or contractor, but not less than three dollars per cut. This fee shall be paid within thirty days after the cut is made, by the person or utility company making the cut and repairs, and shall be deposited to the credit of the department from which inspectors under the public works director are paid.

Sec. 7-3-23. Failure to complete work.

In the event the contractor does not complete the excavation work within seven (7) days or within any extended time granted, or in a satisfactory manner, the director of public works or his representative shall have the work done with Augusta-Richmond County forces or by contract and shall bill the bonding company of the contractor at a rate twice the actual cost.

Sec. 7-3-24. Emergency permits.

Emergency permits may be obtained from the director of public works or his representative by telephone and must be verified in writing within twenty-four (24) hours by the contractor. All requirements contained herein shall apply to emergency permits (as deemed feasible by the director of public works or his representative).

Sec. 7-3-25. Penalty for noncompliance.

Failure to comply with any section or subsection of this article, except as approved in writing by the director of public works or his representative, in advance, shall result in a fine of five hundred dollars ($500.00) per day, with each day considered a separate violation. This fine is in addition to the cost of repairs as prescribed in section 7-4-22. Any company that violates this
article will not have any further permits issued for additional work until all fines are paid and all outstanding repairs are completed.

**ARTICLE 4. USE OF COUNTY RIGHTS-OF-WAY**

Sec. 7-3-26. Heavy equipment on right-of-way.

This section shall cover any person, association, or business entity using heavy equipment (as hereinafter defined) on or over an Augusta-Richmond County road, right-of-way and/or easement in carrying out its business by loading, unloading and/or transporting materials of any nature, whether on the road surface or on the paved or unpaved portion of a right-of-way and/or easement (including ditches or embankments).

Sec. 7-3-27. Definitions.

As used in this article, the term:

(a) *Access site.* Any temporary or permanent roadway, drive, structure, fill or device, existing or constructed, that is used or employed for the purpose of crossing, traveling upon or using an Augusta-Richmond County road, right-of-way and/or easement.

(b) *Augusta-Richmond County right-of-way.* For the purpose of this Ordinance, the entire right-of-way of any road (as defined herein), including without limitation the shoulder, front slope, ditch, drain, back slope, facility or any appurtenance of such road.

(c) *Heavy equipment and vehicle.* Any and all motorized devices in, upon or by which any person, material or property may be transported or drawn, including without limitation semitrailers, trailers, tractors, and truck tractors, provided, however, that heavy equipment and/or vehicles being used for the control or extinguishing of fire and/or flood control shall be exempt from this statute.

(d) *Loading and/or unloading* shall be defined by their everyday meanings, but also shall include any activity known as harvesting or mining of any product or material.

(e) *Operations.* Those activities contemplated by this article, including without limitation the loading, unloading and/or transporting of raw materials such as stone, metal, timber, oil, fill dirt, produce and kaolin.

(f) *Operator.* Any individual, partnership, corporation, association or private organization of any character, including without limitation said operator's agents and employees, carrying out the activities contemplated by this article.

(g) *Road.* Any Augusta-Richmond County-owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.

Sec. 7-3-28. Commencement of operations.

(a) All persons engaging in operations using heavy equipment or vehicles in excess of three (3) tons on or across an Augusta-Richmond County road, right-of-way and/or easement must provide in writing to the Engineering Services department the following information at least forty-eight (48) hours before commencing said operations:

1. The name, address, and phone number of the party which will be carrying on said operations;
2. The approximate location of access site(s) to the road or the approximate location of the right(s)-of-way and/or easements affected;
3. The date operations are to commence;
4. The estimated date all operations will be completed; and
5. The name of the title owner of the tract of land on which operations shall occur;
(b) Provided, however, that any Operator using Augusta-Richmond County roads, rights-of-way and/or easements more frequently than once each month in the same location shall be required to:

(1) Provide this information to the Engineering Services department once each three (3) months;

(2) Allow monthly inspections by the Engineering Services department of its operations; and

(3) Pay to the Engineering Services department a user impact fee of fifty dollars ($50.00) per inspection in connection with said inspections.

Sec. 7-3-29. Performance standards.

(a) Loading and/or unloading. All loading and/or unloading shall be conducted at a site outside the Augusta-Richmond County rights-of-way and behind the established ditch line of Augusta-Richmond County roads and/or easements.

(b) Ditches and drainage structures. Ditches and drainage structures within fifty (50) feet of an access site and/or right-of-way and/or easement shall be kept clear of debris, soil and residue at all times to allow for proper drainage. Culverts shall be installed at access sites and/or temporary entrances, as needed, to facilitate proper drainage flow. Culvert openings shall be as approved by the Engineering Services department.

(c) Warning signs. Any Operator engaging in operations as defined herein shall be required to post warning signs at least 500 feet on all approaches to the location of operations, adequately warning oncoming traffic of persons, heavy equipment, vehicles or machinery entering the area.

(d) Roadway. Operators shall be responsible for keeping Augusta-Richmond County roads, rights-of-way and/or easements serviceable and clear of debris, soil, mud and/or other materials at all times to allow for the safe passage of school buses, emergency vehicles, mail carriers, and traffic of the general public.

(e) Notifications upon completion of operations. No later than forty-eight (48) hours after completion of operations, Operator shall give written notification of such completion to the Engineering Services department. Within eight (8) days of receiving said notification of completion, the Engineering Services department shall cause a site inspection to be made by a designated official of said department, and shall provide written notice to the Operator as to whether the site is in proper repair. Should said written notice not be provided by the Engineering Services department within a reasonable time period, Operator shall not be held responsible or liable under this article.

(f) Determination of proper state of repair; appeal of determination. If it is determined by the Engineering Services department during operations that any Augusta-Richmond County road, right-of-way and/or easement, or any access site, is not in a proper state of repair, a written notification of said determination shall be issued to the Operator. Any Operator receiving notification that a site is not in a proper state of repair (whether said notification is received during or at the completion of operations) shall have ten (10) days to correct the site or to appeal the determination of the Engineering Services department to the Augusta-Richmond County Commission. Appeal shall be made by filing a notice of appeal with the Clerk of the Commission within said ten (10) day period. In the event of appeal, the Commission shall render a decision on the appeal at the next regular meeting of the Commission following receipt of the notice of appeal. The Commission may receive evidence on behalf of both the Operator and/or the Engineering Services department at the hearing of any appeal under this article.

(g) Abatement; bonding requirement. If repairs in accordance with subsection (f), above, are not made by Operator within ten (10) days of notification by the Engineering Services department, or within ten (10) days of a decision of the Commission adverse to the Operator, then the Commission shall cause the repairs to be made and shall tax the cost of the repairs against the Operator and the property in the same manner and under the same terms as the cost of other
public improvements is taxed. The cost shall constitute a lien against the property, and the delinquent tax collector shall issue a fi.fa. in the name of the Augusta-Richmond County, acting by and through its Commission, for the cost, and, at the sole option of the Commission, levy the fi.fa. upon, and expose for sale, the property in the same manner as levies and sales under tax fi.fas are now executed. The Commission shall further require posting of a bond or letter of credit in an amount to be determined by the Commission after recommendation from the Engineering Services department for future operations on Augusta-Richmond County roads, rights-of-way and/or easements. Said bond will remain in force until the conclusion of operations with all access sites, roads, rights-of-way and/or easements being in satisfactory condition as prescribed by this Ordinance. At such time, said bond will be returned to Operator within ten (10) days.

Sec. 7-3-30. Violation; penalty.

For all violations of this article besides failure to repair as addressed in subsections (f) and (g), above, the Engineering Services department shall make a case against the offending party and, upon trial and conviction, the offending party shall be punished as provided in section 1-6-1 of this Code.

ARTICLE 5 SOIL EROSION AND SEDIMENT CONTROL

Sec. 7-3-31. Definitions.

The following definitions shall apply in the interpretation and enforcement of this section, unless otherwise specifically stated:

1. Best Management Practices (BMP’s): A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6 subsection (b).

2. Board: The Board of Natural Resources.

3. Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.


5. Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation".

6. Department: The Department of Natural Resources.

7. Developer: Refers to the person or persons, corporation, or other business applying for a permit to undertake land-disturbing activity and performing development within the scope of this article.

8. Development: Refers to any activity which would alter the elevation of the land, remove or destroy plant life, cause structure of any kind to be installed, erected, or removed, or a change of any kind from conditions existing as of the effective date of this article unless such activity is exempted under § 7-3-33.

9. Director: The Director of the Environmental Protection Division of the Department of Natural Resources.

10. District: The Brier Creek Soil and Water Conservation District.

11. Division: The Environmental Protection Division of the Department of Natural Resources.

12. Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.
13. Existing Grade: The vertical location of the existing ground surface prior to cutting or filling.

14. Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

15. Erosion and Sedimentation Control Plan: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan".

16. Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

17. Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

18. Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

19. Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

20. Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 7-3-32, paragraph 5.

21. Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

22. Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to § O.C.G.A. 12-7-8(a). The LIA in Augusta is the Executive Director of the Augusta-Richmond County Planning Commission and the Public Works and Engineering Department is an extension of the LIA with respect to plan review and enforcement.

23. Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

24. Mulching: Refers to the application of plant or other suitable materials in the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

25. Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

26. Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

27. One-Hundred-Year-Flood Plain: Land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

28. Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such
as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

29. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

30. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

31. **Planning Commission:** The Augusta-Richmond County Planning Commission.

32. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.

33. **Qualified Personnel:** Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

34. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

35. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

36. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

37. **Soil and Water Conservation District Approved Plan:** An erosion and sedimentation control plan approved in writing by the Brier Creek Soil and Water Conservation District.

38. **Soil Erosion and Sediment Control Measures:** Refers to mechanical measures used to reshape the land to intercept, divert, convey, retard, or otherwise control runoff, including, but not limited to, land grading, bench terraces, subsurface drains, diversions, berms, storm sewers, outlets, waterway stabilization structures, lines channels, sediment and debris basin, and stream channel and bank stabilization; and vegetative measures to provide temporary cover to help control erosion during construction and permanent cover to stabilize the site after construction is complete.

39. **Soil Erosion and Sediment Control Plan or Plans:** Refers to the plan for the control of soil erosion and sedimentation resulting from land disturbing activities.

40. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind; water; ice or gravity.

41. **State General Permit:** The National Pollution Discharge Elimination System general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and Code Section 12-5-30(f).

42. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and re-
tained completely upon the property of a single individual, partnership, or corporation.

43. **Structural Erosion and Sedimentation Control Practices:** Practices for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*

44. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

45. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment producing areas by covering the soil with:

a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

b. Temporary seeding, producing short-term vegetative cover; or

c. Sodding, covering areas with a turf of perennial sod forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*

46. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

47. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 6947, § II, 2-22-07)

**Sec. 7-3-32. Exemptions.**

This section shall apply to any land disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "Mineral Resources and Caves Act";

2. Granite quarrying and land clearing for such quarrying;

3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

4. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any
such residence shall conform to the minimum requirements as set forth in Section 7-3-33 of this article and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Section IV of this Ordinance and the buffer zones provided by this section shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 7-3-34C. of this article, no other land-disturbing activities, except for normal forest management activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph. "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county
or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.
(Ord. No. 6947, § III, 2-22-07)

Sec. 7-3-33. Minimum requirements for erosion and sedimentation control using best management practices.

A. General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this Ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 7-3-34B. & C. of this article. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land disturbing activity.

B. Minimum requirements/BMPs.

1. Best management practices as set forth in Section 7-3-34B. & C. of this article shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to of O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design spec-
ifcations contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to Code Section 12-5-90(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

C. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;

12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

14. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 7-3-34B.2. of this article;

15. Except as provided in paragraph (16) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be
piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.

D. Nothing contained in this chapter shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 7-3-34B. and C. of this article.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Ordinance or the terms of the permit.

(Ord. No. 6947, § IV, 2-22-07)

Sec. 7-3-34. Application/permit process.

A. General. The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the Zoning Ordinance, Stormwater Management Ordinance, Subdivision Ordinance, Flood Damage Prevention Ordinance, this article, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the operator is the only party who may obtain a permit.

B. Application requirements.

1. No person shall conduct any land disturbing activity within the jurisdictional boundaries of Augusta Georgia without first obtaining a permit from the Augusta-Richmond County Planning Commission to perform such activity.

2. The application for a permit shall be submitted to the Augusta Richmond County Planning Commission and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 7-3-35C, of this article. Soil erosion and
sedimentation control plans shall conform to the provisions of Section 7-3-34B. and C. of this article. Applications for a permit will not be accepted unless accompanied by (6) copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.

3. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed $80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9), (10) shall be submitted in full to the division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 7-3-34C. 15. and 16 and bonding, if required as per Section 7-3-35B.5.(b), have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

5. If a permit applicant has had two or more violations of previous permits, this Ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.

6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this Ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. Plan requirements.

1. Plans must be prepared to meet the minimum requirements as contained in Section 7-3-34B. and C. of this article. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water
Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this Ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

2. Data Required for Site Plan.
   a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
   b. Description of existing land use at project site and description of proposed project.
   c. Name, address, and phone number of the property owner.
   d. Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
   e. Size of project, or phase under construction, in acres.
   f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
   g. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
   h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
   i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
   j. Maintenance statement. "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."

3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. § 12-7-20. The certified plans shall contain:
   a. Graphic scale and north point or arrow indicating magnetic north.
   b. Vicinity maps showing location of project and existing streets.
   c. Boundary line survey.
   d. Delineation of disturbed areas within project boundary.
   e. Existing and planned contours, with an interval in accordance with the following:
Map Scale | Ground Slope | Contour Interval, ft.
---|---|---
1 inch = 100 ft. or larger scale | Flat 0—2% | 0.5 or 1
| Rolling 2—8% | 1 or 2
| Steep 8% + | 2, 5 or 10

f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.

g. Proposed structures or additions to existing structures and paved areas.

h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.

i. Delineate the specified horizontal buffer along designated trout streams, where applicable.

j. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, Chapter 6.

4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

5. Plot plans for single family homes on individual lots shall illustrate the best management practices the contractor will implement during construction to prevent soil erosion and damage to adjoining properties as a result of erosion; the plot plan shall illustrate positive storm water drainage to an existing storm water structure; and the plot plan shall illustrate the method for permanently stabilizing the disturbed soil upon completion of construction.

The following shall be illustrated on residential plot plans.

a. Contractors name.

b. Street name and property address.

c. Lot dimensions drawn to scale.

d. All drainage and utility easements.

e. Existing drainage swales.

f. Footprint of building.

g. Building setback dimensions.

h. Best management practices to be implemented:
   1. Sediment barriers.
   2. Proposed drainage swales.
   3. Construction exit.

i. Positive storm water drainage from the lot to an existing storm water structure, direction of flow to be indicated by arrows. Existing storm water structure includes paved streets, drainage structure inlets, drainage ditches, and swales.

j. How disturbed soils will be permanently stabilized.

k. 100-Year floodplain data.

l. Existing structures on property.

m. Wetlands data.

n. Distance to any stream, creek or water body on or adjacent to (within 200 feet of) the proposed site.

o. Delineate 25 feet state water buffer, as applicable.

D. Permits.

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.

2. No permit shall be issued by the Local Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this article, any variances required by
Section 7-3-34C. 15, and 16 are obtained, bonding requirements, if necessary, as per Section 7-3-35B.5.(b) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

4. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

5. No permit shall be issued unless the applicant provides a statement by the Richmond County Tax Commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.

(Ord. No. 6947, § V, 2-22-07)

Sec. 7-3-35. Inspection and enforcement.

A. As an extension of the LIA the Augusta Public Works and Engineering Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.

1. Residential Construction of Individual Lots: The License and Inspection Department will inspect for compliance with this article for residential construction on individual lots. If a project is deemed not to be in compliance with the approved plot plan, the contractor will be issued a written notice to comply with the approved plot plan. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the contractor engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

B. The Augusta Public Works and Engineering Department as an extension of the LIA shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

C. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
D. The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the County's or Municipality's Erosion and Sedimentation Control Program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

E. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a Local Issuing Authority. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the District and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the governing authority of the County or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take necessary corrective action. If the violation presents an imminent threat to public health or waters of the State or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate Stop-Work Order in lieu of a warning.

A. Failure To Obtain A Permit For Land-Disturbing Activity. If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this Article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. Stop-Work Orders.
1. For the first violation of the provisions of this Article, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a Stop-Work Order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the State or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate Stop-Work Order in lieu of a warning;
2. For a second and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate Stop-Work Order; and;
3. All Stop-Work Orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action

Sec. 7-3-36. Penalties and incentives.

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or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. Bond Forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article and, in addition to other penalties, shall be deemed to have forfeited his Performance Bond, if required to post one under the provisions of Section 7-3-35B.5.(b). The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary Penalties.

1. Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Article shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this Ordinance, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of County Ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Article under County Ordinances approved under this Article shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

2. Under provision of this section, any person who continues to violate, knowingly and intentionally becoming a habitual violator on the same or different site will be liable for a civil penalty not to exceed $2,500.00 per day.

3. Penalties, less court costs, shall be returned to the Local Issuing Authority and deposited into the NPDES account.

(Ord. No. 6947, § VII, 2-22-07)

Sec. 7-3-37. Education and certification.

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.

(Ord. No. 6947, § VIII, 2-22-07)

Sec. 7-3-38. Administrative appeal judicial review.

A. Administrative Remedies. The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved Erosion and Sediment Control Plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any Ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Augusta Commission within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.

B. Judicial Review. Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Richmond County, Georgia.

(Ord. No. 6710, §§ I—X, 7-21-04, Ord. No. 6947, § IX, 2-22-07)
Secs. 7-3-39—7-3-59. Reserved.

ARTICLE 6.B STREET AND ROAD DESIGN*

ARTICLE 6. GRADING PERMIT

Sec. 7-3-40. Statement of purpose.

Soil erosion and sediment deposition onto lands and into waters in Augusta, Georgia are occurring as a result of land clearing, excavation, filling, grading, and construction activities. Such erosion and sediment deposition results in pollution of Augusta, Georgia waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses.

This article provides rules and regulations for excavation, filling, and grading activities within Augusta, Georgia and provides for administration and enforcement of said rules and regulations.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-41. Definitions.

Unless the context otherwise requires, the following terms, as used in this article, are defined as follows:

(a) **Excavation.** Mechanical removal of earth material.

(b) **Fill.** The deposit of earth material placed by artificial means.

(c) **Grading.** Any excavation or filling or combination thereof.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-42. Exemptions.

No excavation, filling, or grading shall be conducted within Augusta, Georgia, except for those activities as provided below, without first securing a permit as required by this article. The following activities are exempted from the provisions of this article.

(a) Minimum land disturbing activities such as house gardens, and individual home landscaping, repairs, maintenance work and other related activities;

*Editor's note—Ord. No. 6174, § 1, adopted July 6, 1999, set out provisions for an Art. 7. Whereas Art. 7 already existed, these provisions were redesignated as Art. 6.5. See the Code Comparative Table.
(b) Agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings;

(c) Projects carried out under the technical supervision of the Soil Conservation Service of the U.S. Department of Agriculture;

(d) Excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure;

(e) Cemetery graves;

(f) Approved refuse disposal sites controlled by other regulations;

(g) Excavations for wells or tunnels or utilities;

(h) Approved mining, quarrying, excavation, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stress in or pressure upon any adjacent or contiguous property;

(i) Exploratory excavations under the direction of soil engineers or engineering geologists.

(Ord. No. 6166, 6-1-99)

**Sec. 7-3-43. Permit procedures.**

(a) Except as exempted in § 7-3-42, no person shall do any excavation, filling, or grading without first obtaining a grading permit from the Augusta-Richmond County Planning Commission. A separate permit shall be required for each site.

(b) Where a new single family residential building is to be immediately constructed or where a manufactured home is to be placed on a parcel, an individual plot plan pursuant to the Soil Erosion and Sediment Control Ordinance section 7-3-35 (b)(1) shall be provided and reviewed by the license and inspections department before a building permit is issued for a single family residential building or before a certificate of occupancy is issued for a manufactured home.

(c) To obtain a permit for a residential lot in an approved subdivision where grading is to be conducted but a home is not to be immediately constructed, the applicant shall phone or visit the Augusta-Richmond County Planning Commission to obtain a permit number. Information required for each residential grading site shall be:

1. Lot number, block number, subdivision name, tax parcel number (if available) and street address or similar description that will readily identify and locate the proposed grading activity;

2. Lot owner;

3. Contractor performing the grading activity;

4. Name, address and phone number of person making the application;

5. Estimated start and completion dates.

In all other areas, to obtain a permit for grading activities where no new building construction (residential or commercial) is immediately imminent; the applicant shall submit a grading plan per the requirements of section 7-3-44 of this Code.

(d) A site plan will also be required for commercial development not specifically exempted in section 7-3-42. The Augusta-Richmond County Planning Commission staff shall review each application for a site plan under this article, and determine whether said application is in conflict with other ordinances of the Augusta-Richmond County Code, such as those relative to zoning, subdivision of land, soil erosion and floodplain management. Unless exempted elsewhere in this article, a grading plan will be required.
(e) Site activity involving land disturbance greater than one and one-tenth (1.1) acre shall also be required to submit a soil erosion sediment control plan per the provisions of section 7-3-31 et seq. of the Augusta-Richmond County Code.

(f) A site plan/grading plan/soil erosion plan will be reviewed by the appropriate reviewing agencies for compliance with Augusta-Richmond County Code and a grading permit will be issued upon approval from said reviewing agencies. (Ord. No. 6166, 6-1-99)

Sec. 7-3-44. Grading plan requirements.

(a) Grading plans shall be drawn to scale no smaller than one (1) inch equals one hundred (100) feet. Where large sites are being planned, they may be drawn on one or more sheets. No drawing shall exceed thirty-six (36) inches by forty-eight (48) inches in size.

(b) The following information shall be included on each grading plan:

1. Name of development;
2. Owner (name, address, and telephone number);
3. Developer (name, address, and telephone number);
4. Date plan drawn, and revision dates as applicable;
5. Seal and signature of a registered engineer;
6. North arrow with reference;
7. Scale (no less than one (1) inch = one hundred (100) feet);
8. Tax parcel number;
9. Zoning classification;
10. Use and zoning of all adjacent parcels with owner(s) name(s);
11. Existing and proposed elevations referenced to mean sea level, with a contour interval of two (2) feet, accurate to one-half contour to indicate surface drainage patterns;
12. Source of datum (benchmark used: GS benchmark, if available), and location of BM or TBM at the site;
13. Existing pavement width and right-of-way width of any existing streets adjacent to the development and distances to nearest intersection;
14. Acreage of property to be developed;
15. Location sketch (scale no less than one (1) inch = two thousand (2,000) feet); and
16. Heavy outline of 100-year flood plain and note thereof. Any disturbances within flood plain limits must comply with the city flood ordinance. If the property is not in a 100-year flood plain then write a note stating that.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-45. Placard.

(a) No placard is required for residential lots in an approved subdivision; however a permit number is required per the phone-in procedures listed elsewhere in this article.

(b) When a site plan application is approved pursuant to this article, a placard shall be presented to the applicant illustrating the permit number, name of the applicant and the location and description of the permitted activity. Such placard shall be provided free of charge and shall be placed on the site in a conspicuous place visible from nearby streets or roads before work commences.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-46. Inspection and revocation.

The city engineer shall be responsible for inspecting or requiring inspection of work being performed under the requirements of this article. Permits issued under the provisions of this article may be suspended, revoked or modified upon a finding that the activity of the holder is not consistent with information provided in his permit application.

(Ord. No. 6166, 6-1-99; Ord. No. 6939, § 13, 1-18-07)

Sec. 7-3-47. Enforcement.

It shall be the duty of the city engineer to enforce the provisions of this article within Augusta, Georgia. This enforcement shall be in the manner and form with the powers provided in the laws of the state and in the Augusta-Richmond County Code. Violations of the provisions of this article shall be called to the attention of the county attorney, who shall immediately institute injunctions, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such violations. Any property owner who may be damaged by any violation of this article may also institute such action. Any person or corporation, whether as principal, agent, employee, or otherwise, who violates any provision of this article shall be guilty of an offense and upon conviction shall be punished as provided in Augusta-Richmond Code section 1-6-1.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-48. License required.

Contractors or builders conducting excavation, grading, and filling projects in August, Georgia that are not exempted under the provisions of this article shall comply with section 2-1-1 et seq. of the Augusta-Richmond County Code.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-49. Conflict with other laws.

No provision of this article shall authorize any person to violate, or to pollute any waters of the State of Georgia as defined by any provisions of the "Water Quality Control Act" (Georgia Laws, 1964, p. 416), as now or hereafter amended, or the rules and regulations promulgated and approved thereunder nor shall this article release any person from legal obligations embodied in any other federal, state or local laws or ordinances.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-50. Appeal procedure.

Any person aggrieved by a decision or order of the issuing authority to the requirements of this article shall first present the grievance to the issuing authority for a hearing within thirty (30) days of the decision or order and lacking a satisfactory settlement shall then have the right to appeal de novo to the Superior Court of Richmond County. Appeals to superior court must be filed within thirty (30) days of the date of the decision of the issuing authority; and upon failure to file said appeal within thirty (30) days, the decision of the issuing authority shall be final.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-51. Severability.

Any clause or provision of this article declared invalid shall not affect the validity of the article as a whole or any part thereof.

(Ord. No. 6166, 6-1-99)

Sec. 7-3-60. Construction standards.

Construction of all roads and streets to be dedicated to Augusta, Georgia shall conform to the standard detail approved by the Augusta Department of Public Works and Engineering, as set forth in the Street and Road Design Technical Manual.

ARTICLE 7 NUISANCE ABATEMENT—IN REM PROCEEDINGS

Sec. 7-3-61. Findings of the existence of nuisances.

(a) The governing authority of Augusta, Georgia find and declare that within Augusta there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in Augusta; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of Augusta and the State of Georgia; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

(b) It is further found and declared that in Augusta where there is in existence a condition or use of real estate which renders adjacent real
estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of Augusta and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The governing authority of Augusta finds that there exists in Augusta dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structure unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of Augusta, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

(c) It is the intention of the governing authority that this Ordinance shall comply with and does comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within Augusta, Georgia.

(Ord. No. 6454, § 1, 1-15-02)

Secs. 7-3-62—7-3-70. Reserved.

ARTICLE 8 RULES AND REGULATIONS FOR ABATEMENT OF UNSAFE OR UNHEALTHFUL PREMISES*

Sec. 7-3-71. Definitions.

(a) Applicable codes shall mean

(1) Any technical code, together with applicable appendices, adopted in Augusta-Richmond County Code §7-1-16, as currently provided or hereafter amended.

(2) Any optional housing or abatement standard provided in Chapter 2 of Title 8 of the O.C.G.A. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;

(3) Any fire or life safety code as provided for in Chapter 2 of Title 25 of the O.C.G.A.; and

(4) Any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Chapter 2 of Title 8 after October 1 provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

(b) Closing shall mean causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

(c) Drug crime shall mean an act which is a violation of O.C.G.A. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.

(d) Dwellings, buildings, or structures shall mean any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business use, or intended to be so used, and includes anyouthouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term 'dwellings, buildings, or structures' shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

(e) Governing authority shall mean the Augusta-Richmond County Commission.

(f) Municipality shall mean Augusta-Richmond County.

*Editor's note—Ord. No. 6455, § 1, adopted January 15, 2002, designated the provisions of this article as §§ 7-3-44—7-3-46. Inasmuch as these sections already exist in this Code, at the editors discretion, these sections have been redesignated as §§ 7-3-71—7-3-73.
(g) **Owner** shall mean the holder of the title in fee simple and every mortgagee of record.

(h) **Parties in interest** shall mean:

1. Persons in possession of said property and premises;
2. Persons having a record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a 50 year title examination conducted in accordance with the title standards of the State Bar of Georgia;
3. Persons having paid an occupational tax to the governing authority for a location or office at the subject building or structure; or
4. Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.

(i) **Public authority** shall mean any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

(j) **Public officer** shall mean the officer or officers who are authorized by O.C.G.A. Section 41-2-7, Section 41-2-8 and Sections 41-2-9 through 41-2-17 and by this Ordinance adopted under Section 41-2-7, Section 41-2-8, and Sections 41-2-9 through 41-2-17 to exercise the powers prescribed by this article or any agent of such officer or officers.

(k) **Repair** shall mean altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

(l) **Resident** shall mean any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

(Ord. No. 6455, § 1, 1-15-02)

**Sec. 7-3-72. Duties of owners.**

It is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction of Augusta to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within Augusta, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building structure or property in violation of such codes or ordinances;

(Ord. No. 6455, § 1, 1-15-02)

**Sec. 7-3-73. Nuisance abatement procedures.**

(a) **Appointment of public officer.** The Augusta-Richmond County Commission appoints and designates the Director, License and Inspection and his/her designee as public officer(s) to exercise the powers prescribed by this Article;

(b) **Procedures for determining premises to be unsafe or unhealthful.**

1. Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of Augusta charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human hab-
If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health and safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:

a. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with applicable codes relevant to the cited violations and if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or

b. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this Article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building or
structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 41, of the O.C.G.A., qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

c. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure, to be repaired, altered, improved, to be vacated and closed, or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

'This building is unfit for human habitation or commercial, industrial, or business use and does not comply with applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.'

d. If the public officer has the structure demolished, reasonable effort shall be made to the salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without necessity of public advertisement and bid. The public officer and Augusta are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

e. The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

1. The lien provided for in paragraph c. of subsection 2. of this Ordinance section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the Clerk of Superior Court in Richmond County and shall relate back to the date of the filing of the lis pendens notice required under subsection (g) of O.C.G.A. § 41-2-12. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of Richmond County and enter the lien on the general execution docket. The lien shall be superior to all other liens on property, except liens for taxes to which the lien shall be inferior,
and shall continue in force until paid. After filing certified copy of the order with Clerk of Superior Court, the public officer shall forward a copy of the order and final statement of costs to the county tax commissioner. It shall be duty of the county tax commissioner to collect the amount of lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were real property ad valorem tax, using all methods available for collection of real property ad valorem tax, including specifically Chapter 4 of Title 48 of the O.C.G.A., provided, however that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority of Augusta, Georgia. Thirty days (30) after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

2. The tax commissioner shall collect and retain an amount equal to cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by resolution of the Augusta. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.

3. Augusta may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county or municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

4. Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to Richmond County Superior Court under O.C.G.A. § 5-3-29.

5. The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in any court of competent jurisdiction prior to issuing a complaint in rem as provided in this Article.

6. Nothing in this Article shall be construed to impair or limit in any way the power of Augusta to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(c) Powers of Public Officers. The public officer(s) designated in this Article shall have the following powers:

(1) To investigate the dwelling conditions in Augusta in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or busi-
ness use are vacant, dilapidated, and being used in connection with the commission of drug crimes;

(2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;

(3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this Article; and

(5) To delegate any of his or her functions and powers under this Article to such officers and agents as he or she may designate.

(d) Services of Complaints.

(1) Complaints issued by a public officer pursuant to this Article shall be served in the following manner: In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least ten (10) days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:

a. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the public officer designated by this Article to abate nuisances or by any law enforcement officer of Augusta; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;

b. Pursuant to the provisions of O.C.G.A. § 41-2-12; or

c. Statutory overnight delivery.

(2) If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in the County tax files and mailed at least fourteen (14) days prior to the date of the hearing.

(3) Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two (2) consecutive weeks prior to the hearing.

(4) In the event either the owner or any party in interest is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided for in (d) subsection (6) of this Section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the Probate Court of Richmond County at least thirty (30) days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.

(5) In the event of unknown persons or unborn remainders who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the county wherein such property or interest is located shall be personally served at least thirty (30) days
prior to the date of the hearing, and it shall be the duty of the judge of the Probate Court to stand in the place of the protect the rights of such unknown parties or unborn remaindermen.

(6) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this Section, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (5) of this Section, and such publication shall be sufficient proof that service was perfected.

(7) A notice of lis pendens shall be filed in the office of the Clerk of Superior Court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.

(8) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings."

(9) Continued Use of Other Laws and Ordinances. It is the intent of the Augusta-Richmond County Commission that nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of Augusta to enforce any provisions of any local enabling Act, charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this Article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

(Ord. No. 6455, § 1, 1-15-02; Ord. No. 6939, § 13, 1-2-07)
Chapter 4
HISTORIC PRESERVATION

ARTICLE 1 IN GENERAL

Sec. 7-4-1. Purpose.

The historical, cultural and architectural heritage of Augusta-Richmond County is among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. Therefore, in order to stimulate revitalization of the business districts and historic neighborhoods of Augusta-Richmond County, and to protect and enhance local historical, cultural, and architectural attraction to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; in order to promote the reuse and recycling of existing building stock in Augusta-Richmond County and thereby conserve increasingly scarce landfill space and valuable natural resources.

The Augusta-Richmond County Commission hereby declares it to be the purpose and intent of this Chapter to establish a uniform procedure for the protection, enhancement, and perpetuation of places, districts, buildings, structures, objects, landscape features and works of art having a historical, cultural or architectural interest or value.

Sec. 7-4-2. Definitions.

(a) Certificate of appropriateness. A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

(b) Exterior architectural features. The architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, roofing and other appurtenant architectural features, details or elements relative to the foregoing.

(c) Exterior environmental features. All those aspects of the landscape or the development of a site which affect the historical character of the property.

(d) Historic district. A geographically definable area designated by the Commission as a historic district pursuant to the criteria established in section 7-4-13 of this Chapter.

(e) Historic property. An individual building, structure, site, object or work of art, and may include the adjacent area necessary for the proper appreciation thereof, designated by the Commission as a historic property pursuant to the criteria established in section 7-4-14 of this Chapter.

(f) Material change in appearance. A change that will affect the exterior architectural or environmental features of any building, structure, site, object, landscape feature or work of art within a historic property or within a historic district, such as:

(1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

(2) Demolition or relocation of a historic structure;

(3) Commencement of excavation for construction purposes;

(4) A change in the location of advertising visible from the public right-of-way;

(5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.
ARTICLE 2 HISTORIC PRESERVATION COMMISSION

Sec. 7-4-3. Creation.

There is hereby created a commission whose title shall be The Augusta-Richmond County Historic Preservation Commission, hereinafter referred to as Historic Preservation Commission.

Sec. 7-4-4. Members—Appointment; qualifications; terms and compensation.

(a) The Commission shall consist of ten (10) members (plus an additional two members should the Richmond County Delegation choose to appoint two members) to be appointed for four (4) year terms. All members shall be residents of Augusta-Richmond County. Nominations shall be solicited from the Board of Trustees of Historic Augusta, Inc. from at-large community recommendations.

(b) To the extent available, at least five (5) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, historic preservation or related disciplines. The remaining members may be nonprofessionals, but must have demonstrated special interest, experience or education in regional history, historic architecture or the preservation of historic resources.

(c) Except as provided herein, members of the City of Augusta Historic Preservation Commission and members of the Richmond County Historic Preservation Commission who were serving on said commissions on January 1, 1997, all having had their terms expire, shall serve until their successors are appointed and qualified. Two of the existing members shall have their terms terminate on March 31, 1997.

(d) The following members of said Commissions shall continue to serve until their successors are appointed by the Commissioner representing the respective District, and qualified, and are to represent the districts as herein set forth, to wit:

(1) Isaac Johnson District 1
(2) Addie Powell District 2
(3) Carl Drennon District 3
(4) Brian Halterman District 4
(5) Paul Gonzalez District 5
(6) William Dozier District 6
(7) Pat Blanchard District 7
(8) James Carter District 8
(9) Al Cheatham District 9
(10) Thomas Robertson District 10

(e) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.

(f) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.

(g) Members of the Historic Preservation Commission appointed by the Commissioner of the respective Districts to succeed those appointed in subsection (e) and (f) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(h) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointing authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.
(i) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(j) Members shall not receive a salary, although they may be reimbursed for expenses.

(k) Members who fail to attend three (3) consecutive Historic Preservation Commission meetings will forfeit their seat upon the Commission. Commission By-Laws may provide for the conditions of excused absence from Commission meetings.

(l) In the event that vacancies upon the Historic Preservation Commission for any period of time remain unfilled, a Historic Preservation Commission consisting of six (6) or more members may exercise all powers delegated to the Historic Preservation Commission under this Chapter, until the vacancies are filled.

Sec. 7-4-5. Statement of powers.

The Historic Preservation Commission shall be authorized to:

(a) Prepare and maintain an inventory of all property within Augusta-Richmond County, Georgia, having the potential for designation as a historic property. This inventory may be maintained in conjunction with Historic Augusta, Inc. or an independent organization with similar purposes;

(b) Recommend to the Commission specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;

(c) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Chapter;

(d) Recommend to the Commission that the designation of any place, district, site, building, structure, object or work of art as a historic property or as a historic district be revoked or removed;

(e) Restore or preserve any historic properties owned by Augusta-Richmond County, Georgia as authorized by Commission;

(f) Promote the acquisition of facade easements and conservation easements by the Commission in accordance with the provisions of the Facade and Conservation Easements Act of 1976, as amended (O.C.G.A. §§ 44-10-1 through 44-10-5);

(g) Conduct educational programs on historic properties located within Augusta-Richmond County, Georgia and on general historic preservation activities;

(h) Make such investigations and studies of matters relating to historic preservation, including consultation with historic preservation experts, as the Commission or the Historic Preservation Commission itself may, from time to time, deem necessary or appropriate for the purposes of this Chapter;

(i) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the Commission concerning the most appropriate uses of any funds acquired;

(j) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic properties or historic districts designated;

(k) Perform historic preservation activities as the official agency of the Augusta-Richmond County historic preservation program.

(l) Employ and compensate persons, as authorized by Commission, to carry out responsibilities of the Historic Preservation Commission;

(m) Elect from among its members, a member or members to carry out responsibilities of the Commission;

(n) Receive donations, grants, funds or gifts of historic property and acquire and sell historic properties on behalf of the Commission. In regard to such historic property, the Commission shall not obligate the Historic Preservation Commission without prior consent;
(a) Review the nomination of historic properties or historic districts to the National Register of Historic Places and Georgia Register of Historic Places and make comments upon such nominations to the Historic Preservation Section of the Department of Natural Resources;

(p) Participate in private, state and federal historic preservation programs and with the consent of the Commission enter into agreements to do the same;

(q) Advise the appropriate officials of the Augusta-Richmond County Fire Department as to the utilization of alternative compliance concepts for historic properties pursuant to O.C.G.A. §§ 8-2-200 through 8-2-222 and O.C.G.A. § 25-2-13 where these code sections have been made applicable to historic properties in Augusta-Richmond County. Said advice will ensure that compliance with state and local fire prevention laws is accomplished while maintaining the highest degree of historic integrity in affected historic properties;

(r) Issue Citations for violations of this Chapter;

(s) Petition the appropriate court to enjoin actions in violation of this Chapter;

(t) Institute any other appropriate action to enforce compliance with the terms of this Chapter;

(u) Exercise all other powers implicit or explicit in any other provision of this Chapter.

Sec. 7-4-6. Power to adopt rules and standards.

The Historic Preservation Commission shall adopt rules and standards for the transaction of its business, for consideration of applications for designations and certificates of Appropriateness, including, By-laws, membership provisions, and design guidelines. The Historic Preservation Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Historic Preservation Commission shall select such officers as it deems appropriate from among its members. The Chairman of the Historic Preservation Commission shall be entitled to vote upon any issue, motion or resolution, as any other member.

(Ord. No. 5971, 10-21-97)

Sec. 7-4-7. Conflict of interest.

At any time the Historic Preservation Commission is to undertake any official action which will affect a monetary or other vested interest of a member of the Historic Preservation Commission, that member shall reveal the existence of that interest to the Historic Preservation Commission at the next meeting thereof after the member becomes aware of the conflict of interest and shall abstain from voting on that matter. The ownership of property by a Historic Preservation Commission member within a proposed historic district containing twenty-five (25) or more separately-owned parcels of property shall not be such an interest as to invoke the prohibitions of this Section.

At any time the Historic Preservation Commission reviews a project in which a member of the Historic Preservation Commission has an ownership or other vested interest, that member shall be forbidden, as a Commission member, from voting or discussing the project, other than answering a direct question.

Sec. 7-4-8. Historic preservation commission's authority to receive funding from various sources.

The Historic Preservation Commission shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds.

Sec. 7-4-9. Records of historic preservation commission meetings.

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings and actions. This public record may consist of an ordinary tape recording or from time to time, at the discretion of the Commission, may be supplemented by the use of a court reporter or such other written record as the Commission may establish.
Sec. 7-4-10. Attendance of law enforcement officer at historic preservation commission meetings.

An officer of the Richmond County Sheriff's Department shall be in attendance at Historic Preservation Commission meetings, at the behest of the Commission, in order to assure the orderliness of the proceedings.

Sec. 7-4-11. Duties of comptroller.

The Augusta-Richmond County comptroller shall provide the Historic Preservation Commission with the necessary tax information to facilitate the purposes of this Chapter and shall see that this information is kept current.

ARTICLE 3 RECOMMENDATION AND DESIGNATION OF HISTORIC DISTRICTS AND PROPERTIES

Sec. 7-4-12. Preliminary research by commission.

(a) The Historic Preservation Commission may compile and collect information and conduct surveys of historic resources within Augusta-Richmond County.

(b) The Historic Preservation Commission may present to the Commission recommendations for the designation of historic districts and properties.

(c) Prior to the Historic Preservation Commission's recommendation of a historic district or historic property to the Commission for designation, the Historic Preservation Commission shall prepare a report consisting of:

(1) A physical description;

(2) A statement of the historical, cultural, and/or architectural significance of the proposed historic district or historic property, except that such statement of significance will not be required in the case of a historic property or district already listed upon the National Register of Historic Places, or upon the Georgia Register of Historic Places;

(3) A map showing the proposed historic district boundaries and the classification (i.e. contributing/historic, contributing/non-historic, noncontributing) of individual properties therein, or a map showing the boundaries of the proposed historic property;

(4) A statement justifying historic district or individual historic property boundaries, except that such statement in justification will not be required if such proposed boundaries are the same as those embraced within the listing of the district or property upon the National Register of Historic Places or Georgia Register of Historic Places; and

(5) Representative photographs.

(Ord. No. 5927, 5-19-97)

Sec. 7-4-13. Designation of a historic district.

(a) Criteria for selection of historic districts. A historic district is a geographically definable area which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:

(1) Have special character or historic, cultural or architectural, value or interest;

(2) Represent one or more periods, styles or types of architecture typical of one or more eras in the history of Augusta-Richmond County or the state or region;

(3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of Augusta-Richmond County;

(4) A district, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic district under this ordinance.

(b) Boundaries of a historic district. The boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of Augusta-Richmond County, Georgia. Said bound-
aries, as depicted on said map, shall constitute the official description of said historic districts for the purposes of this Chapter and for the purposes of the separate ordinances designating such districts.

In the event that the official zoning map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic district, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic district. In this case the map so identified by the Commission shall constitute the official description of said historic district for the purposes of this Chapter and for the purposes of the separate ordinance designating such district.

(c) Evaluation of properties within historic districts. Individual properties within historic districts shall be classified as:

1. Contributing/historic (contributes to the district in terms of design, historical association, and/or setting);
2. Contributing/non-historic (a property less than fifty years old which compliments and does not detract from the overall character of the district in terms of design, historical association, and/or setting);
3. Non-contributing (a property which detracts from the district in terms of design, style, building type, historical association, and/or setting).

(Ord. No. 5927, 5-19-97)

Sec. 7-4-14. Designation of a historic property.

(a) Criteria for selection of historic properties. A historic property is a building, structure, site, object or work of art which may include the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation for reason of value to Augusta-Richmond County, the State of Georgia, or this Geographical region, for one of the following reasons:

1. It is an outstanding example of a structure representative of its era;
2. It is one of the few remaining examples of past architectural style;
3. It is a place or structure associated with an event or person of historic or cultural significance to Augusta-Richmond County, Georgia, or to the state, region or nation;
4. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Augusta-Richmond County, Georgia, or of the state, region or nation;
5. A property, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic property.

(b) Boundary description. A description of the boundaries shall be included in the separate ordinances designating such properties and the boundaries shall be depicted on the official Zoning Map of Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinances designating such properties.

In the event that the official Zoning Map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic property, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic property. In this case the map so identified by the Commission shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinance designating such property.

(Ord. No. 5927, 5-19-97)
Sec. 7-4-15. Requirements for adopting an ordinance for the designation of historic districts and historic properties.

(a) Application for designation of historic districts or historic property. Designations may be proposed by the Commission, the Historic Preservation Commission or:

(1) For historic districts—A preservation organization, historical society, neighborhood association or group of property owners may apply to the Commission for designation;

(2) For historic properties—A preservation organization, historical society, neighborhood association or property owner may apply to the Commission for designation.

(b) Required components of an ordinance. Any ordinance designating any property or district as historic shall:

(1) Describe the area encompassed within the proposed historic district or describe the proposed individual historic property;

(2) Reference the name(s) of the owner(s) of the designated property or properties as shown on the official Augusta-Richmond County tax records at the time of the adoption of the ordinance. In the event that the official tax records, for whatever reason, do not encompass the property or properties proposed for designation, the record owner(s) of the property, as determined by a title investigation conducted to appropriate legal standards under Georgia law, shall be referenced;

(3) Require compliance with the provisions of this Chapter; and

(4) Require that the property or district be shown on the official zoning Map of Augusta-Richmond County, Georgia, or such other official map as identified by the Commission pursuant to section 7-4-13 or 7-4-14 hereof.

(c) Required public hearing and notices. The Historic Preservation Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties that are affected. This notice: (i) shall contain the time and place for the hearing, (ii) shall reference this Chapter, (iii) shall describe the fact that the establishment of a historic district or historic property pursuant to this Chapter has been proposed, and (iv) shall generally describe the area encompassed by the historic district or historic property proposed. All such notices shall be published or mailed not less than fifteen (15) days nor more than forty-five (45) days prior to the date set for the public hearing. A notice sent via the United States mail to the last owner of record of the property shown on the official Augusta-Richmond County tax records or record owner of the property, and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter.

(d) Recommendations on proposed designations. A recommendation to adopt, to adopt in modified form, or to reject the proposed ordinance shall be made by the Commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the Commission.

(e) Commission action on Commission recommendation. Following receipt of the Historic Preservation Commission's recommendation, the Commission may adopt the ordinance as proposed, reject the ordinance, or, after consultation with the Commission, may adopt the ordinance with any modifications it deems necessary.

(f) Notification of the State Historic Preservation Section. Prior to making a recommendation on any ordinance designating a property or district as historic, the Historic Preservation Commission may transmit the report required at section 7-4-12 of this Code to the Historic Preservation Section of the Georgia Department of Natural Resources.
(g) **Notification of adoption of ordinance for designation.** Within thirty (30) days following the adoption of the ordinance for designation by the Commission, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, and all building contractors licensed in Augusta-Richmond County, shall be given written notification of such designation by the Commission, which notice shall apprise said owners, occupants, and contractors of the necessity of compliance with this Chapter and specifically, the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via United States Mail to the last known owner of the property shown on the official Augusta-Richmond County tax records and, where different from the address of such record tax owner, a notice sent via United States Mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter. Building contractors, licensed in Augusta-Richmond County shall similarly be notified as aforesaid, but failure of such building contractor to be sent such notice shall in no way affect the validity of an ordinance for designation.

(h) **Notification of other agencies regarding designation.** The Historic Preservation Commission shall notify all affected agencies within Augusta-Richmond County of the ordinance for designation, as well as the local neighborhood, historical and preservation organizations. Failure of such agencies or organizations to receive such notification shall in no way affect the validity of such ordinance for designation.

(i) **Moratorium on applications for alteration or demolition while ordinance for designation is pending.** If the procedure for the designation of an historic district or historic property has been initiated as provided for in this Section, the Commission shall have the power to recommend to the Building Inspector a moratoria on the issuance of building permits and demolition permits involving the property or properties proposed for designation.

(j) **Authority to rescind designation.** The Commission has the authority to rescind the ordinance designating a historic district or historic property following receipt of a recommendation from the Commission, provided that a public hearing has been held by the Historic Preservation Commission, prior to the Commission’s recommendation, providing the opportunity for public comment. Notification for such public hearing shall be the same as provided for in section 7-4-15 hereof. (Ord. No. 5927, 5-19-97)

**ARTICLE 4 APPLICATION TO PRESERVATION COMMISSION FOR CERTIFICATE OF APPROPRIATENESS**

Sec. 7-4-16. **Approval of alterations or new construction in historic districts or involving historic properties.**

After the designation by ordinance of a historic property or of a historic district, no material change in the exterior appearance of a structure, site, object or work of art within such historic property or property within such historic district, shall be made or be permitted to be made unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission.

Sec. 7-4-17. **Approval of new construction within designated districts.**

The Historic Preservation Commission shall issue Certificates of Appropriateness for new structures constructed within designated historic districts or upon the grounds of a designated historic property if these structures conform in design, scale, building materials, setback and landscaping to the character of the historic district or property or as specified in the design criteria once developed or adopted by the Commission.

Sec. 7-4-18. **Guidelines and criteria for certificates of appropriateness.**

When considering applications for Certificates of Appropriateness impacting existing buildings, the Secretary of the Interior's Standards for Historic Preservation Projects including the Secretary's
Standards for Rehabilitation, as revised as of the date of application for a Certificate of Appropriateness, shall be used as a criteria for design review along with any other standards or design review guidelines once developed or adopted by the Commission for use in reference to specific historic districts or historic properties. When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its membership on any application, within approved budgetary limitations.

Sec. 7-4-19. Issuance of building and demolition permits.

Building Permits and Demolition Permits must not be issued until the issuing official has examined the official Historic District and Historic Property Map to see if the property is affected by historic designation. If the property is so affected, the issuing authority must direct the applicant to the Commission to apply for a Certificate of Appropriateness. The subsequent issuance of a Building Permit or Demolition Permit shall be contingent upon the abstention of a Certificate of Appropriateness for the proposed change.

Sec. 7-4-20. Submission of plans to commission.

An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Historic Preservation Commission. Applications involving demolition or post-relocation shall be accompanied by post-demolition or relocation plans for the site. The Historic Preservation Commission shall not require that the plans and specifications be prepared by professionals, but only that such documentation be prepared in such a way as to be easily understood by the Commission members.

Sec. 7-4-21. Acceptable commission reaction to applications for certificates of appropriateness.

(a) The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the historic or architectural significance, integrity, and value of the historic property or property within a historic district. In making this determination, the Historic Preservation Commission shall consider the factors described in sections 7-4-17 and 7-4-18 above, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.

(b) The Historic Preservation Commission shall deny a certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the historical or architectural significance, integrity and value of the historic property or property within the historic district, based upon those same factors as described in section 7-4-21 (a) above.

Sec. 7-4-22. Hearings on applications for certificates of appropriateness, notices, and right to be heard.

At least fifteen (15) days and no more than forty-five (45) days prior to the review of a Certificate of Appropriateness, the Commission shall take action as follows to inform interested parties, and shall give the applicant and interested parties an opportunity to be heard at the Historic Preservation Commission meeting where the request for a Certificate of Appropriateness is to be considered:

(a) The Historic Preservation Commission shall cause a sign to be posted upon the parcel of property subject of the application at least fifteen (15) days before the meeting of the Historic Preservation Commission where the application is to be considered, said sign to remain in place substantially until the time of said meeting. Said sign shall state:

(1) The fact that an application for a Certificate of Appropriateness pur-
suant to the Historic Preservation ordinance has been filed for the posted property;

(2) The name of the applicant; and

(3) The time and place of the Historic Preservation Commission meeting where the application is to be considered. The sign may contain such other information as the Historic Preservation Commission may deem appropriate. The overall design and size of such sign shall be of such character as to be likely to attract the eye of passersby.

(b) At its discretion, the Historic Preservation Commission may, in its bylaws, or on a case by case basis, undertake to provide such other notice as it deems appropriate.

Sec. 7-4-23. Interior alterations.

In review of applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider interior arrangement, use or decoration, having no effect on exterior architectural features, whether or not visible from the exterior of the structure.

Sec. 7-4-24. Technical advice.

When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its members on any application and within approved budgetary limitations.

Sec. 7-4-25. Deadline for approval or rejection of application for certificate of appropriateness.

(a) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property or structure, site, object or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the commission. Notice of the issuance or denial of A Certificate of Appropriateness shall be sent via United States Mail to the applicant.

(b) Failure of the Historic Preservation Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

Sec. 7-4-26. Necessary actions to be taken by commission upon rejection of application for certificate of appropriateness.

(a) In the event the Historic Preservation Commission rejects an application for a Certificate of Appropriateness, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons in writing to the applicant. The Historic Preservation Commission may suggest alternatives it believes would ensure approval if it disapproves of the application as submitted. The applicant, if he or she so desires, may make modifications to the plans and, after making such modifications, may re-submit the application at any time after doing so. Rejected applications, unless modified in a good faith effort to comply with the provisions of this Chapter and the findings of the Historic Preservation Commission, may not be re-submitted for one (1) year following rejection.

(b) In cases where the application for a Certificate of Appropriateness concerns a proposed change in a structure which would require the abstention of a building permit, the rejection of the application for a Certificate of Appropriateness by the Historic Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

Sec. 7-4-27. Undue hardship.

Where, by reason of unusual circumstances, the strict application of any provision of this Chapter would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances,
modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Chapter. An undue hardship shall not be a situation of the person's own making.

Sec. 7-4-28. Requirement of conformance with certificate of appropriateness.

(a) All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(b) Where this ordinance would require the abstention of a Certificate of Appropriateness and work upon a structure is undertaken without a Certificate of Appropriateness having been obtained, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(c) Work which constitutes a violation of section 7-4-28(a) or (b) above or the failure to obey a cease and desist order issued pursuant to this Chapter shall constitute a separate and continuing violation of this Chapter.

(d) The Commission or the Historic Preservation Commission shall be authorized to institute any appropriate action or proceeding in any court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or property within a historic district, not made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(e) The Commission, including its various departments, authorities, commissions, committees and boards, shall be bound by the requirements of this article.

Sec. 7-4-29. Certificate of appropriateness void if work not commenced.

A Certificate of Appropriateness shall become void unless work is commenced within six (6) months of the date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

Sec. 7-4-30. Recording of applications for certificate of appropriateness.

The Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Commission's proceedings in connection with said applications in the fashion provided at section 7-4-22 above.

Sec. 7-4-31. Fee to accompany an application for a certificate of appropriateness.

The Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness.

Sec. 7-4-32. Appeals to the Augusta Commission; mediation.

(a) Any person affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Augusta Commission. Any such appeal must be filed in writing with the Clerk of the Augusta Commission within thirty (30) days after the issuance of the determination pursuant to section 7-4-25(a) of this chapter. The dates in this subsection are determined from the date of the posting of said notice in the United States Mail.

(b) In the case of a failure of the Historic Preservation Commission to act within fifteen (15) days of the expiration of the forty-five (45) day period allowed for Historic Preservation Commission, said application shall be deemed approved pursuant to § 7-4-25(b) of this Chapter.
(c) After timely filing of an appeal to the Augusta Commission and prior to any assignment of the appeal for hearing on any agenda of the Augusta Commission, the appealing party shall submit the case to mediation.

(d) The mediator shall be a person chosen by the agreement of the appealing party and the Historic Preservation Commission. In the event the appealing party and the Historic Preservation Commission cannot agree upon the appointment of a mediator, the mediator shall be the Director of Planning & Zoning or his/her designee.

(e) Any fee charged by the mediator for professional mediation services shall be paid by the appealing party prior to the commencement of the mediation.

(f) If the mediation is not scheduled and heard within ninety (90) days of the filing of the appeal, the decision of the Historic Preservation Commission shall be affirmed without further hearing by the Augusta Commission.

(g) The Augusta Commission may affirm the determination made by the Historic Preservation Commission, or if the Augusta Commission finds that the Historic Preservation Commission abused its discretion in reaching its decision, the Augusta Commission may modify or reverse the determination made by the Historic Preservation Commission. Appeals from decisions of the Augusta Commission may be taken to the Superior Court of Richmond County, Georgia in the manner provided by law.

(Ord. No. 6707, 7-1-04)

ARTICLE 5 DEMOLITION OR RELOCATION OF A HISTORIC PROPERTY OR PROPERTIES WITHIN A HISTORIC DISTRICT

Sec. 7-4-33. Applications for certificates of appropriateness for demolition or relocation.

The Historic Preservation Commission shall have the authority to approve, approve with conditions, or deny Certificates of Appropriateness for demolition or relocation. The proposed demolition or relocation of all or any portion of a historic property or property within a historic district shall require the abstention of a Certificate of Appropriateness for demolition or relocation.

Sec. 7-4-34. Public hearing.

A public hearing shall be scheduled for each application for a Certificate of Appropriateness for demolition or relocation.

Sec. 7-4-35. Notice of public hearing pursuant to an application for certificate of appropriateness for demolition or relocation.

Notice as provided for at section 7-4-22 above shall be provided in the context of an application for a Certificate of Appropriateness for demolition or relocation, and, in addition, notice of such public hearing containing the information as described at section 7-4-22 above shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County not less than five (5) nor more than thirty (30) days prior to the date set for the public hearing.

Sec. 7-4-36. Violation.

The demolition or relocation of a historic property, or property within a historic district without the abstention of a Certificate of Appropriateness shall constitute a violation of this Chapter of a high and aggravated nature.

Sec. 7-4-37. Consideration of post-demolition or post-relocation plans.

The Historic Preservation Commission shall not grant Certificates of Appropriateness for demolition or relocation without having first reviewed the post-demolition or post-relocation plans for the site.

Sec. 7-4-38. Demolition/relocation criteria.

Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, the Historic Preservation Commission shall apply the criteria described in section 7-4-18 of this
Chapter to determine whether to grant or deny the application for a Certificate of Appropriateness for demolition or relocation.

Sec. 7-4-39. Fee to accompany application for certificate of appropriateness for demolition or relocation.

The Historic Preservation Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness for demolition or relocation.

Sec. 7-4-40. Binding upon the commission.

The Commission, including its various departments, authorities, commissions, committees and boards shall be bound by the requirements of this article.

Secs. 7-4-41—7-4-50. Reserved.

ARTICLE 6 MAINTENANCE OF HISTORIC PROPERTIES AND BUILDING AND ZONING CODE PROVISIONS

Sec. 7-4-51. Ordinary maintenance or repair.

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property or property within a historic district to correct deterioration, decay or damage, or to sustain the existing form, that does not involve a material change in design, materials or outer appearance thereof, does not require a Certificate of Appropriateness, and may be undertaken once approved by the designated staff person for the Commission without consultation with the Historic Preservation Commission. Any person considering a change to a historic building that is believed to constitute no more than ordinary maintenance or repair must consult the designated staff person to assure that in fact such change constitutes merely ordinary maintenance and repair. In the absence of the employment of a designated staff person, such approvals may be made by a member or members of the Historic Preservation Commission duly elected by the members of the Historic Preservation Commission. Ordinary maintenance includes exterior painting and/or a change in exterior paint color, and does not require a Certificate of Appropriateness or approval by the designated staff person.

Sec. 7-4-52. Failure to provide ordinary maintenance or repair.

Owners of historic properties or of properties within a historic district shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding such deterioration by neglect:

(a) The Historic Preservation Commission shall have the authority to monitor the condition of historic properties and properties within a historic district to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building’s structural system shall constitute failure to provide ordinary maintenance or repair.

(b) In the event the Historic Preservation Commission determines that there has been a failure to provide ordinary maintenance or repair, the Historic Preservation Commission will notify the owner of the property and set forth the steps necessary to comply with the provisions of this Section. The owner of such property will have thirty (30) days in which to comply.

(c) In the event conditions in violation of this Section are not remedied in thirty (30) days after notice pursuant to section 7-4-52 (b) above, such will constitute a continuing violation of this Chapter and in addition, the Historic Preservation Commission shall have the authority, with the approval of Commission, to perform such maintenance or repair as is necessary to prevent such deterioration. The owner of the property shall be liable for the cost of such maintenance and repair performed.
at the direction of the Commission and such liability shall constitute a lien upon the property as provided by law.

Sec. 7-4-53. Affirmation of existing building and zoning codes.

Nothing in this Chapter shall be construed as to exempt property owners from complying with existing building and zoning codes of Augusta-Richmond County.

Secs. 7-4-54—7-4-60. Reserved.

ARTICLE 7 MISCELLANEOUS PROVISIONS

Sec. 7-4-61. Certified local government program.

The Historic Preservation Commission shall at least annually monitor compliance with all certified Local Government Program requirements and take or recommend such steps as may be necessary to have Augusta-Richmond County qualify and remain qualified as a certified Local Government pursuant to various state or federal government requirements.

Sec. 7-4-62. Severability.

In the event that any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such declaration or adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Sec. 7-4-63. Amendments.

This Chapter may be amended by the Commission upon recommendation by the Historic Preservation Commission. No amendment shall become effective unless such recommendation shall be made by the Historic Preservation Commission, or until the Historic Preservation Commission has had an opportunity to review the amendment upon the direction of Commission and has made a recommendation concerning the proposed amendment.

Sec. 7-4-64. Reserved.

Editor’s note—Ord. No. 6939, § 13, adopted Jan. 2-2007, repealed § 7-4-64 in its entirety. Formerly, said section pertained to temporary provision for HPA (historic preservation area) zones existing under prior law.

ARTICLE 8 DETENTION PONDS

Sec. 7-4-65 Maintenance of detention/retention ponds.

(a) Maintenance by landowner required. No owner of any property or parcel of land within Augusta-Richmond County on which there exists or may be established a detention pond and/or a retention pond, shall permit or allow debris to be dumped or materials to be piled therein, nor permit or allow grass, weeds, vines, underbrush or other growth to grow or accumulate therein, so as to constitute an unclean, unhealthy, unsanitary, unsightly, dangerous or offensive condition, or so as to render such pond incapable of serving its purpose of detaining water.

(b) Abatement. Whenever the public works department discovers that the provisions of subsection (a) above are being violated, it shall give the owner, his agent or other representative fifteen (15) days written notice by mail, directed to his last-known address, that the condition must be remedied within 15 days, and that if, after the expiration of the fifteen-day period, the condition is not remedied, the public works department shall cause the necessary work to be done and tax the cost of the work against the owner and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property and the delinquent tax collector shall issue a fi.f.a., in the name of Augusta-Richmond County, acting by and through its Commission-Council, for the cost, and levy the fi.f.a. upon the property in the same manner as levies under tax fi.f.a.s are now executed.
(c) **Violation; penalty.** In addition to causing the condition of the property to be remedied as authorized in subsection (b), above, in the event that the condition is not remedied by the owner at the expiration of fifteen (15) days, the public works department shall make a case against the offending party and upon trial and conviction, the offending part shall be punished by a fine in an amount not to exceed one thousand dollars ($1,000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.

(d) **Commercial/industrial detention/retention ponds.** As of the effective date of this ordinance, Augusta-Richmond County shall not accept ownership and maintenance responsibilities, through deed of dedication or otherwise, for any detention/retention ponds constructed in connection with commercial and/or industrial properties. Said owners shall be responsible for maintenance of said ponds in accordance with subsection (a) of this section.

### ARTICLE 9. PENALTY PROVISIONS

**Sec. 7-4-66. Violation; penalties.**

Any person or corporation, whether a principal, agent, employee, or otherwise who violates any provision of this Chapter or who violates any court order issued pursuant to this Chapter, shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code. Each day any violation of any provision of this Chapter or violation of any court order issued pursuant to this Chapter persists shall constitute a separate offense and continuing violation of this Chapter.
TITLE 8
PLANNING AND ZONING*

Article 1 Statutory Authorization, Findings of Fact, Purpose and Objectives
Sec. 8-1-1. Statutory authorization.
Sec. 8-1-2. Findings of fact.
Sec. 8-1-3. Statement of purpose.
Sec. 8-1-4. Objectives.
Secs. 8-1-5—8-1-9. Reserved.

Article 2 Definitions
Sec. 8-1-10. Specific definitions.
Secs. 8-1-11—8-1-15. Reserved.

Article 3 General Provisions
Sec. 8-1-16. Lands to which this chapter applies.
Sec. 8-1-17. Basis for establishing the areas of special flood hazard.
Sec. 8-1-18. Establishment of development permit.
Sec. 8-1-19. Compliance.
Sec. 8-1-20. Abrogation and greater restrictions.
Sec. 8-1-21. Interpretation.
Sec. 8-1-22. Warning and disclaimer of liability.
Sec. 8-1-23. Enforcement and penalties for violation.
Secs. 8-1-24—8-1-28. Reserved.

Article 4 Administration
Sec. 8-1-29. Designation of executive director.
Sec. 8-1-30. Permit procedures.
Sec. 8-1-31. Duties and responsibilities of the Executive Director.
Sec. 8-1-32. Variance procedures.
Secs. 8-1-33—8-1-42. Reserved.

Article 5 Provisions for Flood Hazard Reduction
Sec. 8-1-43. General standards.
Sec. 8-1-44. Specific standards.
Sec. 8-1-45. Building standards for streams without established base flood elevations and/or floodways (A-zones).
Sec. 8-1-46. Standards for subdivisions.
Sec. 8-1-47. Standards for areas of shallow flooding (AO zones).
Sec. 8-1-48. Standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways.
Sec. 8-1-49. Standards for critical facilities.
Sec. 8-1-50. Reserved.
Sec. 8-1-51. Severability.

Article 1 In General
Secs. 8-2-1—8-2-20. Reserved.

*Note—The current Comprehensive Zoning Ordinance is maintained at the Augusta-Richmond County Planning Commission.
Article 2 Tax Verification Permits

Sec. 8-2-21. Defined.
Sec. 8-2-22. Persons owning or having mobile home located within Augusta-Richmond County required to obtain.
Sec. 8-2-23. Occupancy of mobile home without valid permit prohibited.
Sec. 8-2-24. Application; permit; decal form; applicant information.
Sec. 8-2-25. Proof of paid taxes required of applicants.
Sec. 8-2-26. Location or relocation permit—Required when initially locating or relocating.
Sec. 8-2-27. Same—Required when changing location within Augusta-Richmond County or relocating outside Augusta-Richmond County.
Sec. 8-2-28. Same—Fee; issuance of permit and decal; placement of decal.
Sec. 8-2-29. Same—Notice to Augusta-Richmond County of destination whenever relocation outside Augusta-Richmond County authorized.
Sec. 8-2-30. Annual permits for continued location required; fee; issuance of permit and decal; placement of decal.
Sec. 8-2-31. Zoning requirements not superseded by permit issuance.
Sec. 8-2-32. Payment of fees into treasury.
Sec. 8-2-33. Dealers required to file annual inventory.
Sec. 8-2-34. Responsibilities of park owners, operators.
Sec. 8-2-35. Violations; penalties.

Article 1 In General

Sec. 8-3-1. Incorporation of subdivision regulations.

Article 2 Plats

Sec. 8-3-2. Prerequisites to approval of final plat; completion of improvements.
Sec. 8-3-3. Guarantee in lieu of completion.
Sec. 8-3-4. Time limit.
Sec. 8-3-5. Inspection, certification and acceptance of improvements.
Sec. 8-3-6. Release.
Sec. 8-3-7. Forfeiture.
Sec. 8-4-1. Purpose.
Sec. 8-4-2. Definitions.
Sec. 8-4-3. Establishment of tree commission.
Sec. 8-4-4. Administration.
Sec. 8-4-5. Public tree protection.
Sec. 8-4-6. Tree protection zone; official tree list.
Sec. 8-4-7. Planting and maintenance standards.
Sec. 8-4-8. Moving buildings or other large objects.
Sec. 8-4-9. Landmark trees.
Sec. 8-4-10. Nuisance trees and shrubs.
Sec. 8-4-11. Greenspace requirements for private and public development.
Sec. 8-4-12. Compliance.
Sec. 8-4-13. Landscape establishment bond.
Sec. 8-4-14. Appeals and variances.
Sec. 8-4-15. Abrogation and greater restrictions.
Sec. 8-4-16. Severability.
Sec. 8-4-17. Enforcement, violation and penalty.

Article 1 In General

Sec. 8-5-1. Incorporation of zoning ordinance by reference.
Sec. 8-5-2. Amendments to zoning ordinance, map and subdivision regulations.
Secs. 8-5-3—8-5-10. Reserved.
Article 2  Road Naming and Addressing

Sec. 8-5-11. Authority.
Sec. 8-5-12. Short title.
Sec. 8-5-13. Jurisdiction.
Sec. 8-5-14. Purpose.
Sec. 8-5-15. Assignment of responsibility for naming roads and addressing of said roads.
Sec. 8-5-16. Approval of road names.
Sec. 8-5-17. Establishment of uniform numbering system.
Sec. 8-5-18. Issuance of street and/or mailing addresses.
Sec. 8-5-19. Responsibility for placement of numbers.
Sec. 8-5-20. Location and installation.
Sec. 8-5-21. New roads.
Sec. 8-5-22. Existing roads.
Sec. 8-5-23. Liability.
Sec. 8-5-24. Effective date.
Sec. 8-5-25. Provisions severable.
Sec. 8-6-1. Authority.
Sec. 8-6-2. Short title.
Sec. 8-6-3. Purpose.
Sec. 8-6-4. Objectives.
Sec. 8-6-5. Establishment of a groundwater recharge area district.
Sec. 8-6-6. Determination of pollution susceptibility.
Sec. 8-6-7. Permit requirements, administration, and enforcement.
Sec. 8-6-8. Permit requirement.
Sec. 8-6-9. Administration.
Sec. 8-6-10. Enforcement.
Sec. 8-6-11. Groundwater protection standards.
Sec. 8-6-12. Judicial review.
Sec. 8-6-13. Amendments.
Sec. 8-6-14. Assessment relief.
Sec. 8-6-15. Separability and abrogation.
Sec. 8-6-16. Definitions.
Sec. 8-7-1. Authority.
Sec. 8-7-2. Purpose.
Sec. 8-7-3. Title.
Sec. 8-7-4. District delineation.
Sec. 8-7-5. Site plan requirements.
Sec. 8-8-1. Incorporation of site plan regulations.
Sec. 8-9-1. Purpose.
Sec. 8-9-2. Acceptance of deeds of dedication of streets and utilities.
Sec. 8-9-3. Appeal.
Chapter 1

FLOOD DAMAGE PREVENTION*

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 8-1-1. Statutory authorization.

Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a), have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Augusta Commission of Augusta, Georgia does ordain the provisions of this Chapter.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-2. Findings of fact.

(a) The flood hazard areas of Augusta, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-3. Statement of purpose.

It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-4. Objectives.

The objectives of this Chapter are:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(f) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and

(g) To insure that potential home buyers are notified that property is in a flood area. (Ord. No. 7147, § 1, 9-15-09)

Secs. 8-1-5.—8-1-9. Reserved.

ARTICLE 2 DEFINITIONS

Sec. 8-1-10. Specific definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application:

(a) Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

(b) Appeal. A request for a review of the Executive Director's interpretation of any provision of this Chapter or a request for a variance.

(c) Area of shallow flooding. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(d) Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 3, Section 8-1-17.

(e) Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

(f) Base Flood Elevation (BFE). The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/O, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one percent change of equaling or exceeding that level in any given year.

(g) Building. Any structure built for support, shelter, or enclosure for any occupancy or storage.

(h) City Engineer. The City Engineer for Augusta, GA.


(j) Critical Facilities. Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

(1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

(2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

(3) Emergency operation centers or data storage center which contain records or services that may become lost or inoperative during flood and storm events; and

(4) Generating plants, and other principal points of utility lines.

(k) Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, fill-
ing, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.

(l) *Elevated building.* A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(m-1) *Executive Director.* The Executive Director of the Augusta-Richmond County Planning Commission.

(m-2) *Existing Construction.* Any structure for which the "start of construction" commenced before February 15, 1978, for the City of Augusta prior to consolidation and March 4, 1980, for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA. as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).

Note—Ordinance No. 7147, adopted Sept. 15, 2009, incorrectly numbered two definitions as (m). At the editors discretion and with the concurrence of the county both (m) definitions were renumbered as (m-1) and (m-2).

(n) *Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before February 15, 1978, for the City of Augusta prior to consolidation and March 4, 1980, for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).

(o) *Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

(p) *Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

(q) *Flood Hazard Boundary Map (FHBM).* An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of Special Flood Hazard have been defined as Zone A.

(r) *Flood Insurance Rate Map (FIRM).* An official map of a community, issued by the Federal Insurance Administration, delineating the areas of Special Flood Hazard and/or risk premium zones applicable to the community.

(s) *Flood Insurance Study.* The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

(t) *Floodplain.* Any land area susceptible to flooding.

(u) *Floodproofing.* Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(v) *Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to dis-
charge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(w) **Floodway fringe, lower.** The portion of the area of Special Flood Hazard that is located between the limit of the floodway and a line connecting all points half the distance between the floodway and the limit of the area of Special Flood Hazard.

(x) **Floodway fringe, upper.** The portion of the area of Special Flood Hazard that is located between the lower floodway fringe and the boundary of the area of Special Flood Hazard.

(y) **Floor.** The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(z) **Functionally dependent facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

(aa) **Highest adjacent grade.** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

(bb) **Historic Structure.** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

   a) By an approved state program as determined by the Secretary of the Interior; or

   b) Directly by the Secretary of the Interior in states without approved programs.

(cc) **Lowest floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

(dd) **Manufactured home.** A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

(ee) **Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes
of this Chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(ff) **National Geodetic Vertical Datum (NGVD).** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(gg) **New construction.** (for purposes of determining insurance rates and for floodplain management purposes) ANY structure (see definition) for which the "start of construction" commenced after February 15, 1978 for the City of Augusta prior to consolidation and March 4, 1980, for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA. as a basis for Augusta's participation in the National Flood Insurance Program (NFIP) - and includes any subsequent improvements to such structure.

(hh) **New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 15, 1978, for the City of Augusta prior to consolidation and March 4, 1980, for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA. as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).

(ii) **Recreational vehicle** means a vehicle which is:

   1. Built on a single chassis;
   2. 400 square feet or less when measured at the largest horizontal projection;
   3. Designed to be self-propelled or permanently towable by a light duty truck; and
   4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(jj) **Start of construction.** The date the Development Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: Accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(kk) **Structure.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

(ll) **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed
(mm) **Substantial improvement.** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the building should be:

1. The appraised value of the structure prior to the start of the initial repair or improvement; or
2. In the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

(nn) **Substantially improved existing manufactured home parks or subdivisions.** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(oo) **Variance.** A grant of relief from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter.

(oo) **Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 7147, § 1, 9-15-09)

**Secs. 8-1-11.—8-1-15. Reserved.**

**ARTICLE 3 GENERAL PROVISIONS**

**Sec. 8-1-16. Lands to which this chapter applies.**

This Chapter shall apply to all areas of Special Flood Hazard within the jurisdiction of Augusta, Georgia.

(Ord. No. 7147, § 1, 9-15-09)

**Sec. 8-1-17. Basis for establishing the areas of special flood hazard.**

The areas of Special Flood Hazard, identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated February 15, 1978 for the City of Augusta prior to consolidation and March 4, 1980 for the unincorporated areas of Richmond County prior to consolidation, with accompanying maps and other supporting data and any revision thereto, the most recent revision being September 25, 2009, are adopted by reference and declared a part of this Chapter.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located at 525 Telfair Street, Augusta, GA.

(Ord. No. 7147, § 1, 9-15-09)
Sec. 8-1-18. Establishment of development permit.

A Development Permit shall be required, in conformance with the provisions of this Chapter, prior to the commencement of any development activities.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-19. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-20. Abrogation and greater restrictions.

This Chapter is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-21. Interpretation.

In the interpretation and application of this Chapter all provisions shall be:

(a) Considered as minimum requirements;
(b) Liberally construed in favor of the Governing Body; and
(c) Deemed neither to limit, nor repeal any other powers granted under state statutes.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-22. Warning and disclaimer or liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Augusta, GA., the Commission, and/or the Augusta-Richmond County Planning Commission or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-23. Enforcement and penalties for violation.

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall be reported to the City Engineer. Once a violation is evident, the City Engineer, acting on behalf of the Commission, shall be empowered to notify the owner in writing of the apparent violation of this Chapter. The written notice shall direct the owner to cease the development activity until such time as the requirements and procedures of this Chapter have been met. Upon failure of the owner to comply with this notice, the City Engineer shall notify the City Attorney of the violation; and the City Attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate or remove such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon conviction thereof, be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than sixty (60) days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 7147, § 1, 9-15-09)

Secs. 8-1-24—8-1-28. Reserved.
ARTICLE 4 ADMINISTRATION

Sec. 8-1-29. Designation of executive director.

The Executive Director of the Augusta-Richmond County Planning Commission is hereby appointed to administer and implement the provisions of this Chapter.
(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-30. Permit procedures.

Application for a Development Permit shall be made to the Executive Director on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(a) Application Stage.

(1) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(2) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(3) Design certification from a registered professional engineer or architect that any proposed non-residential floodproofed structure will meet the floodproofing criteria of Article 5, Subsection 8-1-44(b); and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

(b) Construction Stage. For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Executive Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a Stop-Work Order for the project.
(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-31. Duties and responsibilities of the Executive Director.

Duties of the Executive Director shall include, but shall not be limited to:

(a) Review all Development Permits to assure that the permit requirements of this Chapter have been satisfied.

(b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

(c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(d) When Base Flood Elevation data or floodway data have not been provided in...
accordance with Article 3, Section 8-1-17, then the Executive Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 5.

(e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 4, Subsection 8-1-30(b).

(f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with Article 4, Subsection 8-1-30(b).

(g) When floodproofing is utilized for a structure, the Executive Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 4, Subsection 8-1-30(a)(3) and Article 5, Subsection 8-1-44(b) or Article 5, Subsection 8-1-48(b).

(h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

(i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood-carrying capacity of any altered or relocated watercourse is maintained.

(k) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Executive Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.

(l) All records pertaining to the provisions of this Chapter shall be maintained in the office of the Executive Director and shall be open for public inspection.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-32. Variance procedures.

(a) The Zoning Board of Appeals as established by the Commission shall hear and decide requests for appeals or variance from the requirements of this Chapter.

(b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Executive Director in the enforcement or administration of this Chapter.

(c) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Superior Court of Richmond County, Georgia, as provided in O.C.G.A. § 5-4-1; however all appeals shall be on record and shall not be de novo.

(d) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) In reviewing such requests, the Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, in the case of a functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above and the purposes of this Chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

(g) Variances shall not be issued within any designated floodway, or lower floodway fringe, if ANY increase in flood levels during the base flood discharge would result.

(h) Conditions for Variances:

(1) The provisions of this Chapter are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2) A variance shall be issued ONLY when there is:

(a) A finding of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(i) The Executive Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(j) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety. (Ord. No. 7147, § 1, 9-15-09)

Secs. 8-1-33—8-1-42. Reserved.
ARTICLE 5 PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 8-1-43. General standards.

In ALL Areas of Special Flood Hazard the following provisions are required:

(a) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;

(c) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(e) All hearing and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(g) Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(h) New on-site waste disposal systems shall be located within the Special Flood Hazard Area per the provisions of the Georgia On-site Wastewater Regulations;

(i) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced; and

(j) Elevated Buildings. All new construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or a flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

(1) A minimum of two (2) openings that are installed no more than twelve (12) inches above the higher of the final interior or exterior grade, and that are installed in at least two different sides (preferably the sides in the direction of the flow of floodwater) of each enclosed area, must be provided, where the openings:

(a) Have a total open net area of not less than one square inch for every square foot of enclosed area. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they are disabled in the open position and also permit the automatic flow of floodwater in both directions; or

(b) Are individually certified by a design professional licensed to do design work in the State of Georgia stating that the openings are designed to automatically equalize hydrostatic flood loads on exterior walls by allowing the automatic entry and exit of floodwaters in accordance with the American Society of Civil Engineers - Flood Resistant Design and Construc-
tion (ASCE 24) and that an appropriate number of vents are provided. A copy of the Engineer's Certification (signed and sealed) along with the applicable section from the Flood Ordinance (this section) allowing for the use of these engineered openings must be attached to the Elevation Certificate; or

(c) Are ICC-ES accepted engineered flood vents, and the appropriate number of such vents are provided and installed in accordance with the manufacturer's specifications. A copy of the ICC-ES Evaluation Report along with the applicable section from the Flood Ordinance (this section) allowing for the use of these engineered flood vents must be attached to the Elevation Certificate.

(2) So as not to violate the "Lowest Floor" criteria of this Chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

(3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) An attached garage may have its flood below the BFE provided the garage meets all of the requirements for an enclosed area below the BFE, including, but not limited to, the installation of openings that meet Subsection 8-1-43(j)(1) above. Openings may be installed in garage doors; however, garage doors do not meet the requirement for openings. The use of the garage space must be limited to parking of vehicles, building access and storage. Subsection 8-1-43(j)(3), above, must be strictly adhered to. Flood damage-resistant materials must be used below the BFE and all utilities must be elevated to be three (3) feet above the BFE.

(5) CrawlspaceS that are below-grade on all sides (basements) are not allowed.

(6) Detached garages and detached storage building are allowed, without the requirement to elevate to three (3) feet above the BFE in AE zones, or three (3) feet above the highest adjacent grade in A zones, if they comply with all of the requirements for enclosures:

(a) Must be used for parking of vehicles and storage only;

(b) Must be constructed of flood damage-resistant materials below the area that is three (3) feet above the BFE;

(c) All utilities must be elevated to be three (3) feet above the BFE;

(d) The requirements for flood openings that meet Subsections 8-1-43(j)—(l) above must be satisfied;

(e) Must be anchored to resist floatation, collapse or lateral movement under flood conditions.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-44. Specific standards.

In ALL areas of Special Flood Hazard the following provisions are required:

(a) New construction and substantial improvements. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unim-
peded movements of floodwaters shall be provided in accordance with standards of Article 5, Subsection 8-1-43(j), "Elevated Buildings".

(1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above three (3) feet above the base flood elevation.

(b) Non-Residential Construction. New construction or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to three (3) feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 4, Subsection 8-1-31(g).

(c) Standards for Manufactured Homes and Recreational Vehicles. Where base flood elevation data are available:

(1) All manufactured homes placed or substantially improved on: (1) individual lots or parcels; (2) in new or substantially improved manufactured home parks or subdivisions; (3) in expansions to existing manufactured home parks or subdivisions; or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than three (3) feet above the base flood elevation.

(2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

(a) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation; or

(b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article 5, Subsection 8-1-43(b)).

(4) All recreational vehicles placed on sites must either:

(a) Be on the site for fewer than 180 consecutive days.

(b) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached structures or additions), or

(c) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 5, Subsections 8-1-44(c)(1) and (3).

(d) Floodway. Located within areas of Special Flood Hazard established in Article 3,
Section 8-1-17, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(2) ONLY if Article 5, Subsection 8-1-44(d)(1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 5.

(3) The placement of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection 8-1-43(b) are met, and the elevation standards of subsection 8-1-44(a) and the encroachments standards of subsection (1) of this Section are met.

(4) Removal of trees and other vegetation may not be a consideration in calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.

(e) Floodway fringe, lower. Within the lower floodway fringe is the area between the floodway and the upper floodway fringe that is lower than a lines one-half ($\frac{1}{2}$) the distance between the floodway and the boundary of the area of Special Flood Hazard. The lower floodway fringe is a transitional area that is hazardous due to its proximity to the floodway and encroachment by fill or development within this area could have serious impact on the entire floodplain. The following provisions shall apply with the lower floodway fringe:

(1) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification by a registered professional engineer, with supporting technical data, is provided to the Executive Director demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge;

(2) If Article 5, Subsection 8-1-44(d)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) The placements of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Subsection 8-1-43(b), and the elevation standards of Article 5, Subsection 8-1-44(a), and the encroachment standards of Article 5, Subsection 8-1-44(d)(1) are met.

(4) Removal of trees and other vegetation may not be a consideration in
calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.

(f)—(j) Reserved.

(k) **Large Tracts.** If a tract contains over one (1) acre located within the area of Special Flood Hazard, then development or land disturbance on that portion of the tract located within the Special Flood Hazard area shall comply with the standards for lower floodway fringe set forth in Subsection 8-1-44(e).

(l) **Other area unsuitable for development.** Land subject to flooding that is not located within a mapped area of Special Flood Hazard may, at the discretion of the Executive Director or City Engineer, be required to comply with any or all standards set forth in this Chapter.

(m) **Grading in the area of the Special Flood Hazard.** Grading (including excavating, filling, or any culmination thereof) shall be prohibited in the area of the Special Flood Hazard except for the following:

1. Minimum land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work and other related activities;

2. Agricultural practices involving the establishment, cultivation or harvesting or products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings;

3. Projects permitted by or carried out under the technical supervision of the U.S. Department of Agriculture, U.S. Army Corps of Engineers, or any other agency of the U.S. Government;

4. Cemetery graves;

5. Excavation for wells or tunnels or utilities;

6. Approved mining, quarrying, stock-piling of rock, sand, gravel aggregates or clay where established and provided for by law;

7. Exploratory excavations under the direction of soils engineers or engineering geologists;

8. Where consistent with other provisions of this Chapter, minimum grading for land development or construction which does not result in topographic changes greater than two (2) feet at any location and which is not for the sole purpose of elevating structures pursuant to Article 5, Subsection 8-1-44(a) and Article 5, Subsection 8-1-44(b) of this Chapter. In no case, shall fill be transported into the area of Special Flood Hazard.

(a) Detention ponds and retention ponds are exempt from the provisions of Subsection 8-1-44(m)(8), provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment by the detention pond or retention pond shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

1. Under no circumstances shall a detention pond or a retention pond be located in the area of Special Flood Hazard.

9. Construction activities at existing Industrial Sites which were developed before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA. as
a basis for Augusta’s participation in the National Flood Insurance Program (NFIP), such as dikes, ditches and ponds.

(n) **As-built Drawings and Certification.** Within the area of the Special Flood Hazard, as-built drawings and certifications shall be provided by a registered professional engineer and/or a registered land surveyor pursuant to Subsections 8-1-30(b) and 8-1-44(b) of this Ordinance and also when required by the Site Plan Regulations or the Subdivision Regulations. As-built drawings and certifications may be required in other situations at the discretion of the Executive Director.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-45. Building standards for streams without established base flood elevations and/or floodways (A-zones).

Located within the Areas of Special Flood Hazard established in Article 3, Section 8-1-17, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

(a) No encroachments, including structures or fill material, shall be located within an area equal to five (5) times the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) In Special Flood Hazard Areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 5, Subsection 8-1-43(j), "Elevated Buildings".

1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three (3) feet above the highest adjacent grade at the building site.

The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(c) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section 8-1-17, then the Executive Director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5. ONLY if data are not available from these sources, then the provisions of Subsections (a) and (b) of this Section shall apply.

(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-46. Standards for subdivisions.

(a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) For subdivisions and/or developments greater than fifty lots of five acres, whichever is less, base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a
Conditional Letter of Map Revision (CLMOR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final Letter of Map Revision (LOMR).

(Order No. 7147, § 1, 9-15-09)

Sec. 8-1-47. Standards for areas of shallow flooding (AO zones).

Areas of Special Flood Hazard established in Article 3, Section 8-1-17, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1’—3’) above ground, with no clearly defined channel. The following provisions apply:

(a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 5, Subsection 8-1-43(j), "Elevated Buildings".

The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(b) New construction or the substantial improvement of a non-residential structure:

(1) Shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade.

(2) May be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 4, Subsection 8-1-30(a)(3) and Article 4, Subsection 8-1-30(b).

(c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Order No. 7147, § 1, 9-15-09)

Sec. 8-1-48. Standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways.

Located within the Areas of Special Flood Hazard established in Article 3, Section 8-1-17, where streams with base flood elevations are provided but no floodways have been designated, (Zone AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within Special Flood Hazard Areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
(b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Article 5, Section 8-1-44.
(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-49. Standards for critical facilities.

(a) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

(b) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.
(Ord. No. 7147, § 1, 9-15-09)

Sec. 8-1-50. Reserved.

Sec. 8-1-51. Severability.

If any Section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.
(Ord. No. 7147, § 1, 9-15-09)
Chapter 2

MOBILE HOMES

ARTICLE 1 IN GENERAL

Secs. 8-2-1—8-2-20. Reserved.

ARTICLE 2 TAX VERIFICATION PERMITS

Sec. 8-2-21. Defined.

As used in this article, the term mobile home means a mobile home or a relocatable home as such term are defined in subsections (a) and (b) of section 2 of the act known as The Uniform Standards Code for Factory-Manufactured Movable Homes Act, approved March 26, 1968 (Georgia Laws 1968, page 415); provided, however, that those mobile homes which qualify the taxpayer for homestead exemption under Georgia law shall not be considered mobile homes and subject to the provisions of this chapter.

Sec. 8-2-22. Persons owning or having mobile home located within Augusta-Richmond County required to obtain.

No person shall own or have located within the limits of Augusta-Richmond County any mobile home unless application for a tax verification permit shall have been made and a permit received as provided by this article.

Sec. 8-2-23. Occupancy of mobile home without valid permit prohibited.

No person shall occupy any mobile home as a residence or permit any other person to occupy the same as a residence unless a tax verification permit shall have been obtained as provided by this article.

Sec. 8-2-24. Application; permit; decal form; applicant information.

The Richmond County Tax Commissioner is hereby authorized and empowered, subject to the specific provisions of this article, to prescribe application, permit and decal forms and thereafter to alter and change the same; and said tax commissioner is empowered to require that applicants furnish such information in writing as may be reasonably required to effectuate the purposes hereof.

Sec. 8-2-25. Proof of paid taxes required of applicants.

It shall be a condition precedent to issuance of any tax verification permit required by this article that the owner of said mobile home shall submit to the Richmond County Tax Commissioner proof that all state and local taxes therefor accruing and payable with respect to such mobile home have in fact been paid; and, if said mobile home which is to be located or relocated is then located within any portion of the county that lies within the limits of a municipality therein, such owner shall likewise submit proof that all applicable municipal taxes have been paid before a permit may be issued.

Sec. 8-2-26. Location or relocation permit—Required when initially locating or relocating.

(a) Before any person shall locate or relocate a mobile home within the limits of Augusta-Richmond County, he shall apply for and obtain from the Richmond County Tax Commissioner a tax verification permit authorizing such location or relocation if such mobile home is to be used as a residence by the owner thereof, as a residence for others, or for any other purposes.

(b) No person shall hereafter initially locate any mobile home or relocate any mobile home within the limits of Augusta-Richmond County without having made such application and having obtained such permit.

Sec. 8-2-27. Same—Required when changing location within Augusta-Richmond County or relocating outside Augusta-Richmond County.

The owner of a mobile home used as a residence which is located within the limits of the county may not relocate such mobile home, or
cause same to be relocated, within the confines of the county or beyond such confines without first obtaining a tax verification relocation permit from the aforesaid tax commissioner authorizing such relocation.

Sec. 8-2-28. Same—Fee; issuance of permit and decal; placement of decal.

(a) Each application for a tax verification moving permit required by this article shall be accompanied by a fee of five dollars ($5.00), which shall be paid to the tax commissioner before such permit shall be issued.

(b) Any owner of a mobile home who has made application for the location or relocation of a mobile home and whose application meets the qualifications of this article shall be issued a tax verification permit and shall likewise be issued a decal. The decal to be issued with a tax verification permit authorizing location of a mobile home within Augusta-Richmond County shall be same color as prescribed by state law and shall be affixed to the mobile home at all times it is being used as a residence within the confines of such county. The decal issued with the tax verification permit authorizing relocation of a mobile home shall be red in color and shall be affixed to the mobile home at all times such mobile home is being transported within the confines of this state. Such decals shall be designed in such manner and affixed to mobile homes in such manner as to cause them to be easily visible for inspection.

Sec. 8-2-29. Same—Notice to Augusta-Richmond County of destination whenever relocation outside Augusta-Richmond County authorized.

Whenever a tax verification permit authorizing the relocation of a mobile home is issued and such mobile home is to be relocated within the confines of another county in this state, the Richmond County Tax Commissioner shall notify the tax commissioner of such other county of the date of the issuance of such permit.

Sec. 8-2-30. Annual permits for continued location required; fee; issuance of permit and decal; placement of decal.

Each year every owner of a mobile home subject to taxation under the revisions of this article shall, from January first to on or before May first, make application to the tax commissioner for a mobile home location permit, and upon payment of the fee of three dollars ($3.00) and proof of payment of taxes as provided in section 8-2-25, shall be issued a location permit. The issuance of said permit by the tax commissioner shall be evidenced by the issuance of a decal, the color of which shall be prescribed for each year by the Department of Revenue. Each decal shall reflect the county of issuance and the calendar year for which such permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner.

Sec. 8-2-31. Zoning requirements not superseded by permit issuance.

The issuance of any tax verification permit under the provisions of this article shall in no way be construed as superseding the requirements for the location of mobile homes as the same may be contained within appropriate resolutions or other actions of the Augusta-Richmond County Planning and Zoning Commission, and the issuance of a tax verification permit under the provisions of this article shall not prohibit said planning and zoning commission from requiring a relocation of the mobile home to a place where such mobile home is permitted by the regulations of the Augusta-Richmond County Planning and Zoning Commission, but in such case the owner of such mobile home shall apply for and obtain a permit for such relocation as if such relocation were the result of his own initiative.

Sec. 8-2-32. Payment of fees into treasury.

All sums collected by the tax commissioner under provisions of this article shall be paid into the Augusta-Richmond County treasury.

Sec. 8-2-33. Dealers required to file annual inventory.

All wholesale and retail dealers of mobile homes shall return their inventory of all mobile homes in
their possession to the tax assessor, whether owned by them or not, on January first in each year.

Sec. 8-2-34. Responsibilities of park owners, operators.

No owner or operator of a mobile home park shall permit any mobile home to be located or relocated within the confines of such park for residential use unless the tax verification permit required by this article shall have been obtained. No owner or operator of any mobile home park shall permit any mobile home presently located within the limits of such park owned or operated by him to remain in such park unless a tax verification permit authorizing such continued location as required by this article shall have been obtained.

Sec. 8-2-35. Violations; penalties.

It shall be unlawful to fail to attach and display on a mobile home the decal as required by this article; and any person who fails to attach, and display on a mobile home the decal shall be guilty of violation of this article and upon conviction thereof shall be punished as a misdemeanor as provided in section 1-6-1 of the Code, a fine of not less than $25.00 nor more than $200.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a citation, the fine shall be twenty-five dollars ($25.00).
Chapter 3

SUBDIVISION OF LAND

ARTICLE 1 IN GENERAL

Sec. 8-3-1. Incorporation of subdivision regulations.

The Land Subdivision regulations for the former City of Augusta and former unincorporated Areas of Richmond County, Georgia, as adopted on November 1, 1971, and subsequently revised, consisting of article 1 through article 2 inclusive (the Subdivisions Regulations), are included as an Appendix to this Code and are hereby incorporated in this section as if set out in full herein.

ARTICLE 2 PLATS

Sec. 8-3-2. Prerequisites to approval of final plat; completion of improvements.

Prior to approval of a final subdivision plat by the Augusta-Richmond County Commission, the subdivider shall complete all improvements required by the Subdivision Regulations, as amended, to the Commission. All improvements shall be completed in a manner satisfactory to the Augusta-Richmond County Planning Commission and the Augusta-Richmond County Engineer. Final plat approval shall not be granted until the deed of dedication for such improvements has been submitted to the Augusta-Richmond County Engineer.

Sec. 8-3-3. Guarantee in lieu of completion.

In lieu of requiring completion of all improvements prior to granting final plat approval, the Augusta-Richmond County Commission may, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee the completion of all required improvements in a manner satisfactory to the Planning Commission and the Augusta-Richmond County Engineer. To secure this contract, the subdivider shall obtain a security bond from a security company authorized to conduct business in the state or a letter from a chartered state or national bank or savings and loan institution with the state, confirming the benefit of Augusta-Richmond County, or a letter of credit from a chartered state or national bank or savings and loan institution within the state. If a bond is provided, it shall be payable to the Augusta-Richmond County Commission and shall be in an amount sufficient to cover the entire cost, as estimated by the subdivider and approved by the Augusta-Richmond County Engineer, of installing all required improvements. The duration of the bond, escrow account, or letter of credit shall be as specified in section 8-3-4.

Sec. 8-3-4. Time limit.

Prior to the granting of final plat approval, the subdivider and the Augusta-Richmond County Commission shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed one (1) year from the date of final plat approval. The Commission may extend that deadline for one (1) additional year where the subdivider can present substantial reason for doing so.

Sec. 8-3-5. Inspection, certification and acceptance of improvements.

The Augusta-Richmond County Engineer shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the Augusta-Richmond County Engineer shall file with the Augusta-Richmond County Commission a statement either certifying that the improvements have been completed in accordance with applicable regulations or listing the defects in those improvements. Upon completion of the improvements, the subdivider shall file with the Commission a statement stipulating the following:

(a) That all required improvements are complete;

(b) That these improvements are in compliance with the minimum standards specified;

(c) That the subdivider knows of no defects from any cause, in those improvements; and
(d) That these improvements are free and clear of any encumbrance or lien.

The subdivider shall also file with the Augusta-Richmond County Commission an agreement dedicating such improvements to Augusta-Richmond County. If the Augusta-Richmond County Engineer has certified that the required improvements are complete and free of defects, then upon receipt of the other statements and agreements detailed above, the Commission shall accept dedication of those improvements.

Sec. 8-3-6. Release.

Upon acceptance, in accordance with section 8-3-5, of the dedication of the required improvements, the Augusta-Richmond County Commission shall authorize the release of any improvement guarantees and approval of the final plat.

Sec. 8-3-7. Forfeiture.

If any portion of the required improvements shall fail to be accepted for dedication in accordance with section 8-3-5 within the allocated time limit, either for reason of incompletion or for reason of substandard construction, then the Augusta-Richmond County Commission shall declare the guarantee pledged under section 8-3-3 to be forfeited. Upon receipt of the secured funds, the Commission shall use them to finance the completion of required improvements or the rebuilding of such improvements to proper specification. Unused portions of the bonded amount shall be returned to the surety company.
Sec. 8-4-1. Purpose.

This chapter provides standards for the protection of public trees, and for the designation of landmark trees, and further provides landscaping, tree protection and tree establishment standards for the development of private property in Augusta, Georgia. It is the purpose of this chapter to promote the public health, safety, and general welfare of provisions designed to:

(a) Aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, wildlife habitat, groundwater recharge, and storm water runoff retardation, while concurrently facilitating noise, glare, and heat abatement;

(b) Encourage the preservation of existing trees and vegetation;

(c) Prevent soil erosion;

(d) Protect and enhance the aesthetic qualities of the community;

(e) Prevent structural and pavement saturation;

(f) Safeguard and enhance private property values and protect private and public investments;

(g) Conserve energy.

Sec. 8-4-2. Definitions.

(a) Administrator. The Executive Director of the Augusta-Richmond County Planning Commission.

(b) Caliper. The diameter or thickness of the main stem of a young tree or sapling as measured at six (6) inches above ground level. This measurement is used for nursery-grown trees having a diameter of four (4) inches or less.

(c) Commission. The Augusta Commission.

(d) Diameter breast height (DBH). The diameter or width of the main stem of a tree as measured four and one-half (4½) feet above the natural grade at the base of a tree. Whenever a branch, limb, defect, or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below four and one-half (4½) feet at which a normal diameter occurs.

(e) Dripline. An imaginary circuitous line of the ground that designates the outermost point to which the tree branches extend.

(f) Executive Director. Executive Director of Augusta-Richmond County Planning Commission.

(g) Greenspace. Any area retained as permeable unpaved ground and dedicated to supporting vegetation.

(h) Greenspace Plan. A topographic survey map and supporting documentation which describes for a particular site where vegetation (green space) is to be retained or planted in compliance with these regulations. The Greenspace Plan shall include a tree establishment element, a tree protection element, and a landscaping element.

(i) IGO. (Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance.) A document providing standards and specifications for tree protection and tree establishment per Section VIII (c) of the Augusta-Richmond County Tree Ordinance.

(j) Landmark tree. Any tree determined by the Tree Commission and the Augusta Commission, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size and therefore designated as a public landmark.

(k) Land clearing. The removal of all vegetation two (2) inches DBH or greater.

(l) Landscape Establishment Bond. A two (2) year bond that shall be posted prior to the issuance of a Certificate of Occupancy and released after two
(m) Official street tree planting plan and program. A plan and program adopted for the planting of trees along public streets, parks and other public places.

(n) Official Tree List. A listing of various tree species, classified by size grouping, to be used to determine the quality rating of trees to be preserved or planted as well as the Quality Points (Section III of the IGO).

(o) Planting Island. An unpaved landscaped area located within a vehicle parking area that is defined physically by curbing or otherwise in such a way that it cannot be driven over or parked upon.

(p) Park. All public land set aside for open space and recreation purposes.

(q) Public property. Any property owned by Augusta, Georgia.

(r) Public tree. Any tree located on public property.

(s) Quality points factor. A decimal fraction that is assigned to each tree species in the Official Tree List and is used as a multiplier in calculating the tree quality points for any tree retained on a site.

(t) Right-of-way. A strip of land over which Augusta, Georgia has the right, by ownership or otherwise to construct a public street, sidewalk, or use for public utilities.

(u) Street yard. A greenspace parallel to the street right-of-way whose total area is equal to at a minimum ten (10) times the length of the right-of-way in square feet.

(v) Tree Commission. An appointed board of twelve (12) members with designated duties as outlined herein.

(w) Tree establishment element. A topographic survey map and supporting documentation which describes for a particular site where trees are to be planted in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

(x) Tree protection element. A topographic survey map and supporting documentation which describes for a particular site where existing trees are to be retained in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

(y) Tree protection zone. The area surrounding a preserved or planted tree that is essential to that tree’s health and survival, and is protected within the guidelines of this chapter.

(z) Tree quality point (TQP). A unit of measurement which quantifies the relative value of trees that are planted or retained on a given site. Tree quality points quantitatively express the desirable qualities of the species with regard to size for each tree that is retained on a site. For planted trees the tree quality points are an expression of species desirability and the expected mature size of each tree.

(aa) Vehicle display area. Areas where vehicles are displayed for sale or lease.

(bb) Vehicular service area. Any paved or unpaved area utilized by vehicles.

Sec. 8-4-3. Establishment of tree commission.

(a) There is hereby created the Augusta-Richmond County Tree Commission which shall consist of ten (10) members appointed by the Augusta Commission plus an additional two (2) members appointed by the Richmond County Legislative Delegation. All appointments shall be for four (4) year terms. The role of the Tree Commissioners will be to define problems, suggest solutions, and provide support; review any appeals or variances and recommend acceptance or rejection to the Administrator; annually review the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO) and update it as needed; and review petitions for landmark trees. The Tree Commission shall meet no less than quarterly. All members shall be residents of Augusta, Georgia. All vacancies shall be filled for the unexpired terms.
(b) All Tree Commissioners shall serve without compensation. The Augusta Commission and the Richmond County Legislative Delegation, when appointing members to the Tree Commission, shall appoint persons from the following fields of association: registered landscape architect; realtor/developer of commercial property (licensed broker who is member of board of realtors); urban forester; an agricultural extension agent; architect; engineer; an appointee from the Garden Council of Augusta; a master gardener; and citizens at large who have knowledge of, and interest in trees and the urban forest. The Georgia Forestry Commission Urban Forester may serve as an ex-officio member.

(c) All terms shall expire on March 30 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(d) Members shall not receive a salary, although they may be reimbursed for authorized expenses.

Sec. 8-4-4. Administration.

The Augusta-Richmond County Planning Commission shall have the responsibility for administering all provisions of this Chapter that relate to the development of private lands. The Augusta-Richmond County Trees and Landscape Department shall have the responsibility of administering all provisions that relate to the development of public lands.

Sec. 8-4-5. Public tree protection.

(a) Any request for the severing from the stump and removal of a tree on a public right-of-way shall be directed to the Augusta-Richmond County Trees and Landscape Department for approval. In the event approval is given, the Trees and Landscape Department shall notify the local neighborhood association, if any, and shall post on such tree for a period of 14 days a notice of their intent to remove said tree. Objections to remove shall be in writing and shall be directed to the Augusta-Richmond County Tree Commission for decision. Such decision of the Tree Commission shall be final, and there shall be no appeal to the Augusta Commission.

(b) Trees deemed a danger to the public or the adjoining property by the Department of Public Safety or by the Trees and Landscape Department shall be exempt from the restrictions of this section and can be removed for the safety of the public and/or adjacent properties.

(c) Nothing herein shall be construed as prohibiting the cutting and/or removal of a tree or trees incidental to a road improvement project, a drainage project, or a water and sewerage project of Augusta, Georgia or the Georgia Department of Transportation.

(d) All other projects causing disturbance within rights-of-way which may cause extensive damage to trees therein shall likewise be reviewed by the Augusta-Richmond County Trees and Landscape Department for recommendations.

(e) No person or organization shall do any of the following acts to any public tree without first obtaining the proper permit from the Augusta-Richmond County Trees and Landscape Department:

1. Cut, prune, break, damage, remove, kill or cause to be killed.
2. Cut, disturb, or interfere, in any way, with the soil or any root within the dripline.
3. Place, spray, or apply any chemical that is known to be toxic to trees in a location that may be absorbed by any part of the tree.
4. Fasten any rope, wire, sign or other device whether invasive to the tree or not.
5. Remove or damage any guard devices placed to protect any tree.
6. Conduct razing, removal, demolition, expansion, or renovation of any structure if deemed by the Department of Public Works to be damaging to neighboring public trees.
7. Maintain a stationary fire or device which vaporizes noxious fumes deleterious to tree health.
8. Pave with concrete, asphalt, or other impervious material within the dripline of
any public tree unless approved construction techniques are followed as prescribed.

(Ord. 5933, 6-17-97)

Sec. 8-4-6. Tree protection zone; official tree list.

(a) There is hereby established a tree protection zone which shall include all public rights-of-way and all public lands of Augusta, Georgia.

(b) The Assistant Director of the Augusta-Richmond County Trees and Landscape Department, a division of the Public Works Department, with assistance from public utility companies, the Augusta Commission, the Tree Commission and other interested groups, is hereby charged with the duty of determining the types of species of trees suitable for planting, as well as those prohibited, and the conditions under which such trees shall be planted along streets, in parks, and in public places within Augusta, Georgia. When completed, the list shall be presented to the Augusta Commission for its approval. When approved, the said report shall be known as the Official Tree List. Revisions in the Official Tree List may be made from time to time by the Tree Commission. All trees hereafter planted on public property of Augusta, Georgia must be on the Official Tree List, unless otherwise specifically approved by the Tree Commission.

Sec. 8-4-7. Planting and maintenance standards.

(a) The Augusta Commission, through the Augusta-Richmond County Trees and Landscape Department shall have the authority to insist that all property owners treat or else allow the City to treat trees suffering from transmittable diseases or insect infestations which are on private property but are affecting the health of public trees on public property. If the disease infestation warrants drastic action to curb its spread to healthy public trees, at the direction of the Commission, the property owner shall remove and dispose of said trees or else allow Augusta, Georgia to do so.

(b) In case of emergencies, such as windstorms, or other disasters, the requirements of this article shall be waived during the emergency period so that the requirements of this chapter would in no way hamper private or public work to restore order to Augusta, Georgia. This work is to be done in accordance with the emergency standards as outlined by Augusta, Georgia.

Sec. 8-4-8. Moving buildings or other large objects.

No person shall move any building or other large objects which may injure any public tree or parts thereof along any street without first having obtained written permission from the Assistant Director of Trees and Landscape Department and then having obtained a permit from the License and Inspections Department.

Sec. 8-4-9. Landmark trees.

The Augusta Commission may, upon petition by the property owner, designate a tree as a landmark tree, as defined herein. All nominations for landmark trees shall be reviewed by the Tree Commission which shall make a recommendation on such nomination to the Augusta Commission. Trees so designated shall thereafter be considered public landmarks and shall not be destroyed nor endangered except as recommended by the Tree Commission. The designation of a landmark tree shall be based upon an evaluation of the tree in relation to the criteria set forth in the IGO.

Upon designation as a landmark tree, the tree shall be protected as provided in this chapter, and the tree quality points assignment shall be based upon a quality points factor of two hundred (200) percent of the tree quality points for a preferred tree of equal DBH.

Sec. 8-4-10. Nuisance trees and shrubs.

Any tree or shrub or parts thereof growing on public or private property which interferes with or endangers the use of the public streets or obscures sight distance or creates a traffic hazard on intersections or endangers the life, health, safety or property of the public, shall in the opinion of the Tree Commission be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and be given a fifteen (15) day period of time for instigating its correction or removal. If not corrected or removed within thirty (30) days, the Tree Com-
mission shall cause the nuisance to be corrected or removed and the cost shall be assessed to the owner as provided by this chapter.

**Sec. 8-4-11. Greenspace requirements for private and public development.**

(a) **Application.** The regulations set forth in this chapter shall apply to all properties affected by development proposals requiring site plans pursuant to section 30-2 of the Comprehensive Zoning Ordinance for Augusta, Georgia. Permits for clearing land and grading of land shall not be granted until plans as required by this chapter have been approved.

(b) **Exemptions.** The following types of developments are exempt from compliance with any and all provisions of this chapter:

1. Construction (including clearing) of single-family residential structures on individual lots; and
2. The development of streets within a subdivision is exempt from all of the provisions of the tree ordinance except 8-4-11(e)(5).
3. Site plans that require grading only (no construction of improvements) may be exempt from providing one thousand (1,000) tree Quality Points per acre of development at the discretion of the Administrator; however a street yard must be installed per section 8-4-11(e)(5).
4. Telecommunication facilities in LI or HI zoning unless the site is in view of a residential use in a residential zone, as viewed from the base of the tower.
5. Federal, state and local government projects.

(c) **Greenspace plan required.** Except as herein provided, there shall be a greenspace plan for every applicable development. Such plan shall include a landscape element, a tree protection element, and a tree establishment element.

(d) **Landscape element.** Such element shall include a topographic survey map illustrating compliance with the design principles and standards included in the following section.

(e) **Landscape element design principles and standards.**

1. A minimum of ten (10) percent of the total land area of any development shall be devoted to greenspace.
2. No artificial plants, trees, or like materials shall be counted toward meeting the standards of these regulations.
3. All retained or planted trees shall be protected or situated so as to prevent damage from environmental changes (such as a lowered water table) or land disturbance resulting from any building or facility construction.
4. Sidewalks, curbing, or any other paved or impermeable surfaces within the greenspace area shall not count towards the ten (10) percent minimum greenspace or street yard requirement.
5. A street yard area shall be provided along any existing or proposed public street right-of-way or private right-of-way adjacent to or adjoining the property except for those portions of the lot used for driveways. Detention or retention ponds at the front of the property near the right-of-way do not relieve the developer from installing the required street yard.

For site plans that include fewer than one hundred (100) total parking and loading spaces, the area of the street yard shall be ten (10) times the length of the right-of-way frontage in square feet, and the minimum width at any point shall be seven and one-half (7\(\frac{1}{2}\)) feet measured perpendicular to the right-of-way. If two (2) street yards cross, count the overlapped area only once. Street yards shall be landscaped and properly maintained by the owner and shall have live vegetation including groundcover, grass, trees, shrubs and may, unless otherwise prohibited, include fences and walls and plantings for parking areas. Each street yard shall have at least one (1) large tree for each forty (40) linear feet on center of street frontage, with a large tree being located within twenty (20) feet of each side property line.
All planted trees must be at least three (3) inches in caliper, have a single trunk, and be unbranched to six (6) feet.

In zoning districts where zero setbacks are permitted by the Comprehensive Zoning Ordinance for structures adjoining public street rights-of-way, the street yard and its plantings may be located upon the public property if approved by the Department of Public Works. In all other cases, the street yard must be located on private property.

For site plans that include one hundred (100) or more total parking and loading spaces, the area of the street yard shall be twenty (20) times the length of the right-of-way frontage in square feet, and the minimum width at any point shall be fifteen (15) feet.

When a use of land is intensified or expanded in such a way that the required parking must be increased more than twenty (20) percent (except for parking areas where a twenty (20) percent increase would be less than five (5) new spaces) then the entire site including the already developed area must be provided with a street yard that is at least five (5) times the length of the right-of-way frontage in square feet, and the minimum width at any point is five (5) feet.

Where a property adjoins a right-of-way such as gas, power, railroad, etc., that is adjacent to and parallel with a public or private street, the subject property shall be deemed to front on the public or private street and street yard requirements shall be adhered to.

When a major subdivision (ten (10) lots or more) of property occurs along an existing or proposed public street, a street yard ten (10) feet in width, adjacent to the right-of-way, shall be installed and have at least one (1) large tree for each forty (40) linear feet on center of street frontage, with a large tree being located within twenty (20) feet of each side property line. All planted trees must be at least three (3) inches in caliper, have a single trunk, and be unbranched to six (6) feet. Street yards shall be landscaped and properly maintained by the owner and shall have live vegetation, groundcover, grass, trees, shrubs, and may, unless otherwise prohibited, include fences and walls and plantings for parking areas.

As of January 2003, any existing streetyard tree may not be cut or removed without permission of the Tree Commission.

(6) Parking lots (excluding vehicle display areas) providing over twenty (20) spaces shall contain interior landscaped areas. This section shall apply to any surface parking lot or loading area or vehicular service area or portions thereof built after the adoption of this chapter. The number, size, and shape of interior landscaped areas shall be at the discretion of the owner subject to the following provisions:

(a) A minimum of five (5) percent of the total interior area of parking lots, loading areas, and vehicular use areas (except vehicle display areas) shall be devoted to landscaping. Required street yards may not count toward the five (5) percent. There shall be no more than twelve (12) consecutive parking spaces between planting islands, which must be at least one hundred (100) square feet in area with a minimum width of eight (8) feet measured inside of curb to inside of curb. On such site plans one (1) of every five (5) required planting islands must be a minimum of thirty-seven and one-half (37½) feet in length and eight (8) feet in width, inside of curbing, unless all parking spaces are arranged around the perimeter of the parking lot. When row parking is utilized, the end of each row of parking must be a double planting island with a minimum of one (1) medium or large tree.

When a use of land is intensified or expanded in such a way that the required parking must be increased
more than fifty (50) percent (except for where such an increase would be less than twenty (20) spaces), the new parking area must conform to the requirements of this subsection and the already developed parking area must be retrofitted with planting islands at a rate of one (1) for every twelve (12) which is no less than one hundred (100) square feet in area and with a minimum width of eight (8) feet.

All internal planting areas shall be landscaped with approved plant materials compatible with accepted arboricultural practices as set forth in the IGO. The area devoted to interior planting islands may be deducted from the required parking area pursuant to section 4-2 of the Zoning Ordinance at a rate of one (1) space per two hundred (200) square feet of planting island except that the requirement of spaces shall not be reduced over ten (10) percent.

For the purposes of calculating consecutive parking spaces, handicapped parking spaces shall equal one and one-half (1 1/2) parking spaces.

As of January 1, 2003, any existing parking lot tree may not be cut or removed without permission of the Tree Commission.

(b) No parking space shall be further than sixty-five (65) feet from the trunk of a medium or large tree with no intervening building.

(c) Within existing parking areas, all new curbing around landscaped islands shall match existing curbing within the site. If no curbing is present within the site, then concrete curb and gutter, per city of Augusta standards and specifications, shall be used around landscaped islands.

In new parking areas, all curbing around landscaped islands shall be concrete curb and gutter, as approved by the City Engineer.

(7) Lighting serving to illuminate a parking area shall not be located within a required planting island.

(8) A permanent water source shall be provided not more than one hundred (100) feet from any planted tree.

(9) Where the rear property line in a multiple-family residential, professional, commercial or industrial zone abuts an R-1 zone or single-family residence, a buffer strip not less than twenty (20) feet in width shall be provided. This buffer strip shall be designed to provide a year-round visual screen that is at least eight (8) feet in height and completely blocks the view of the subject property by a person standing just across the property line on the adjoining residential property. It shall consist of six (6) foot solid board or "shadowbox" style fence or masonry wall that has two (2) finished sides and is approved by the Tree Commission. The buffer strip shall be planted with medium or large trees spaced on forty (40) foot centers with interplanted evergreen plant material, berms, mounds or combinations thereof to achieve the objective within a maximum three (3) year period. No buildings, structures, storage of materials, or parking shall be permitted within this buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish and weeds.

As of January 2003, any existing rear bufferyard tree may not be cut or removed without permission of the Tree Commission.

(10) Where the side property line in a multiple-family, professional, commercial, or industrial zone abuts an R-1 zone or single-family residence, a planted buffer strip not less than ten (10) feet in width shall be provided. This buffer strip shall be designed to provide a year-round visual screen that is at least eight (8) feet in height and completely blocks the view of the subject property by a person standing just across the property line on the adjoining residential property. Said buffer strip shall begin at the front setback line and extend along the entire
remaining side boundary. It shall consist of a six (6) foot solid board or shadowbox style fence or masonry wall that has two (2) finished sides and is approved by the Tree Commission. The buffer strip shall be planted with medium or large trees spaced on forty (40) foot centers with interplanted evergreen plant material, berms, mounds or combinations thereof to achieve the objective within a maximum three (3) year period. Buffer areas shall be maintained and kept free of all debris, rubbish and weeds. No buildings, structures, storage of materials, or parking shall be permitted within this area.

As of January 2003, any existing side buffer yard tree may not be cut or removed without permission of the Tree Commission.

(11) The mature or ultimate spread of planted trees shall be shown on the greenspace plan. Planted trees shall be spaced according to the following minimum standards in order to qualify for tree quality points:

*large trees—thirty-five (35) feet apart
*medium trees—twenty-five (25) feet apart
*small trees—fifteen (15) feet apart

(12) No required trees are to be located directly above or below existing or proposed utilities. (Proposed utilities must be routed away from required trees.)

(f) **Tree protection and tree establishment elements.** Land cleared for development or land being proposed for development shall have, after development, not less than one thousand (1,000) tree quality points (TQP) per acre on a given site. Tree quality points shall only be calculated on the acreage of the site that is being developed. Undeveloped portions of the site shall not be required to provide tree quality points (including street yard requirements) nor shall tree quality points for existing trees be counted toward the requirements of the developed portion of the site. Tree protection and tree establishment elements may be provided separately or collectively depending on the nature, complexity, and scale of the development. Such elements shall include a topographic survey map showing:

1. Existing tree cover and tree cover that is to be removed.
2. The location and species of all trees to be retained on the developed portion of the site for which tree quality points are to be claimed, including their DBH, tree quality points, and their tree protection zones. Where a grouping or cluster of twenty (20) or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the plan, provided the number of trees for each species within the cluster is given and the average DBH is identified for each species. Existing trees on undeveloped portions of the site (i.e. future development) or trees within the right-of-way(s) cannot be counted toward tree quality points.
3. The location, species, and DBH of all trees located on adjacent rights-of-way.
4. A listing of all trees to be planted on the site for which tree quality points are to be claimed, giving their respective species, caliper, and tree quality points.
5. A description of tree planting specifications if different from those listed in the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO).

IGO and any amendments thereto are hereby adopted by reference. The guide will be reviewed annually by the Tree Commission with the updated version being adopted by reference and each time made a part hereof. All greenspace plans shall be provided in a manner consistent with provisions contained therein.

As of January 2003, any existing tree that would count toward the overall requirement for tree quality points (TQP) may not be cut or removed without permission of the Tree Commission.
(g) **Tree protection and tree establishment standards.** Tree protection zones shall be established and maintained for all trees preserved or planted on a site for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them.

(1) The tree protection zone shall have a dimension of not less than one-half ($\frac{1}{2}$) the distance to the dripline of the preserved tree, or the minimum tree protection zones for planted trees set forth in Table 1; whichever is greater. Tree protection zones shall be barricaded prior to the commencement of construction and until the Certificate of Occupancy has been issued.

(2) The area within any tree protection zone must remain open and unpaved. The use of perforated pavement may be allowed subject to the approval of the Administrator.

(3) Deleted.

(4) No vehicles shall be parked, construction material stored, substances poured, disposed of, or placed, within any tree protection zone at any time during clearing or construction of the project.

(5) No change in grade within the tree protection zone shall be allowed except for a maximum addition of two (2) inches of sandy loam topsoil covered with mulch.

(6) Tree walls or tree walls (islands) shall be constructed as needed to protect the preserved trees from grade changes which result in changes of water supply to the tree protection zone. Adequate means for drainage of excess moisture from the tree protection zone shall be provided if tree wells or tree walls are constructed.

(7) For planted trees, the minimum size Tree Protection Zone centered upon the planted tree shall be as specified in Table 1.

(8) The ground elevation where trees are to be planted in a street yard shall be within five (5) feet of the ground elevation of the street right-of-way.

(h) **Tree quality points.**

(1) Tree quality points shall be assigned to preserved or planted trees as described in the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO).

a. Deleted.

b. Deleted.

(2) Tree quality points for preserved trees. Quality points for trees preserved on the site are directly related to the tree species quality and the tree protection zone that must be provided for the tree. For preserved trees, tree quality points are calculated by squaring the tree’s DBH (diameter at breast height) and multiplying this number by the applicable quality points factor. If the calculated tree quality points exceed the table’s maximum, then the maximum quality points shall be assigned.

**Table 1**

<table>
<thead>
<tr>
<th>Mature Tree Size</th>
<th>Minimum Area Square Feet</th>
<th>** Protection Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>small *</td>
<td>16</td>
<td>2.0' radius</td>
</tr>
<tr>
<td>medium *</td>
<td>66</td>
<td>3.0' radius</td>
</tr>
<tr>
<td>large *</td>
<td>200</td>
<td>4.0' radius</td>
</tr>
</tbody>
</table>

* A listing of small, medium, and large trees is found in IGO.

** Protection Zone = Minimum distance from tree trunk to edge of dripline.

(2) Tree quality points for planted trees. Quality points for trees planted on the site shall be assigned as described in the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO). The minimum quality points for planted trees are as follows:

**Table 2**

<table>
<thead>
<tr>
<th>Mature Size</th>
<th>Acceptable</th>
<th>Recommended</th>
<th>Preferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>small *</td>
<td>1</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>medium *</td>
<td>4</td>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td>large *</td>
<td>13</td>
<td>39</td>
<td>91</td>
</tr>
</tbody>
</table>

* A listing of small, medium, and large trees is found in the IGO.
(DBH)$^2 \times \text{(Quality Points Factor)} = \text{Tree Quality Points}

### Table 3

<table>
<thead>
<tr>
<th>Tree Quality Rating</th>
<th>Quality Points Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptable</td>
<td>0.2</td>
</tr>
<tr>
<td>Recommended</td>
<td>0.6</td>
</tr>
<tr>
<td>Preferred</td>
<td>1.4</td>
</tr>
<tr>
<td>Landmark Trees</td>
<td>2.0</td>
</tr>
</tbody>
</table>

* The assigned quality points factor is found in the Tree Species List in IGO.

### Sec. 8-4-12. Compliance.

All improvements shown in the greenspace plan shall be constructed and all plant materials shall be in place and approved by the Augusta-Richmond County Trees & Landscape Department before a Certificate of Occupancy will be issued for any use of land or structure(s) that is not exempted from this article. If at the time of request for a certificate of occupancy the required landscaping is not in place and it can be determined by the Trees & Landscape Department that unavailability of plant materials or that weather conditions prohibit completion of this planting, then the developer may, at the discretion of the Executive Director, provide an executed contract binding for one (1) year from the date of application that provides for the completion of such landscaping work, and also a performance bond or an irrevocable letter of credit from a federally insured lender in an amount to be approved by the Trees and Landscape Department commensurate with the cost of completing the required landscaping.

Existing trees or other landscape features as delineated on previously approved site plans and subsequently installed to conform with the minimum standards of this chapter may not be removed or altered without prior approval of the Tree Commission.

(Ord. No. 6372, § 1, 5-1-01)

### Sec. 8-4-13. Landscape establishment bond.

A two-year landscape establishment bond shall be posted with the Administrator prior to issuance of the certificate of occupancy. This bond shall be in the amount of the contract award for landscaping or in an amount determined by the Trees and Landscape Department, whichever is higher. After eighteen (18) months, the Trees and Landscape Department shall inspect the site and make a determination as to whether or not the required trees and landscaping are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the bond shall be released at the end of the two-year landscape establishment bond period. In absence of such a finding, the landscape establishment bond shall not be released and the owner/developer of the property shall be notified to replace the unhealthy trees and landscaping or take other appropriate action as required by the Trees and Landscape Department. If the owner/developer fails to comply with the decision of the Trees and Landscape Department within sixty (60) days of receiving a written notice, then the City shall use the Landscape Establishment Bond to the extent necessary to bring the property into compliance with the provisions of these regulations.

Before release of the landscape establishment bond, documentation shall be signed by the owner certifying that the required trees located on the site will not be removed nor shall the canopy of required trees be reduced without prior approval of the Tree Commission.

### Sec. 8-4-14. Appeals and variances.

(a) Decisions of the Administrator may be appealed to the Augusta-Richmond County Tree Commission. The Tree Commission shall also hear requests for variances from the provisions of this chapter. The Tree Commission shall review the appeal or variance and make its recommendations to the Administrator. Forms for such purpose will be provided by the Administrator.
(b) Variances shall only be granted upon a determination that the variance is the minimum necessary to afford relief and when in the opinion of the Tree Commission relief is justified.

(c) Variances shall only be granted upon:

1. A determination that failure to grant the variance would result in exceptional hardship; and
2. A determination that the granting of a variance will not adversely impact the intent and purpose of these regulations.

(d) The Tree Commission may approve, deny, or approve with conditions a request for a variance. Conditional approval may be granted where mitigation of the impact is agreed upon by the Tree Commission and the petitioner.

Sec. 8-4-15. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another regulation conflict or overlap, whichever regulation imposes the more stringent restrictions shall prevail.

Sec. 8-4-16. Severability.

If any provision of this chapter is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this chapter.

Sec. 8-4-17. Enforcement, violation and penalty.

The Trees and Landscape Department shall report all violations of the provisions of this chapter or failure to comply with any of its requirements to the Administrator. Once a violation is evident, the Administrator, acting on behalf of the Augusta Commission, shall notify the owner in writing of the apparent violation of this chapter. The written notice shall direct the owner to cease the violation until such time as the requirements and procedures of this Chapter have been met. Upon failure of the owner to comply with this notice, the Administrator shall notify the Augusta City Attorney of the violation and the Augusta City Attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate, or terminate such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of a misdemeanor and shall be punished as provided in chapter 1-6-1 of this Code. Each day such violations continue shall be considered a separate offense. Nothing herein contained shall prevent the Augusta Commission from taking such other lawful action as is necessary to prevent or remedy any violations.

(Ord. No. 6589, 1-21-03)
Chapter 5

ZONING*

ARTICLE 1 IN GENERAL

Sec. 8-5-1. Incorporation of zoning ordinance by reference.

The comprehensive zoning ordinance of the City of Augusta and unincorporated areas of Richmond County, as adopted on March 25, 1963 and subsequently revised, consisting of section 1 through section 37, inclusive, is hereby incorporated in this section as if set out in full herein. (Amended and rewritten Sept. 16, 1997)

Sec. 8-5-2. Amendments to zoning ordinance, map and subdivision regulations.

Any amendments to the Augusta-Richmond County Comprehensive Zoning Ordinance, the zoning maps, and any amendments to the subdivision regulations of land shall be made when the Commission determines that such a change would be in the best interest of Augusta-Richmond County.

Secs. 8-5-3—8-5-10. Reserved.

ARTICLE 2 ROAD NAMING AND ADDRESSING

Sec. 8-5-11. Authority.

This Article is enacted pursuant to the authority conferred by Section 46-5-122 of The Official Code of Georgia Annotated, as amended, to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Augusta, Georgia.

Sec. 8-5-12. Short title.

This Article shall be known as the Road Naming and Addressing Ordinance for Augusta, Georgia.

*Note—The current Comprehensive Zoning Ordinance is maintained at the Augusta-Richmond County Planning Commission.

Sec. 8-5-13. Jurisdiction.

The provisions set forth herein shall apply to those roads, both public and private (including manufactured home parks, condominium developments, apartment complexes or office parks), which are or will be located within Augusta, Georgia, or within certain municipalities in Richmond County, Georgia upon the request of the appropriate elected officials of said municipalities.

Sec. 8-5-14. Purpose.

The purpose of this Article is to provide a system of unique road names and addresses which is essential to the successful implementation of the E-911 Emergency Services System, and is therefore, essential to the efficient and effective provision of such services as police, fire, and emergency medical services.

Sec. 8-5-15. Assignment of responsibility for naming roads and addressing of said roads.

The Augusta-Richmond County Planning Commission is hereby assigned overall authority and responsibility for the naming of public and private roads as directed by the provisions of this Article.

Sec. 8-5-16. Approval of road names.

All proposed road names shall be reviewed and approved by the Augusta-Richmond County Planning Commission and authorized by action of the Augusta-Richmond County Commission before the road names become official and before road signs are erected. The appropriate tax map(s) shall be amended by the Tax Assessor’s office to reflect new road names approved by action of the Augusta-Richmond County Commission.

Sec. 8-5-17. Establishment of uniform numbering system.

The Augusta-Richmond County Planning Commission shall develop and maintain a uniform scaled system of numbering roads. This addressing system shall be used in designating addresses for new and existing structures and to resolve
address problems which tend to confuse the traveling public or tend to delay the response of emergency services, mail delivery and other service providers.

Sec. 8-5-18. Issuance of street and/or mailing addresses.

(a) Street and/or mailing addresses shall be issued by the Augusta-Richmond County Planning Commission for all principal dwellings and buildings located on all officially mapped public and private roads within Augusta, Georgia and within certain municipalities in Richmond County, Georgia upon the request of the appropriate elected officials of the municipalities.

(b) Addresses will be provided only on those roads which have been assigned a name in accordance with the guidelines set forth in this Article.

(c) Each new dwelling or principal structure will be assigned an address at the time that a building permit, mobile home permit, or other similar permit is issued by the appropriate issuing authority.

(d) No building permit shall be issued for any principal dwellings or buildings until the owner has obtained the official address from the Augusta-Richmond County Planning Commission.

(e) The certificate of occupancy for any structure erected, repaired or modified after the effective date of this Article shall be withheld by the License and Inspections Department until the address is posted on the structure as outlined in this Article.

Sec. 8-5-19. Responsibility for placement of numbers.

(a) The owner, occupant, or agent of each house, building or other structure assigned an address under the uniform numbering system shall place or cause to be placed the number on the house, building, or other structure within 30 days after receiving notification from the Augusta-Richmond County Planning Commission of the proper number assignment.

(b) Further, the owner, occupant or agent of any existing house, building or other structure existing as of the date of the adoption of this Article, shall place or cause to be placed the number on the house, building or other structure within 30 days after the adoption of this Ordinance.

(c) Cost and installation of the number must be paid for by the property owner or occupant. Residential numbers must not be less than three inches in height. Business numbers must not be less than four inches in height. All numbers must be made of a durable, clearly visible material and must contrast with the color of the house, building, or other structure. Reflective numbers for nighttime identification are strongly recommended.

(d) The number must be conspicuously placed immediately above, on or at the side of the appropriate door so that the number is visible clearly from the road. In cases where the building is situated more than fifty feet from the road, the number must be placed upon the mailbox or near the driveway so as to be easily read from the road.

Sec. 8-5-20. Location and installation.

Sign location and installation shall be in accordance with the specifications for road name signs as set for in the Comprehensive Zoning Article for Augusta, Georgia.

Sec. 8-5-21. New roads.

(a) The naming of new roads, such as in new subdivisions, shall be reviewed and approved by the Augusta-Richmond County Planning Commission according to the present procedures of the Augusta-Richmond County Planning Commission and authorized by action of the Augusta-Richmond County Commission before the road names become official.

(b) The names of new roads must not duplicate or be similar to an existing road name within Richmond County, Georgia's geographical area.

(c) Existing duplicate road names may be changed as necessary by Augusta, Georgia to ensure efficiency of the emergency response system.
Sec. 8-5-22. Existing roads.

(a) All public roads (those maintained by Augusta, Georgia and those maintained by the Georgia Department of Transportation) shall be named. All private roads requiring Augusta-Richmond County Planning Commission approval (both subdivision and site plan roadways depicting multiple buildings) shall be named.

(b) In the event of a conflict in either road naming or addressing, the Augusta-Richmond County Planning Commission staff will use its best judgment to resolve the conflict.

Sec. 8-5-23. Liability.

Augusta, Georgia, its officers, agents or employees, together with any person following their instructions in rendering services, are not liable for civil damages as a result of an act or omission under this Article, including but not limited to, developing, adopting, operating, or implementing an addressing system or plan.

Sec. 8-5-24. Effective date.

This Article shall take effect on the first day following final reading and adoption.

Sec. 8-5-25. Provisions severable.

(a) All provisions in other Ordinances for Augusta, Georgia in conflict with this Article are hereby repealed.

(b) If any provisions of this Article or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Article which can be given effect without the invalid provision or application and to this end, the provisions of this Article are severable.

(Ord. of 8-4-98)

Chapter 6

GROUNDWATER RECHARGE PROTECTION*

Sec. 8-6-1. Authority.

The Official Code of Georgia Annotated § 12-2-8 requires that certain minimum standards shall be adopted by local governments to protect groundwater recharge areas. This chapter conforms to these minimum standards and also the minimum standards of Chapter 391-3-316, Rules for Environmental Planning Criteria, Georgia Department of Natural Resources Environmental Planning Division.

Sec. 8-6-2. Short title.

This chapter shall be known as the Groundwater Recharge Area Protection Ordinance of Augusta, Georgia.

Sec. 8-6-3. Purpose.

In order to provide for the health, safety and welfare of the public and a healthy economic climate within Augusta, Georgia and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that Augusta, Georgia and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

Sec. 8-6-4. Objectives.

The objectives of this chapter are:

(a) Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;

(b) Protect groundwater quality by limiting density of development; and

(c) Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effect on groundwater quality.

*Editor’s note—Ord. No. 6093, § 2, adopted Oct. 6, 1998, set out provisions for Chapter 6 to read as herein set out. See the Code Comparative Table.
Sec. 8-6-5. Establishment of a groundwater recharge area district.

A groundwater recharge area district is hereby established which shall correspond to all lands within the jurisdiction of Augusta, Georgia, except for those lands which lie to the east of the Center of Georgia Railroad as shown on the map of Most Significant Groundwater Recharge Areas of Georgia.

Sec. 8-6-6. Determination of pollution susceptibility.

Each recharge area shall be determined to have a pollution susceptibility of high, medium or low, based on the Georgia Pollution Susceptibility Map prepared by the Georgia Department of Natural Resources.

Sec. 8-6-7. Permit requirements, administration, and enforcement.

Within the groundwater recharge area district, no building permit, site plan or subdivision plan will be approved by Augusta, Georgia unless the permit or plan is in compliance with the groundwater protection standards listed in section 8-6-11.

Sec. 8-6-8. Permit requirement.

A building permit or a development permit within the groundwater recharge area district shall not be issued until a site plan or subdivision plat, whichever is appropriate, has been reviewed and approved which illustrates compliance with the groundwater recharge area protection chapter. The requirements for site plans are to be found in the site plan regulations for Augusta, Georgia, and the requirements for subdivision plats are to be found in the subdivision regulations for Augusta, Georgia. Those construction or development projects which are exempted under the site plan regulations are likewise exempted from the requirements of this chapter.

Sec. 8-6-9. Administration.

The Executive Director of the Augusta-Richmond County Planning Commission is hereby designated as the administrator for this chapter.

Sec. 8-6-10. Enforcement.

(a) Augusta, Georgia, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and may take or cause to be made such examinations, surveys or sampling as Augusta, Georgia deems necessary. The Director of Public Works shall have authority to enforce this ordinance and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

(b) Law enforcement officials or other officials having police powers shall have authority to assist the Director of Public Works in enforcement.

(c) Any person who commits, takes part in or assists in any violation of any provision of this chapter shall be fined not more than five hundred dollars ($500.00) for each offense. Each violation shall be a separate offense and, in the case of continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

(d) The Director of Public Works shall have the authority to issue cease and desist orders in the event of any violation of this chapter. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in section 8-6-12.

(e) When a building or other structure has been constructed in violation of this chapter, the violator shall be required to remove the structure.

(f) When removal of vegetative cover, excavation or fill has taken place in violation of this chapter, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

Sec. 8-6-11. Groundwater protection standards.

Within the groundwater recharge area district, the following minimum standards shall apply:

(a) Waste disposal facilities. All new waste disposal facilities must have synthetic liners and leachate collection systems.
Agricultural impoundments. New agricultural impoundments shall meet the following requirements:

(i) For areas of high susceptibility, a liner shall be provided that is approved by the U.S. Soil Conservation Service (SCS).

(ii) For areas of medium susceptibility, an SCS-approved liner shall be provided if the site exceeds fifteen (15) acre feet.

Land disposal. No land disposal of hazardous waste shall be permitted within any significant groundwater recharge area.

Spill and leak protection. For all significant groundwater recharge areas, the handling, storage and disposal of hazardous materials shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).

Secondary containment. For all significant groundwater recharge areas, new above-ground chemical or petroleum storage tanks larger than six hundred sixty (660) gallons must have secondary containment for one hundred ten (110) percent of tank volume or one hundred ten (110) percent of the largest tanks in a cluster of tanks.

Wastewater basins. For high pollution susceptibility areas, new wastewater treatment basins shall be an impermeable liner approved by EPD.

Stormwater basins. For high pollution susceptibility areas, no new stormwater infiltration basins may be constructed.

Wastewater spray and sludge operation. For high pollution susceptibility areas, wastewater spray irrigation systems or the land spreading of wastewater sludge shall be practiced in accordance with department of natural resources criteria for slow rate land treatment. An application for a development permit for activities involving wastewater spray ir-

Minimum lot sizes and septic systems. New homes served by septic tank/drain systems shall conform to minimum lot size requirements identified in Tables 1-3 below. (Note: No construction may proceed on a building permit or mobile home to be served by a septic tank without approval of the proposed septic system by the Richmond County Health Department). The following shall be exempted from all provisions of this chapter related to lot size:

a. Lots which are included on an "Overall Concept Plan" per section 104.3 of the Subdivision Regulations, or a "Sketch Plan" per section 200.1 of the Subdivision Regulations and submitted prior to 5:00 p.m. on the date of adoption of this chapter; and

b. Lots which are included on a "development plan" per article III of the Subdivision Regulations and submitted prior to 5:00 p.m. on December 31, 1998; and

c. "Lots of record" (as defined herein) prior to 5:00 p.m. on December 31, 1998.

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<th>New Homes Served by Septic Systems</th>
<th>New Mobile Homes Served by Septic Systems</th>
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Sec. 8-6-12. Judicial review.

(a) Jurisdiction. All final decisions of Augusta, Georgia concerning denial, approval or conditional approval of a permit shall be reviewable by appeal to the Superior Court of Richmond County. The procedure for said appeal shall be the same as an appeal to the Superior Court from any decision made by the Probate Court as provided by the laws of Georgia, except that said appeal shall be filed within thirty (30) days from the date of the decision of denial, approval or conditional approval; and upon failure to file said appeal within thirty (30) days, the decision of denial, approval or conditional approval shall be final.

(b) Alternative actions. Based on these proceedings and the decision of the court, Augusta may, within a time specified by the court, elect to:

(i) Institute negotiated purchased or condemnation proceedings to acquire an easement or fee interest in the applicant’s land;
(ii) Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

(iii) Institute other appropriate actions ordered by the court that fall within the jurisdiction of Augusta, Georgia.

Section 8-6-13. Amendments.

These regulations may, from time to time, be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

Section 8-6-14. Assessment relief.

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

Section 8-6-15. Separability and abrogation.

All sections and subsections of this chapter are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this chapter.

Section 8-6-16. Definitions.

(a) Aquifer. Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: This is the same definition used in the Groundwater Use Act).

(b) Groundwater Recharge Area (synonymous with Aquifer Recharge Area). An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer.

(c) Lot of record. A parcel of land the dimensions of which are shown on a map on file with the Clerk of Superior Court of Richmond County, Georgia, or in common use by county officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof.

(d) Pollution susceptibility. The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

(e) Pollution susceptibility map(s). Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the state into areas of high, medium and low groundwater pollution potential. These maps are available at the office of the Augusta-Richmond County Planning Commission.

(f) Significant groundwater recharge areas Areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces. These maps are available at the office of the Augusta-Richmond County Planning Commission.

Ord. No. 6093, 10-25-95

CHAPTER 7

WATER SUPPLY WATERSHED PROTECTION ORDINANCE*

Section 8-7-1. Authority.

The Augusta-Richmond County Commission was authorized by the Home Rule Provision of the Constitution of the State of Georgia of 1983 to: establish planning commissions; provide for the preparation and amendment of overall plans for the orderly growth and development of municipalities and counties; provide for the regulations of structures on mapped streets, public building sites, and public open spaces; repeal conflicting laws; and for other purposes. The Augusta-

*Editor's note—Ord. No. 6094, § 1, adopted Oct. 20 1993, set forth provisions for a new chapter 7 to read as herein set out. See the Code Comparative Table.
Richmond County Planning Commission, created and organized under the terms of the aforementioned Home Rule Provision, has made a study and analysis of the provisions of O.C.G.A. § 12-2-8 and Chapter 391-3-16, Rules for Environmental Planning Criteria, Georgia Department of Natural Resources, Environmental Planning Division, and determined that this Water Supply Watershed Protection Ordinance conforms to the minimum requirements.

Sec. 8-7-2. Purpose.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Augusta-Richmond County, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waster materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of the water supply watershed protection district regulation is to establish measures to protect the quality and quantity of the present and future water supply for the City of Augusta, Georgia; to minimize the transport of pollutants and sediments to water supplies; and maintain the yield of the water supply watersheds.

Sec. 8-7-3. Title.

This chapter shall be known as the Water Supply Watershed Protection Ordinance of Augusta, Georgia.

Sec. 8-7-4. District delineation.

The protected water supply watershed district is hereby designated and shall comprise the land that drains to Augusta, Georgia's public water supply intake as follows:

(a) Savannah River watershed. The Savannah River Water Supply Watershed District is hereby designated and shall comprise the land that drains to Augusta, Georgia’s water supply intake. the boundary of the district is defined by the ridge line of the Savannah River watershed and the boundary of a radius seven (7) miles upstream of the public water supply intake on the Augusta canal. This district shall be further delineated and defined on the water supply watershed protection district overlay map of the official zoning map of Augusta-Richmond county, which is hereby incorporated and made a part of this chapter by reference.

(b) Each parcel of land within the watershed protection district shall be subject to the provisions, regulations, and restrictions of both the Watershed Protection District Ordinance and the underlying zoning district(s), as delineated in the Comprehensive Zoning Ordinance for Augusta-Richmond County. In the event of a conflict or discrepancy between the requirements of the Watershed Protection District Ordinance and the Comprehensive Zoning Ordinance, the more stringent shall apply.

(c) Savannah River Watershed—Permitted uses and conditions. All uses allowed in the underlying zoning districts are permitted in the Savannah River Water Supply Watershed Protection District, subject to the following limitation as to hazardous materials handlers: new facilities, located within a seven (7) mile radius upstream of Augusta, Georgia's public water intake on the Augusta Canal, which handle hazardous materials of the types and amounts determined by the Georgia Department of Natural Resources (DNR), shall perform their operations on imper-
Sec. 8-7-5. Site plan requirements.

All applications for a development permit within the watershed protection district shall be required to have a site plan submitted and approved by the Augusta-Richmond County Planning Commission before any building permits may be approved or any land disturbing activity may take place. Each site plan submitted shall include all of the information in Article III, Sections 300-303 of the Site Plan Regulations for Augusta, Georgia. In addition, any hazardous materials handler shall provide location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous waste.

(a) Approval process. The approval process for a site plan submitted in accordance with this ordinance shall be the same as the procedures specified in Article II of the Site Plan Regulations for Augusta, Georgia.

(b) Hardships and variances. Variances to decisions on permit applications shall be handled in the manner specified by Article IV, Section 400 of the Site Plan Regulations for Augusta, Georgia.

(c) Activity compliance. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan.

(Ord. No. 6094, 10-20-98)

Chapter 8

SITE PLAN REGULATIONS

Sec. 8-8-1. Incorporation of site plan regulations.

The Site Plan Regulations for Augusta, Georgia, as adopted on June 1, 1999, and as attached hereto, are maintained by Planning and Zoning Commission.

(Ord. No. 6168, § 1, 5-18-99)
shall recommend to the Augusta-Richmond County Commission that it not accept for dedication any public street or utility to be dedicated to the public use. The developer may appeal any such decision or recommendation by the Executive Director to the Augusta-Richmond County Commission.

(Ord. No. 6183, 7-20-99)
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#### ORDINANCES

This table gives the location within this Code of those ordinances adopted since 1999. Ordinances not listed herein have been omitted as repealed, superseded, or not of a general and permanent nature.

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**Occupation tax required; occupation tax required for business dealings in Richmond County, City of Augusta, and Augusta-Richmond County**  

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**Place of business, more than one**  

**Probation, suspension, revocation or denial of**  

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**Street vendors**  

**Business tax certificate required**  

**Suspension, right of, by License and Inspection Department**  

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**Temporary and transient vendors**  

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