

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, February 13, 2018, 5:00 PM



The Honorable William "Bill" Edwards, Mayor (present)
The Honorable Mark Baker, District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1 Councilmember (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)

WORK SESSION AGENDA

- Call to Order
- Branding - Bunnie Jackson-Ransom & Naga Gibson-Thompson
 - a. PowerPoint Presentation
- Discussion Items
 - a. Ordinances Status Chart - David Dove, City Attorney
 - b. Resolutions Status Chart - David Dove, City Attorney
 - c. An Ordinance to create Title XX to establish the City of South Fulton Fire & Rescue Department and adopt the Fire Prevention Code and Safety Standards.
- David Dove, City Attorney
 - d. An Ordinance to establish standards and restrictions for excessive or unnecessary noise in the City of South Fulton; and for other purposes. **(Rowell and Gumbs)**
 - e. An Amendment to Ordinance No. 2018-005, to establish offenses related to loitering; and for other purposes. **(Jackson)**
- Executive Session, if necessary
- Adjournment

No.	NAME OF ORDINANCE	SPONSOR	STATUS	TITLE	ORDINANCE NUMBER
1	Sanitation Title	Willis	Staff Review (meeting with staff on 1/25)	Sanitation	
2	Emergency Management Services Title	Mayor	Drafting	Emergency Services	
3	Police Department Title	Mayor	Drafting	Police	
4	Licensing Title	Mayor	Drafting	Licensing	
5	Planning Title	Mayor	Drafting	Planning	
6	Zoning Title	Mayor	Drafting	Zoning	
7	City Employees & Hiring Title	Mayor	Drafting	City Employees & Hiring	
8	Environment Title	Mayor	Drafting	Environment	
9	Health Title	Mayor	Drafting	Health	
10	Nuisance Title	Mayor	Drafting	Nuisances	
11	Purchasing Title	Willis	Drafting	Purchasing	
12	Roads & Bridges Title	Mayor	Drafting	Roads & Bridges	
13	Streets & Sidewalks Title	Mayor	Drafting	Streets & Sidewalks	
14	Telecommunications Title	Mayor	Drafting	Telecommunications	
15	Traffic & Vehicles Title	Mayor	Drafting	Traffic & Vehicles	
16	Lighting Ordinance	Gilyard	Drafting	Zoning	
17	Blight	Jackson	Attorney Review	Planning	
18	Film Permitting Ordinance	Mayor	Attorney Review	Economic Development	
19	Amusements & Entertainment Ordinance	Rowell	Attorney Review	Amusements & Entertainment	
20	Capital Improvement Program	Rowell	Attorney Review	Planning	
21	Noise Ordinance	Rowell and Gumbs	Drafting	Nuisance	
22	Smart City Advisory Board	Rowell	Drafting	Planning	
23	Supervision of a Minor	Willis	Drafting	Crime	
24	Convenience Stores Ordinance	Willis	Drafting (to be included in Alcohol Licensing Code Section)	Business	
25	Traffic Camera Ordinance	Willis	Drafting (to follow up on Rules of the Road)	Roads & Highways	
26	Ordinance to Establish a Performance Measurement and Reporting System for COSF	Rowell	Researching	Personnel	
27	Administration Ordinance	Rowell	Researching	Administration	
28	Anti-Blight Ordinance	Rowell	Attorney Review and Re-Drafting	Zoning	
29	Establishing City Truck Routes	Rowell/Willis	Staff Review	Roads & Highways	
30	Governing Authority Power to Appoint/Terminate	Jackson	Sent to Jackson 2/7/2018	Administration	
31	Parks and Recreation Title	Willis, Mayor	First Read 2/13/2018	Parks & Recreation	
32	Criminal Offenses Title	Mayor	First Read 1/23/2018	Criminal Offenses	
33	De-Criminalization of Medical Marijuana	Baker	Draft sent to Baker on 1/3/18	Crime	
34	Nuisance Abatement Ordinance	Rowell	Draft sent to Rowell on 1/3/18	Planning	
35	Minority and Women-Owned Business Amendment	Rowell	Draft sent to Rowell on 1/3/2018	Economic Development	
36	Naming of Open Records Officer	Rowell	Draft sent to Rowell on 11/8/2017	Administration	
37	Anti-Blight Ordinance Necessity Resolution	Rowell	Draft sent to Rowell on 10/19/2017	Zoning	
38	Smoke Free Air Ordinance	Rowell	Draft sent to Rowell on 8/29/2017	Nuisance	
39	Ordinance to Provide for a Development Impact Fee Advisory Committee	Rowell	Draft sent to Rowell on 12/6/2017 (Revised Version with ZBA requested)	Planning	
40	Flood Plain Ordinance	Staff	Draft sent to City Manager on 9/22/2017	Planning	
41	Loitering	Jackson	Draft Sent to Jackson on 1/9/2018	Crime	
42	Gang Violence	Jackson	Draft Sent to Jackson on 1/9/2018	Crime	
43	Authority in Public Emergency	Rowell	Draft Sent to Rowell on 1/3/2018	Administration	

44	Extended Stay Ordinance	Rowell	Introduced - 1st Read 1/9/18	Planning	
45	Impact Fees Ordinance	Rowell	HOLD - Commission must exist first	Planning	
46	Fund Reserve/Balance Ordinance	Rowell	Passed	Administration	
47	Rules of the Road Ordinance No. 2017-018	Willis, Rowell	Passed	Roads & Highways	2017-018
48	Illegal ATV Ordinance 2017-027	Willis	Passed	Crimes	2017-027
49	Ordinance for Franchise Agreement with CFEMC 2017-019	Baker	Passed	Utilities	2017-019
50	Financial Policy Ordinance No. 2017-021	Rowell	Passed	Administration	2017-021
51	Surcharge Ordinances (Parks and Police)	Mayor	Passed	Parks & Recreation	2017-032
52	GMA Quote for Firefighter Cancer Policy	Staff	Passed	Personnel	
53	Ethics Ordinance	Willis, Rowell	Passed	Administration	2017-031
54	Ethics Amendment	Gumbs	Passed	Administration	2017-031
55	AGL Franchise		Passed	Utilities	2017-028
56	Ct. Quarterly Report	Staff	Passed	Courts	2017-035
57	Amend Ct Ordinance to Impose Costs	Staff	Passed	Courts	2017-039
58	Ordinance establishing court sessions	Staff	Passed	Courts	2017-039
60	Vacant and Foreclosed Property Registration Ordinance 2017-20	Rowell	Passed	Building Regulations	2017-20
61	Local Business Preference Ordinance	Rowell	Passed	Economic Development	2017-029
62	Open Record Ordinance No. 2017-025	Rowell	Passed	Administration	2017-025
63	Adult Entertainment Ordinance	Rowell	Passed	Zoning	2017-034
64	Municipal Courts Ordinance No. 2017-017	Staff	Passed	Courts	2017-017
65	Use of Code/Establish Code/Adopt Charter	Staff	Passed	N/A	2017-001
66	Taxation	Staff	Passed	Taxation	2017-007
67	Franchise Fee Ordinance for GA Power	Staff	Passed	Utilities	2017-004
68	Franchise Fee Ordinance for Greystone	Staff	Passed	Utilities	2017-005
69	Franchise Fee Ordinance for Phone and Cable Services	Staff	Passed	Utilities	2017-026
70	Adult Beverages Taxation	Staff	Passed	Taxation	2017-009
71	Business Occupation Taxation	Staff	Passed	Taxation	2017-008
72	Building Regulations	Staff	Passed	Building Regulations	2017-013
73	Board of Code Enforcement	Staff	Passed	Building Regulations	2017-012
74	Zoning Board of Appeals Establishment	Staff	Passed	Zoning	2017-011
75	Building Heights	Rowell	Passed	Building Regulations	2017-013
76	Planning Commission	Staff	Passed	Planning	2017-010
77	Personnel Amendment for Pay Scale and Greivance	Staff	Passed	Personnel	2017-015
78	Amend Code Enforcement Board Jurisdiction	Staff	Passed	Building Regulations	2017-030
79	Appointments by Mayor and City Manager	Staff			2017-024
80	Personnel Amendment for Limitations on Certain Employees	Staff	Passed	Personnel	2017-015
81	Personnel Amendment for Manual, Plan and Hiring Interview	Staff	Passed	Personnel	2017-015
82	Debt Policy Management Ordinance	Rowell	Passed	Debt Policy	2017-022

**CITY OF SOUTH FULTON
INDEX OF PASSED RESOLUTIONS**

No.	DATE	RESOLUTION NAME	RESOLUTION NO.	SPONSOR	STATUS	SHORT
1	2/13/2018	Approving IGA BETBetween City and Fulton County, for Police Services in FIB and FID.	TBD	Gilyard, Gertrude Naeema	Sent to Gilyard 2/7/2018	FID Police Services IGA
2	1/9/2018	Resolution Appointing the Office of the Interim City Attorney as Parliamentarian; Setting the Date of Appointment; and for other purposes.	2018-001	Willis, Helen Zenobia	PASSED	Res2018-001 Parliamentarian Appointment.
3	1/9/2018	Resolution to Adopt the Community Development Services Department's 2018 Calendars for Rezonings, Modifications and Variances for the Mayor and Council of the City of South Fulton, Georgia to Comply with the Georgia Open Meetings Act and for various other purposes.	2018-003	Rowell, Catherine Foster	PASSED	Res2018-003 FY2018 Community Development Services Department Meeting Schedule.
4	1/9/2018	Resolution Appointing Councilmember Mark Baker as Mayor Pro Tempore; Setting the Date of Appointment of Said Mayor Pro Tempore; and for other purposes.	2018-002	Jackson, Rosie	PASSED	Res2018-002 Mayor Pro Tem Appointment.
5	12/28/2017	Of the Mayor and Council of the City of South Fulton, Georgia Authorizing, Among Other Things, The Issuance and Sale of Tax Anticipation Notes in the Aggregate Principal Amount of \$12,000,000.	2017-081	n/a	PASSED	Res2017-081 Tax Anticipation Notes, \$12,000,000.
6	12/12/2017	A Resolution Approving the Memorandum of Understanding Between the City of South Fulton and Union City for the Use of Union City's Court Facilities.	2017-076	Rowell, Catherine Foster	PASSED	Res2017-076 MOU Union City Court Facilities.
7	12/12/2017	To Encourage the General Assembly to Respect Existing Municipal Borders; To Urge the General Assembly to Repeal the 1950 Local Constitutional Amendment to Prevent the Fulton Industrial District from Being in a Municipality; and for other purposes.	2017-078	Rowell, Catherine Foster	PASSED	Res2017-078 General Assembly Respect Existing Municipal Borders.
8	12/12/2017	Resolution to Approve the Installation of No Parking Signs on the 6300 Block of Stonelake Drive.	2017-079	Gumbs, Carmalitha Lizandra	PASSED	Res2017-079 No Parking Ordinance (Stonelake Drive).
9	12/12/2017	A Resolution to Add Membership in a Fund of Georgia Interlocal Risk Management Agency (GIRMA); and for other purposes.	2017-080	Willis, Helen Zenobia	PASSED	Res2017-080 GIRMA.
10	11/28/2017	Resolution Establishing Citywide Neighborhood Watch Program for the City of South Fulton; and for other purposes.	2017-072	Gumbs, Carmalitha Lizandra	PASSED	Res2017-072 Neighborhood Watch Program.
11	11/28/2017	Amendment and Supplement to Resolution No. 2017-060	2017-073	Rowell, Catherine Foster	PASSED	Res2017-073 Amend and Supplement Res2017-060 for FICID Expansion.
12	11/28/2017	A Resolution Approving the Intergovernmental Agreement Between Fulton County Schools and the City of South Fulton to Provide for A School Bus Safety Enforcement Program.	2017-074	Rowell, Catherine Foster	PASSED	Res2017-074 IGA with Fulton County Schools - Bus Safety Program.
13	11/28/2017	A Resolution Approving the Inmate Detention Agreement Between the City of South Fulton and East Point Police Department.	2017-075	Willis, Helen Zenobia	PASSED	Res2017-075 Inmate Detention Agreement with City of East Point Police Department.
14	11/28/2017	A Resolution Approving the Contract for Probation Supervision and Rehabilitation Services.	2017-077	Willis, Helen Zenobia	PASSED	Res2017-077 Probation & Rehabilitation Supervision Services Contract.
15	11/14/2017	Resolution Approving Schedule of Fines for the Municipal Court of the City of South Fulton.	2017-069	Rowell, Catherine Foster	PASSED	Res2017-069 Schedule of Fines for Court.
16	11/14/2017	Resolution Approving Contract for Tiffany Carter Sellers to Serve as the Chief Judge for the Municipal Court of the City of South Fulton, Setting Compensation; and for other purposes.	2017-070	Willis, Helen Zenobia	PASSED	Res2017-070 Judge Sellers Agreement.
17	11/14/2017	Resolution Authorizing the City of South Fulton Human Resources Department to Conduct Background Checks on Prospective Employees, Vendors, and Volunteers; Authorizing the Human Resources Director to Serve as Agent for GCIC and Other Crime Databases; Authorizing the Human Resources Director to Establish Policies and Procedures; Providing for Training Resources as Necessary; Authorizing Mayor to Sign All Documents Necessary to Effectuate this Resolution; Repealing Inconsistent Resolutions; Providing for an Effective Date; and for other purposes.	2017-071	Rowell, Catherine Foster	PASSED	Res2017-071 Criminal Background Checks.
18	10/24/2017	Resolution Authorizing Contract for Encroachment to Construct Small Pipeline at Williams Road Right of Way; and for other purposes.	2017-067	Willis, Helen Zenobia	PASSED	Res2017-067 Encroachment Agreement - Williams Road.
19	10/17/2017	Resolution to Adopt an Amended Pay and Class Scale for the City of South Fulton, Georgia, to Approve the Human Resources Director's Use Thereof, and for various other purposes.	2017-062	Gumbs, Carmalitha Lizandra	PASSED	Res2017-062 Amend Pay and Class Scale
20	10/10/2017	A Resolution Approving the Agreement for Transfer of Municipal Court Jurisdiction and for Municipal Court Services Between Fulton County, Georgia and the City of South Fulton, Georgia.	2017-055	Rowell, Catherine Foster	PASSED	Res2017-055 IGA - Transfer of Municipal Court from Fulton County to COSF.
21	10/10/2017	Resolution to Adopt a Meeting Schedule for the Mayor and City Council of the City of South Fulton, Georgia to Comply with the Georgia Open Meetings Act, and for various other purposes.	2017-056	Rowell, Catherine Foster	PASSED	Res2017-056 FY2018 Meeting Schedule for Mayor and Council.
22	10/10/2017	Resolution to Adopt the Community Development Services Department's 2017 Calendars for Rezonings, Modifications and Variances for the Mayor and Council of the City of South Fulton, Georgia to Comply with the Georgia Open Meetings Act and for various other purposes.	2017-057	Jackson, Rosie	PASSED	Res2017-057 2017 Calendars for Community Development Services Department.
23	10/10/2017	A Resolution By the Mayor and City Council of the City of South Fulton to Appoint a Trustee for the City of South Fulton Defined Contribution and 457(b) Deferred Contribution Plans, to Authorize the Plan Recordkeeper to Act as Agent of the Trustee, and for various other purposes.	2017-058	Rowell, Catherine Foster	PASSED	Res2017-058 Appointing Trustee and Agent for Benefits Plan.
24	10/10/2017	A Resolution of the City of South Fulton, Georgia Executing a Cooperative Agreement Between the City of South Fulton and the Fulton Industrial Community Improvement District and to Provide and Effective Date.	2017-060	Rowell, Catherine Foster	PASSED	Res2017-060 Fulton Industrial CID Agreement.
25	9/26/2017	Resolution for the City of South Fulton Instituting an "OpenGov" Program.	2017-053	Gumbs, Carmalitha Lizandra	PASSED	Res2017-053 OpenGov Program.
26	9/19/2017	Resolution to Fix the Ad Valorem Tax Rate of the City of South Fulton for Fiscal Year 2018, and for various other reasons.	2017-048	Rowell, Catherine Foster	PASSED	Res2017-048 Fix Ad Valorem Tax Rate of the City of South Fulton.
27	9/19/2017	Resolution to Adopt the Fiscal Year 2018 Final Budget for Each Fund of the City of South Fulton, Georgia, Appropriating the Amounts Showing in Each Fund as Expenditures/Expenses, Adopting the Several Items of Revenue Anticipations, and Prohibiting Expenditures or Expenses from Exceeding the Actual Funding Available, and for various other reasons.	2017-049	Kamau, Khalid	PASSED	res2017-049 FY2018 Final Budget for Each Fund.
28	9/19/2017	Resolution Appointing Tiffany Carter Sellers as the Chief Judge for the Municipal Court of the City of South Fulton; and for other purposes.	2017-050	Willis, Helen Zenobia	PASSED	Res2017-050 Appointing Sellers as Chief Judge.
29	9/19/2017	Supplemental Resolution Authorizing, Among Other Things, The Issuance and Sale of a Taxable Tax Anticipation Note in the Principal Amount of \$3,000,000.	2017-051	Gilyard, Gertrude Naeema	PASSED	Res2017-051 Authorizing Issuance and Sale of Taxable Tax Anticipation Note \$3m.
30	8/30/2017	A Resolution Approving the Agreement for Transfer of Municipal Court Jurisdiction and for Municipal Court Services Between Fulton County, Georgia and the City of South Fulton, Georgia.	2017-047	Willis, Helen Zenobia	PASSED	Res2017-047 IGA - Transfer of Municipal Court Jurisdiction between Fulton County and CoSF.
31	8/22/2017	A Resolution for Parity of Pay Among Mayor & Council Staff.	2017-039	Kamau, Khalid	PASSED	Res2017-039 Parity of Pay Among Mayor and Council Staff.
32	8/22/2017	A Resolution Authorizing the City to Apply to Obtain General Liability Insurance Coverage through the Georgia Municipal Association.	2017-040	n/a	PASSED	Res2017-040 Obtain General Liability Insurance thru GMA.
33	8/22/2017	A Resolution to Envision the City of South Fulton as a Smart City.	2017-042	Willis, Helen Zenobia	PASSED	Res2017-042 CoSF as as Smart City.
34	8/22/2017	A Resolution to Require Regular Reports.	2017-044	Kamau, Khalid	PASSED	Res2017-044 Require Regular Budget Reports.
35	8/22/2017	A Resolution to Require Council Authorization for Expenditures of Council Funds.	2017-045	Kamau, Khalid	PASSED	Res2017-045 Require Council Authorization For Expenditures of Council Funds.
36	8/22/2017	A Resolution to Hire a Permanent City Manager.	2017-046	Kamau, Khalid	PASSED	Res2017-046 Hire a Permanent City Manager.
37	8/8/2017	A Resolution Regarding Standards for Issuing Proclamations and Letters of Commendation.	2017-023	Willis, Helen Zenobia	PASSED	Res2017-023 Standards for issuing Proclamations and Letters of Commendation.
38	8/8/2017	A Resolution to Authorize a Cooperation Agreement Between the City of South Fulton and the Airport West Community Improvement District.	2017-036	Rowell, Catherine Foster	PASSED	Res2017-036 Airport West Agreement (CID).
39	8/8/2017	A Resolution to Authorize a Cooperation Agreement Between the City of South Fulton and the Airport West Community Improvement District.	2017-037	Willis, Helen Zenobia	PASSED	Res2017-037 Approving a Fee Schedule for Buildings, Permits, Licenses, and Planning & Zoning.
40	8/8/2017	A Resolution Authorizing the City to Apply to Obtain Workers' Compensation Insurance Coverage through the Georgia Municipal Association.	2017-038	Baker, Mark	PASSED	Res2017-038 Obtain Workers Compensation Insurance through GMA.
41	7/25/2017	A Resolution Providing Notice of the City of South Fulton's Provision of Police Services.	2017-035	Rowell, Catherine Foster	PASSED	Res2017-035 Providing Police Services for COSF.
42	7/11/2017	A Resolution Imposing an Additional 90 Day Moratorium on all Zoning Applications for Property.	2017-031	Baker, Mark	PASSED	Res2017-031 Additional 90-Day Moratorium on Zoning Applications.
43	7/11/2017	Resolution Approving the City's Holiday Schedule.	2017-032	Baker, Mark	PASSED	Res2017-032 City's Holiday Schedule.
44	7/11/2017	Resolution to Amend Fiscal Year 2017 Budget Relating to Budgetary Controls for Members of the City Council.	2017-033	Baker, Mark	PASSED	Res2017-033 Amend FY2017 Budget regarding Budgetary Controls for City Council.
45	6/27/2017	A Resolution Approving a Cable Television Franchise Agreement Between the City of South Fulton and Comcast of Georgia/Michigan, LP.	2017-026	Gilyard, Gertrude Naeema	PASSED	Res2017-026 Comcast Cable Franchise Agreement.

CITY OF SOUTH FULTON
INDEX OF PASSED RESOLUTIONS

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46	6/27/2017	A Resolution Approving the Intergovernmental Agreement for the Provision of Certain Services between Fulton County, Georgia and the City of South Fulton, Georgia.	2017-030	Willis, Helen Zenobia	PASSED	Res2017-030 IGA with Fulton County for the provision of certain services.
47	6/20/2017	Resolution to Adopt the Fiscal Year 2017 Final Budget for Each Fund of the City of South Fulton, Georgia, Appropriating the Amounts Shown in Each Fund as Expenditures/Expenses, Adopting the Several Items of Revenue Anticipations, and Prohibiting Expenditures or Expenses from Exceeding the Actual Funding Available, and for various other reasons.	2017-025	Baker, Mark	PASSED	Res2017-025 Adopt the Fiscal Year 2017 Final Budget
48	6/20/2017	Resolution Appointing Frank Milazi the City Treasurer; and for other purposes.	2017-029	Willis, Helen Zenobia	PASSED	Res2017-029 Appointing Frank Milazi as the City Treasurer.
49	6/13/2017	A Resolution Approving Certain Contracts for Employee Benefits.	2017-016	Willis, Helen Zenobia	PASSED	Res2017-016 Approving Certain Contracts for Employee Benefits Aetna, Kaiser Permanente, Blue Cross Blue Shield, EyeMed Vision.
50	6/13/2017	Resolution Designating the Legal Organ for the City of South Fulton.	2017-024	Willis, Helen Zenobia	PASSED	Res2017-024 Designating the Legal Organ for the COSF.
51	6/13/2017	A Resolution Authorizing the City to Request and Accept Due Compensation from Telephone Companies Operating within City Limits.	2017-027	Willis, Helen Zenobia	PASSED	Res2017-027 Request and Accept Due Compensation from Telephone Companies.
52	6/13/2017	A Resolution of the Mayor and Council of the City of South Fulton Adopting the City of South Fulton Defined Contribution Plan and the City of South Fulton 457(b) Deferred Compensation Plan and Authorizing the Mayor of his Designee to Execute the Applicable Plan Documents.	2017-028	Willis, Helen Zenobia	PASSED	Res2017-028 Adopting the COSF Defined Contribution Plan and Deferred Compensation Plan 457(b).
53	5/23/2017	A Resolution Approving an Intergovernmental Agreement with the Fulton County Tax Commissioner for the Collection of Municipal Taxes.	2017-017	Jackson, Rosie	PASSED	Res2017-017 IGA - Fulton County Tax Commissioner for Collection of Municipal Taxes.
54	5/23/2017	A Resolution Awarding Building and Inspection Services to Charles Abbott Associates, Inc.	2017-018	Jackson, Rosie	PASSED	Res2017-018 Building and Inspections Services to Charles Abbott Associates, Inc.
55	5/23/2017	A Resolution Declaring the City of South Fulton's Intent to be a Certified City of Ethics as Designated by the Georgia Municipal Association.	2017-020	Jackson, Rosie	PASSED	Res2017-020 COSF Intent to be a Certified City of Ethics
56	5/23/2017	A Resolution Directing the Interim City Manager to Report on City Boards and Commissions.	2017-021	Jackson, Rosie	PASSED	Res2017-021 Directing Interim City Manager to Report on City Boards and Commissions.
57	5/23/2017	A Resolution of the City of South Fulton Consenting to Expansion of Airport West Community Improvement District.	2017-022	Jackson, Rosie	PASSED	Res2017-022 Consenting to Expansion of Airport West Community Improvement District.
58	4/29/2017	Resolution Appointing Ruth C. Jones the Interim City Manager; and for other purposes.	2017-001	Willis, Helen Zenobia	PASSED	Res2017-001 Appointing Ruth C. Jones the Interim City Manager.
59	4/29/2017	Resolution Appointing Josh Belinfante the Interim City Attorney; and for other purposes.	2017-002	Gumbs, Carmalitha Lizandra	PASSED	Res2017-002 Appointing Josh Belinfante the Interim City Attorney.
60	4/29/2017	Resolution Appointing Mark Massey as City Clerk, Setting the Compensation and Date of Hire of Said Clerk, and for other purposes.	2017-003	Rowell, Catherine Foster	PASSED	Res2017-003 Appointing Mark Massey as City Clerk, setting the compensation and date of hire.
61	4/29/2017	Resolution Appointing Dr. Catherine Foster Rowell as Mayor Pro Tempore, Setting the Date of Appointment of Said Mayor Pro Tempore; and for other purposes.	2017-004	Willis, Helen Zenobia	PASSED	Res2017-004 Appointing Dr. Catherine Foster Rowell as Mayor Pro Tempore.
62	4/29/2017	Resolution Appointing Khalid Kamau as Parliamentarian, Setting the Date of Appointment of Said Parliamentarian; and for other purposes.	2017-005	Gilyard, Gertrude Naeema	PASSED	Res2017-005 Appointing Khalid Kamau as Parliamentarian.
63	4/29/2017	Resolutions Establishing the Fiscal Year as Commencing on October 1 and Concluding on September 30; and for other purposes.	2017-006	Willis, Helen Zenobia	PASSED	Res2017-006 Establishing the Fiscal Year as commencing on Oct 1 and concluding on Sept 30.
64	4/29/2017	Resolution Establishing the Time for City Council General Sessions and Work Sessions; and for other purposes.	2017-007	Jackson, Rosie	PASSED	Res2017-007 Establishing the time for City Council General Sessions and Work Sessions.
65	4/29/2017	Resolution Authorizing the City of South Fulton to Establish and Open Bank Accounts, to Obtain Tax Identification Numbers, Designating Certain Persons as Authorized to Sign Checks on the City's Behalf, and for other purposes.	2017-008	Willis, Helen Zenobia	PASSED	Res2017-008 Authorizing the City to establish and open bank accounts.
66	4/29/2017	Resolution Authorizing the City Council to Accept a Short Term Loan from Iberia Bank in the Form of a Tax Anticipation Note; and for other purposes.	2017-009	Gumbs, Carmalitha Lizandra	PASSED	Res2017-009 Authorizing the City Council to accept a short term loan from Iberia Bank in the form of a Tax Anticipation Note.
67	4/29/2017	A Resolution Providing Notice of the City of South Fulton's Intent to Commence Collecting Taxes, Fees, Assessments and Other Revenue, and Intent to Commence the Direct Provision of Public Services.	2017-010	Rowell, Catherine Foster	PASSED	Res2017-010 Providing Notice of the City's intent to commence collecting taxes, fees assessments and other revenue, and intent to commence the direct provision of public services.
68	4/29/2017	Resolution Declaring the City of South Fulton's Authority within the Municipal Boundaries.	2017-011	Willis, Helen Zenobia	PASSED	Res2017-011 Declaring the City's Authority within the Municipal Boundaries.
69	4/29/2017	A Resolution Imposing a 90 Day Moratorium on all Zoning Applications for Property within the City of South Fulton.	2017-012	Gilyard, Gertrude Naeema	PASSED	Res2017-012 Imposing a 90 day moratorium on all zoning applications for property within the City.
70	4/29/2017	A Resolution Imposing a 90 Day Moratorium on the Issuance of all Alcohol Licensing Permits for Age-Restricted Establishments within the City of South Fulton.	2017-013	Jackson, Rosie	PASSED	Res2017-013 Imposing a 90 day moratorium on the issuance of all alcohol licensing permits for age-restricted establishments.
71	4/29/2017	A Resolution Instructing the Interim City Manager to Commence Negotiations for Employee Benefits and to Authorize the Mayor to Sign Certain Contracts for Employee Benefits.	2017-014	Rowell, Catherine Foster	PASSED	Res2017-014 Instructing the Interim City Manager to commence negotiations for employee benefits.
72	4/29/2017	A Resolution Instructing the Interim City Manager to Commence Negotiations with Fulton County Regarding an Intergovernmental Agreement for Services.	2017-015	Baker, Mark	PASSED	Res2017-015 Instructing the Interim City Manager to commence negotiations with Fulton County regarding an Intergovernmental Agreement for services.

AN ORDINANCE TO CREATE TITLE XX TO ESTABLISH THE CITY OF SOUTH FULTON FIRE & RESCUE DEPARTMENT AND ADOPT THE FIRE PREVENTION CODE AND SAFETY STANDARDS

Whereas, the purpose of the City of South Fulton Fire & Rescue Department is to protect and enhance the safety and well-being of those in our community;

Whereas, the City of South Fulton Fire & Rescue Department is committed to creating safer communities through prevention, preparedness, and effective emergency response;

Whereas, the mission of the City of South Fulton Fire and Rescue Department is to provide fire, life safety, and support services that are relationship focused and results oriented.

Chapter 1: Fire & Rescue Department

Sec. _____. – Purpose.

It is the intent of this Ordinance to establish a municipal fire department and prescribe regulations consistent with nationally recognized best practice for the safeguarding of life and property within the City of South Fulton from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from hazardous conditions in the use or occupancy of residential, or commercial premises; and to fulfill other purposes listed below:

- (a) Reduce vulnerability of people and the community to damage, injury and loss of life and property.
- (b) Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.
- (c) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.
- (d) Authorize and provide for cooperation of activities relating to disaster prevention, preparedness, response and recovery.
- (e) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by departments and officers of the city, agencies of the private sector and similar activities in which the federal government, the state and its political subdivisions may participate.
- (f) Provide a disaster management system embodying all aspects of pre-disaster preparedness and post-disaster response.

Sec. _____. – Duties of Fire & Rescue Department

- (a) There is hereby created and established a fire and rescue department known as the City of South Fulton Fire Department, consisting of a chief, and such other members of said fire and rescue department as may from time to time be provided for by the mayor and city council. Subject to the direction of the city manager, the supervision

and control of the department is vested in the fire chief. The fire department may provide any and all services as allowed by state law. The city manager shall appoint the fire chief. Members shall be appointed in the manner provided by law and this article. The objective of this department shall be the preservation and protection of life and property from fires and accidents. The duties of the municipal fire department shall be to:

- (1) Extinguish fires and save life and property therefrom;
- (2) Inspect for potential fire hazards, order the removal or remedying of dangerous fire conditions in the community and otherwise enforce local and state fire laws;
- (3) Demolish or pull down any building which may be on fire, or which may be deemed necessary to remove in order to prevent the spread of fire or the increase of danger to life or property;
- (4) Render authorized emergency medical aid at the scene of a fire, accident, or emergency.
- (5) Maintain and operate the department's property and equipment;
- (6) Upon due consideration of the City of South Fulton, the Fire Chief may give approval for the department to render mutual aid to any community within the State of Georgia that is in a fire emergency. The Fire Chief shall notify the City Manager of the details of such action.
- (7) Issue burning permits to residents of the City of South Fulton as safety and weather conditions permit.

Sec. _____ - Fire Chief

- (a) The Fire Chief shall be the department head of the Fire & Rescue Department and shall be solely responsible, subject to the supervision of the City Manager, for the supervision and maintenance of the Department. The Fire Chief shall make such rules and regulations and issue such orders as are consistent with state laws, ordinances of the City of South Fulton and in the best interest of the citizens.
 - (1) Oversee the activities and the mission of the Fire Department
 - (2) Establish department rules, regulations and standard operating procedures
 - (3) Provide the City Manager with an annual report of the department activities in the past year and plans for development or improvement for the new year.
 - (4) Recommend ordinances or amendments with a view toward improving the protection of life and property;
 - (5) Perform such other duties as may be prescribed by the City Manager or state law
 - (6) The Fire Chief, with the approval of the City Manager, may negotiate and authorize mutual aid agreements, with the municipal officers or appropriate fire department officials in contiguous or neighboring cities.
 - (7) The Fire Chief shall develop an annual department budget and a capital improvement budget when requested to the City Manager.
 - (8) Implement policies and procedures to enhance the operation of the department
 - (9) Review training programs.
 - (10) Conduct fire prevention and safety educational programs
 - (11) The Fire Chief shall supervise all member of the municipal fire department.

Sec. _____ - Deputy Fire Chief

The City Manager shall appoint at least one deputy chief who shall perform the duties of the Chief in his or her absence and such other duties as set forth herein or as designated in the rules and regulations governing the department.

Sec. _____ - Fire Marshal

- (a) It is the duty of the fire marshal to perform inspections of new buildings and renovations to existing buildings for compliance with the fire code, including the following:
 - (1) Reviewing and approving plans for both new construction and renovations of existing structures;
 - (2) Final inspections for life safety for all commercial and multi-family buildings;
 - (3) Inspections for new business licenses or change of occupancy, in conduction with the building official; and
 - (4) Inspections required for setting occupancy load, in conjunction with the building official.
- (b) The fire marshal shall possess the education, training and experience required by state law for such position.
- (c) The fire Marshall shall be authorized to hire and employ deputies to assist in the performance of his or her duties.
- (d) The City Manager shall appoint the Fire Marshall.
- (e) The fire marshal and his deputies shall be Georgia registered or certified peace officers. The fire marshal's office shall be recognized by the State of Georgia through police office standards training as a law enforcement agency and shall be headed by the fire marshal.
- (f) The fire marshal and his deputies shall have full authority of arrest and the ability to summons violators to court in all matters pertaining to the enforcement of the state of Georgia minimum fire safety standards and criminal investigations involving arson.

Sec. _____ - Municipal Firefighters

In order to become a Firefighter with the City of South Fulton Fire and Rescue Department, the following pre- and post-hire requirements must be met

Prerequisites

- a) Must be at least 18 years old;
- b) Must have a valid State of Georgia Driver's License (Class A or B Non-Commercial or Commercial (CDL));
- c) Must have a high school diploma or GED equivalency;
- d) Cannot have been convicted of a felony for the past 10 years;
- e) Must successfully pass a physical agility test administered by the City of South Fulton Fire & Rescue Department; and
- f) Must pass a physical examination

Post-requisites:

- a) Must successfully complete the Georgia Basic Firefighter Curriculum within one (1) year of employment and maintain compliance of a minimum of 120 hours of training annually

- b) Maintain compliance with the City of South Fulton Fire and Rescue Department Training requirements;
- c) Successfully complete the City of South Fulton Fire and Rescue Department Probationary Firefighter Program

Sec. _____. - Authority at fires.

- (a) In case of fire, the fire chief and his assistants shall rank in the order named and the officer of the highest rank at the fire shall take command of the fire department, and direct the management thereof for the suppression of the fire, in the best manner possible.
- (b) When necessary for the protection of other property and to prevent the spread of the conflagration, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible.
- (c) The fire chief or fire officers under his or her direction shall have full control over all fire apparatuses in service at any fire.
- (d) The fire chief may immediately suspend any member of the fire department for insubordination at any fire.
- (b) Officers of the fire department, when at the scene of a fire, may direct or assist the city police department in directing traffic in the immediate vicinity.

Sec. _____. – Operations Manual.

The fire and rescue department will be operated pursuant to the operations manual entitled "South Fulton Fire and Rescue Department, Standard Operational Procedures" which is hereby incorporated by reference into this chapter.

Sec. _____. – Rescue Services.

The fire and rescue department shall provide rescue and emergency aid service. The rescue unit is a first responder unit that provides on-site care until the arrival of the duly certified ambulance service. In cases in which the officer in charge of the rescue unit considers that a life or death situation exists, the rescue unit may transport the victim to a medical facility.

Sec. _____. – State Minimum Fire Safety Standards.

The City of South Fulton hereby adopts the state minimum fire safety standards pursuant to O.C.G.A § 25-2-12 which standards are specified in the rules and regulations promulgated pursuant to such chapter.

Sec. _____. – Enforcement of State Minimum Fire Safety Standards.

The fire marshal and his deputies shall have the responsibility to enforce the minimum fire safety standards with the exception of chapter 120-3-3.09, "Accessibility to and Use of Public Facilities by Persons with Disabilities" and chapter 120-3-3.10, "Parking Spaces Designation for Persons with Disabilities." The chief building official of the city's department of community development shall enforce such standards.

Sec. _____. – Determination of Hazardous Condition; Remedial Action.

Should the fire marshal or his deputies deem any condition existing in the city to be in violation of the adopted minimum fire safety standards, they shall have the authority to command that said condition be remedied. The fire marshal shall keep or cause to be kept a record of all inspections, as to their location, date, recommendations made and all follow-up actions.

Sec. _____. – Closing of Buildings/Businesses or Job Sites.

The fire marshal or deputy fire marshals shall furnish the developer, builder, contractor, building owner and/or business owner who violated the minimum fire safety standards and/or who fails to perform satisfactory work, a written list of violations of the code or standard. If the developer, builder, contractor, building owner and/or business owner does not correct the violation, the fire marshal or deputy fire marshal with fire marshal or fire chief approval, may close down the job and/or have the work thereon stopped and/or preclude use of the building until the cited deficiencies are corrected.

Sec. _____. – Emergency Closings.

Under emergency situations and in the best interest of public safety the fire marshal and/or fire chief or deputy fire marshal with approval of the fire marshal or fire chief may close a business or building due to life threatening violations of the minimum fire safety standards. This may be done without prior notice of violations.

Sec. _____. – Appeals from Determinations of Fire Marshal.

- (a) Whenever the fire marshal disapproves an application, revokes or suspends a permit due to unsatisfactory work, or when it is claimed that the provisions of the minimum fire safety standards do not apply or that the true intent and meaning of the codes or standards have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire marshal to the fire chief.
- (b) If the aggrieved party does not agree with the decision of the fire chief an appeal may be made through the fire marshal to the state fire marshal's office.
- (c) The developer, builder, contractor, building owner and/or business owner shall do no work on the structure and/or the building owner or business owner use the building without the approval of the fire marshal and/or the chief while the appeal is pending.
- (d) If the state fire marshal's office finds the violations of the code and/or unsatisfactory work of the developer, builder, contractor, building owner and/or business owner to be true, the suspension of work and/or closing of a building or buildings ordered by the fire chief and/or fire marshal shall be continued and the developer's, builder's, and/or contractor's right to secure further permits to do work in the city revoked until the developer, builder and/or contractor presents evidence to the fire marshal and/or chief of the fire and rescue department that he, she and/or it can and will perform work which complies with the minimum fire safety standards.

- (e) If the state fire marshal's office finds that a building owner and/or business owner has violated the provisions of the minimum fire safety standards, such building or buildings will not be used until the deficiencies have been corrected to the satisfaction of the fire marshal and/or the fire chief.

Sec. _____. – Violations and Penalties.

- (a) Any person who shall violate any of the provisions of the state minimum fire safety standards adopted in this article or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate of 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 chief of the fire and rescue department and/or by the mayor and the council of the city or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor.
- (b) Each such violation or failure to comply shall be punished by a fine not exceeding \$1,000.00, by imprisonment not to exceed three hundred sixty-five (365) days and community service in the City of South Fulton for period not to exceed three hundred sixty-five (365) days, either or both such fine, imprisonment or work on the streets or public works, in the discretion of the municipal court judge and as provided in section 1.1.3.
- (c) The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (d) The application of the penalty prescribed in subsection (b) shall not be held to prevent the enforced removal of prohibited conditions or maintenance of an abatement action.

Sec. _____. – Civil Remedies and Penalties.

- (a) In addition to any fines or penalties provided for herein, any person who willfully violates any provisions of this article shall be liable for a civil penalty not to exceed \$1,000.00 for each day that the violation continues to exist. The violating party shall also be liable to the City of South Fulton for the costs incurred and damages suffered by the city, its agents and agencies as a direct and proximate result of such violation(s).
- (b) In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the danger to public health and safety, and the corrective action, if any, taken by the defendant.

Sec. _____. – Duties of Spectators.

Every spectator who shall be present at a fire or emergency scene shall be subject to the orders of the officer in command at such fire or emergency scene, and any person refusing to obey such orders shall, upon conviction, be fined in a sum not exceeding \$200.00, provided no person shall be bound to obey any such officer, unless such officer's official character shall be made known to such person.

Sec. _____. – Enforcement of Ordinances.

It shall be the duty of police officers of the city to see that the provisions of this chapter are enforced and to arrest on view any person who shall be found violating any of the provisions of this chapter or who shall hinder, resist, or refuse to obey any such officer in the discharge of his duty.

Sec. _____. – Water Supplies to Single-Family Dwellings.

Private property that is subdivided for more than one (1) single-family residence and is located more than one thousand (1,000) feet from the nearest fire hydrant shall be equipped with automatic fire sprinkler protection designed in accordance with the National Fire Protection Association Standard 13D as adopted by the State of Georgia. Plans shall be submitted and approved by the fire marshal's office.

Sec. _____. – Entrance Gates and Chains.

Gates or devices restricting fire department access to residential or commercial buildings or recreation areas shall comply with the requirements of the fire marshal's office before installation.

Sec. _____. – Service Outside Corporate Limits.

Members of the fire and rescue department are authorized to go outside the corporate limits of the city for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents. Provided, however, the fire department shall not render such service outside the corporate limits except upon orders of the fire chief, the deputy chief, or the mayor. Where the city has undertaken by contract to render service to property outside the corporate limits the fire and rescue department may leave the corporate limits in the fulfillment of such contract.

Chapter 2. – HAZARDOUS EXPLOSIVE CHEMICALS

Sec. _____. - Improper storage prohibited.

It shall be unlawful for any person or institution to keep hazardous explosive chemicals, which are used or stored for which the expiration date has passed.

Sec._____. - Deposit or release of debris, hazardous material and refuse; clean-up or abatement; liability for costs.

(a) In the event the city fire department is summoned to clean up or abate the effects of any deposit or release of debris, hazardous material or refuse in the city, the following described persons shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such clean up or abatement activity:

- (1) Any person whose negligent or willful act or omission proximately caused such deposit or release;
- (2) The person who owned or had custody or control of the debris, hazardous material or refuse at the time of or immediately prior to such deposit or release, without regard to fault or proximate cause; and
- (3) The person who owned or had custody or control of the container which held such debris, hazardous material or refuse at the time of or immediately prior to such deposit or release, without regard to fault or proximate cause.

Chapter 3 - FIRE PREVENTION CODE AND SAFETY STANDARDS

Sec._____. - Fire prevention code.

(a) There is hereby adopted by the city for the purpose of establishing rules and regulations for the alteration and repair of existing buildings and other similar work in the city, the latest edition of the International Fire Code referenced in O.C.G.A. § 8-2-20(9)(B), as adopted and amended from time to time by the state department of community affairs, and the same is incorporated as fully as if set out at length herein. A current copy of said code shall be maintained on file in the office of the city clerk, where it shall be available for public inspection.

(b) The following revisions are hereby made to the International Fire Code:

- 1) *101.1*: Replace the phrase "NAME OF JURISDICTION" with the phrase "the City of South Fulton, Georgia."
- 2) *103.1 General*. Delete and replace as follows:
There is hereby established a section within the City of South Fulton Fire and Rescue Department to be called the Community Risk Reduction Section. Said section shall be operated under the direction of the Chief of the Fire and Rescue Department, who shall be authorized to operate said section himself or to designate such authority to the Chief-Fire Marshal of the City of South Fulton Fire and Rescue Department. The City of South Fulton Fire Code shall be enforced by members of the City of South Fulton Fire and Rescue Department as designated by the Chief of the City of South Fulton Fire and Rescue Department or his designee. Said members shall be code officials for the purpose of the City of South Fulton Fire Code.
- 3) *104.6.3 Fire Records*. Delete and replace as follows:

The Chief of the City of South Fulton Fire and Rescue Department shall maintain in the Community Risk Reduction Section a record of all fires and unauthorized

hazardous material releases and all facts concerning the same, including statistics as to the extent of such incidents, and whether such losses are covered by insurance, and if so, in what amount. Such records shall be made daily from the reports made by the members of the Department and maintained for a minimum of seven years.

- 4) *109.3*: Replace the phrase "SPECIFY OFFENSE" with the phrase "violation of the City Code. Replace the phrase "AMOUNT" with the phrase "one thousand dollars (\$1,000)." Replace the phrase "NUMBER OF DAYS" with the phrase " three hundred sixty-five (365) days."
- 5) *111.4*: Replace the first instance of the phrase "AMOUNT" with the phrase "one thousand dollars (\$1,000)." Replace the second instance of the phrase "AMOUNT" with the phrase "one thousand dollars (\$1,000)."
- 6) The geographic limits referred to in the below sections of the International Fire Code shall be all zoning districts other than M-1 and M-2, except as may be approved by the City Fire Code Official as otherwise conforming to the requirements of this Code.
 - a) 3204.3.1.1 (Geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited)
 - b) 3404.2.9.5.1 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited)
 - c) 3406.2.4.4 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited):
 - d) 3804.2 (Geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas);
 - e) *103.1 General*. Delete and replace as follows:
- 7) *Same—New materials, processes or occupancies which require permits.*
 - a) The city manager and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those enumerated in said code.
 - b) The chief shall post such list in a conspicuous place in such chief's office, and distribute copies thereof to interested persons.
- 8) *State minimum fire safety standards and state accessibility code for buildings and facilities*. In addition to the International Fire Code, the city also hereby adopts the Rules and Regulations for the State Minimum Fire Safety Standards (see O.C.G.A. § 25-2-1, et seq.) and the state accessibility code for buildings and facilities (Georgia Safety Fire Commissioner Rules and Regs., ch. 120-3-20) as issued by the safety fire commissioner and as amended from time to time.
 - (1) The city fire department shall enforce the state minimum fire safety standards on all buildings and structures except one-family and two-family dwellings and those buildings and structures listed in O.C.G.A. § 25-2-13, except as may be required or permitted by O.C.G.A. § 25-2-12.
 - (2) Any new building or structure designed or intended to be more than three
 - (3) stories in height in any respect and which individually or in aggregate

with other principal buildings or structures on the same site exceeds 100,000 sq. ft. of Gross Floor Area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of South Fulton, Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

- 9) *Conflict of regulations.* In the event provisions of the state minimum fire safety standards and the International Fire Code regarding fire prevention conflict, and provisions within the state minimum fire safety standards regarding interpretation and conflicts do not resolve such conflict, then those provisions which are deemed by the chief of the fire department as the strictest shall take precedence and be enforced.

Sec. _____. - Obstruction of or tampering with fire hydrants and apparatus prohibited.

- (a) It is unlawful for any person to place ashes, cinders, dirt, rubbish, vegetation, building material or any other material around or in close proximity to any fire hydrant so as to cause hindrance or delay in access thereto, or prevent the free use thereof by the fire department. No person shall, in any way, interfere with or tamper with any fire hydrant or attempt to take water there from without special authority from the fire chief or his or her designee. Any person who violates this section shall upon conviction be punished in accordance with section 1-7 of this Code, as now or hereafter amended.
- (b) Without the consent of the fire chief, no person who is not an active member of the fire department shall at any time ride upon any of the fire apparatus of the fire department, nor shall any person make use of any fire apparatus, hose, or other equipment of the fire department, other than for the purpose for which the equipment was intended.

Sec. _____. - Certain acts interfering with firefighting activities.

No person, except an active member of the fire department, shall at any time enter within the territory or vicinity of any fire, when the area is roped off or access is denied by the city police, or interfere with or attempt to operate any of the apparatus or equipment of the fire department or any fire hydrant, or interfere by giving orders to any individual, unless requested to do so by the fire chief or fire officers under his or her direction; provided, however, that police officer or other law enforcement officer, the owner or occupant of the property, and the city manager or any other persons as may be specifically authorized by the fire chief or his or her designate, may enter the restricted areas.

Chapter 5: OPEN BURNING

Sec. _____. – Regulations Generally

- (a) *General.* No person shall cause, suffer, allow or permit open burning in any area of the city without a special permit issued by the fire marshal pursuant to standards established by the fire department, except as follows:
- (1) Open burning in a reasonable fashion for the purpose of cooking food for immediate human consumption, provided; however, except for one and two-family dwellings, it shall be unlawful to use charcoal burners or other open flame cooking devices on combustible balconies or within ten feet of combustible construction.
 - (2) Fires set for the purpose of training firefighting personnel of the city fire department, or for the purpose of teaching fire safety techniques to industrial fire brigades or civilians who reside or work within the city, provided that such training is being conducted by city personnel.
 - (3) Subject to compliance with the International Fire Code and other rules and regulations adopted herein, operation of devices using open flames such as candles, lanterns, tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used.
 - (4) Warming fires in a barrel of 55-gallon capacity or less, or other commercially sold outdoor fireplace devices, provided that:
 - a. The fire does not produce dense smoke or obnoxious odors; and
 - b. The fire is attended by an individual over the age of 17 years of age. Untreated wood or lumber shall be the only material or substance allowed in the warming fire. No warming fires shall be allowed when the ambient outside air temperature shall exceed 50° Fahrenheit.
- (b) *Standards.* Allowable open burning as set forth above shall meet the following standards:
- (1) Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors shall not be used for starting or maintaining an open fire.
 - (2) All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks.
 - (3) No burning shall be allowed in violation of restrictions imposed by the federal environmental protection agency or the state environmental protection division or other rules and regulations adopted herein, including the state minimum fire safety standards.
 - (4) Open burning specially permitted by the fire marshal shall be in accordance with other standards established by the fire department.
- (c) *Penalties.* Any person who violates the provisions shall be cited for such violation and, upon conviction, shall be punished by fine or imprisonment, or both, as established in this chapter

- (d) The personnel assigned to the City of South Fulton Fire Department, shall have the authority to summarily extinguish any open burning which is in violation of any of the provisions of this article, and/or which constitutes an immediate threat to life and property.

Sec. _____ . - Permits and fees; required; exceptions.

- (a) No person shall kindle or maintain any fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization.
- (1) Burning of leaves: no permit/no fee. This shall be allowed for the reduction of leaves on the premises on which they fall by the person in control of the premises.
 - (2) Agricultural fires. This shall be allowed for the carrying out of recognized agricultural procedures necessary for production or harvesting of crops.
 - (3) Forest lands. The burning over of any forest land by the owners of such land shall be allowed.
 - (4) Recreational/cooking fires: no permit/no fee. This shall be allowed for recreational purposes or cooking food for immediate human consumption, e.g., campfires and barbecues.
 - (5) Firefighter training fires: no permit/no fee. Fires set for the purposes of training firefighting personnel should comply with the following:
 - a. Structures should be stripped of asphaltic materials whenever possible, i.e., tile flooring and shingles.
 - b. Any asbestos containing materials should be removed in accordance with the Environmental Protection Division's regulations governing asbestos.
 - c. Structures should be emptied of any material in storage that may contain heavy oils, natural or synthetic rubber, furniture, appliances or other solid waste.
 - d. Weather conditions should be such that smoke and ash will not linger in the area or the same do not blow into residential, shopping, educational, or hospital areas.
 - e. Residuals from the suppression and containment efforts are not allowed to run off into bodies of water, i.e., streams, ponds, swimming pools, etc.
 - f. Training should be conducted no earlier than 9:00 a.m., and concluded by 4:00 p.m., (fall and winter) or 6:00 p.m. (spring and summer).
 - g. The person in charge of such firefighting training should make a thorough investigation of the proposed situation and prevailing circumstances before commencing any such burning and respond responsibly as needed. The person in charge of such firefighting training should obtain a release and consent to conduct such training from the owners of the property.
 - (6) Open flamemaking equipment. Operation of devices using open flames such as asphalt kettles, blow torches, welding torches, portable heaters and other flamemaking equipment shall be allowed.
 - (7) Miscellaneous small fires: no permit/no fee. Setting and maintaining by contractors and tradesmen of miscellaneous small fires necessary for such activities as street paving work, or installation or repair of utilities shall be

allowed, provided that such fires are kept small in size. Smoke emissions shall not exceed 40 percent opacity.

- (8) Bonfires: permit required. No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private or public land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading within 50 feet of any structure, or the fire is contained in an approved wasteburner located not less than 15 feet from any structure. Bonfires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. (Note: No flammable or combustible liquids shall be used to start this type of fire. Only paper, cardboard or kindling shall be used to start bonfires.)
 - (9) Warming fires: no permit/no fee. Warming fires shall be contained within a metal barrel of 55 gallon capacity or less. Untreated wood or lumber shall be the only material or substance permitted to be burned. The container for the warming fire shall be not less than 25 feet from any structure. No on ground warming fires are permitted. (Note: For warming fires, the temperature shall be at 50 degrees Fahrenheit or less.)
 - (10) Land clearing: permit and fee assessment. The applicant shall complete the burning permit application issued by the City of South Fulton Fire Department, Fire Prevention Division. The applicant shall submit a plat or site plan showing the proposed location of the pit and information relating to the proximity of any occupied or unoccupied structure.
 - a. The application, if approved, shall be accompanied by payment of a fee in an amount as fixed from time to time by the City Council. Said check shall be made payable to City of South Fulton. No burning shall commence prior to an inspection of the site and the pit by a representative of the City of South Fulton Fire Department.
 - b. Said permit shall be valid for the duration of the open burning, but in any event shall not be valid beyond two months from the date of issue.
- (b) All required permits shall be obtained from the City of South Fulton Fire Prevention Division.

Sec. _____. - Pit fires; requirements; air curtain destructors.

Pit fires are the only type of fire permitted for the purposes of land clearing. No aboveground fires are allowed in the City of South Fulton. All pit fires shall be operated in strict accordance with the "Air Curtain Destructor Operating Guide and Procedures," as published by the North Georgia Region Environmental Protection Division. Pit fires shall comply with the following requirements:

- (1) The pit shall be at least 300 feet from any occupied or habitable structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval of the fire marshal.
- (2) Only wood wastes consisting of trees, logs, brush, and stumps may be burned. Sawdust, other densely packed wood wastes, paper (any type), chemically treated, coated or impregnated wood, or nonwood construction materials cannot be

burned. (Note: The amount of dirt on or in the material being burned shall be minimized.)

- (3) No more than one air curtain destructor can be operated within a ten-acre area at one time, or there must be at least 1,000 feet between any two air curtain destructors. The air curtain destructor must be under control of a trained operator at all times during operation.
- (4) Air curtain destructors must be able to pass an even, nonturbulent flow of air across the top of the pit. Air curtain destructors with an air duct or manifold that has been altered by bends, dents, holes, etc., and are incapable of providing an even and nonturbulent flow of air across the top of the pit shall not be approved for use.
- (5) The air curtain destructor shall be operated in a manner to prevent air, land, or water pollution, safety/health hazards, or nuisances.
- (6) Tires or other rubber products, plastics, heavy oils, or asphaltic-based or impregnated materials shall not be used to start or maintain the operation of the air curtain destructor.
- (7) No smoke emissions exceeding 40 percent opacity may be produced during operation except for a reasonable period during ignition and charging of the pit.
- (8) When the pit is cleaned of ash, airborne particulate is to be minimized by wetting or mixing the ashes with dirt.
- (9) Diesel fuel or kerosene may be used to start pit fires.

Sec. _____. - Burning restrictions.

- (a) The fire marshal may prohibit any or all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (b) No burning is permitted on Saturdays, Sundays, nights, and/or holidays. Recognized holidays are: Christmas Day, New Year's Day, Thanksgiving Day, and the 4th of July. (Exception: Only leaves may be burned on Saturdays, Sundays, and holidays.)
- (c) No burning is permitted when prevailing winds are in the direction of populated areas.
- (d) No burning is permitted when there is fog, rain, or cloud bases that are diffused, or ill defined, or for at least one day following the passage of a cold front.
- (e) No burning is permitted during an air pollution episode, such as an air pollution alert/warning/emergency declared by proper authorities. (Note: An air pollution episode occurs when the air contaminate concentration in an area is great enough to cause danger to public health.)

Chapter 6 – Emergency Management Services

Sec. _____. - Director of Emergency Management Services.

- (a) The City shall employ a director of emergency management services who may be an employee serving in another public safety capacity. The City Manager shall hire or appoint a director, whose duties, upon appointment, shall be as follows:

- (1) To coordinate the development of community-wide emergency preparedness;
 - (2) To prepare and effectuate legal action for continuity of government in the event of emergency;
 - (3) To coordinate and advise government departments in development and implementation of the emergency and disaster operations plan and other required agencies or groups;
 - (4) During periods of emergency to obtain vital supplies and equipment lacking, needed for the protection of life and property of people and bind the city for the value thereof and if required immediately, requisition same; and
 - (5) To procure federal and state assistance through emergency management channels and through federal assistance programs in such areas as law enforcement, highway safety, ambulance procurement, or emergency medical services and others.
- (b) In addition to the above duties, the director of emergency management services shall be responsible during an emergency to advise the mayor in operational situations, public information and privileged information implementation of the emergency plan, to direct and coordinate the activities of the emergency operation center staff, and to assist the mayor in assuring the execution of operations plans and procedures required by the emergency.

Sec. _____ . – Definitions.

- (a) "Emergency" shall have the same meaning as Public Emergency as defined in Sec. 1-2021 or mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, disease, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or the imminent threat of war. Such term shall not include conditions resulting from a labor controversy, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the city, requiring the combined forces of other political subdivisions to combat.

Sec. _____ . - Disaster Plan.

The director shall assist the City Manager in developing the Emergency Response Action Plan as defined in Sec. 1-3021. The Director shall be responsible for incorporating into such plan a crisis communications plan; city organization; services; equipment; facilities; and personnel.

Sec. _____ . - Civil Liabilities.

- (a) The city shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of the city or any employee of the city excepting willful misconduct, gross negligence or bad faith of any such employee, in carrying out emergency services as defined in section 8.2.2.
- (b) The immunities from liability, exemptions from laws, ordinances and rules, all pensions, relief, disability workers' compensation and other benefits which apply to the activity of officers, agents or employees of the city when performing their respective functions within the territorial limits of the city shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra territorially under the provisions of this chapter, excepting willful misconduct, gross negligence, or bad faith.
- (c) Volunteers duly enrolled or registered with the city in a local emergency, a state of emergency, or a war emergency, or unregistered persons placed into service during a state of war emergency, in carrying out, complying with, or attempting to comply with any order or regulation issued pursuant to the provisions of this chapter or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the city performing similar work.

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE No. 2018-_____

AN ORDINANCE TO ESTABLISH STANDARDS AND RESTRICTIONS FOR
EXCESSIVE OR UNNECESSARY NOISE IN THE CITY OF SOUTH FULTON; AND
FOR OTHER PURPOSES.

SPONSORED BY COUNCILMEMBERS ROWELL AND GUMBS

Section XX-XXXX - Noise; creating unnecessary noise.

- A. Excessive and disturbing sound is a serious hazard to the public health and welfare, safety, and the quality of life. A substantial body of science and technology exists by which excessive and disturbing sound may be substantially abated. People have a right to and should be ensured an environment free from excessive and disturbing sound that may jeopardize their health, safety, or welfare or degrade the quality of life.
- B. In order to ensure attractive residential and commercial areas, it is necessary that an audibly satisfying environment be maintained. The City of South Fulton is more likely to attract permanent residents and commercial enterprises if it improves and maintains appropriate noise quality and the residents will ultimately gain financial improvements and increases in their quality of life as a result of these regulations.

Section XX-XXXX – Definitions.

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words and terms, when used in this article, shall have the following meanings:

A-weighting is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Background sound level is the total sound pressure level in the area of interest excluding the noise source of interest.

Commercial or business property category is all property which is used primarily for the sale of merchandise or goods, or for the performances of service, or for office or clerical work. Any property zoned multi-use, as that term may be used in chapter 27 shall be deemed commercial or business property under this chapter.

Construction is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

C-weighting is the electronic filtering in sound level meters that minimally attenuates very low frequencies.

Daytime hours shall mean the hours of 7:00 a.m. to 11:00 p.m., Monday through Thursday, 7:00 a.m. to 11:59 p.m. Friday, 9:00 a.m. to 11:59 p.m. Saturday, and 9:00 a.m. to 11:00 p.m. Sunday.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

dBA is the A-weighted unit of sound pressure level.

dB(C) is the C-weighted unit of sound pressure level.

Emergency is any occurrence or set or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Fireworks is any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

Impulsive sound is a sound having a duration of less than one second with an abrupt onset and rapid decay.

Industrial or manufacturing property category is any property which is used primarily for manufacturing or processing.

Institutional property category is any property which is used primarily for public purposes such as city hall or a city park.

Muffler is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine where such a device is part of the normal configuration of the equipment.

Multi-family dwelling is any building or other shelter that has been divided into separate units to house more than one family.

Nighttime shall mean the hours of 11:00 p.m. 7:00 a.m., Monday through Friday, 12:00 a.m. to 9:00 a.m. Saturday, and 12:00 a.m. to 9:00 a.m. Sunday.

Noise is any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance is any sound that:

- (1) Endangers the safety or health of any person;
- (2) Disturbs a reasonable person of normal sensitivities; or
- (3) Endangers personal or real property.

Noise-sensitive facility means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

Octave band is all the components in a sound spectrum whose frequencies are between two sine waves components separated by an octave.

Real property line is the line, including its vertical extension that separates one parcel of real property from another.

Residential property category is all property established as a residential zoning category by chapter XX of the ordinances of the City of South Fulton, except for multi-use zoning categories where there may be residential components.

Sound level meter (SLM) is an instrument used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

Sound pressure level (SPL) is 20 multiplied by the logarithm, to the base ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

Section XX-XXXX. – Sound Level Limitations.

- (a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in table 1 when measured at or within the real property line of the receiving property using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

Table 1 Sound Level Limits by Receiving Property

Receiving property zoning category	Day of week	Time of day	Distance from sound source	Sound limitation
Residential or noise sensitive facility	Everyday	Daytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	80 dB 75 dB 65 dB 55 dB
Residential or noise sensitive facility	Sunday through Thursday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	70 dB 65 dB 55 dB 50 dB
Residential or noise sensitive facility	Friday and Saturday	Nighttime	0—50 feet 51—150 feet 151—300 feet	75 dB 65 dB 55 dB

			Over 300 feet	50 dB
Commercial	Sunday to Thursday	Daytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	80 dB 75 dB 65 dB 55 dB
Commercial	Sunday to Thursday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	70 dB 65 dB 55 dB 50 dB
Commercial	Friday and Saturday	Daytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	85 dB 80 dB 70 dB 65 dB
Commercial	Friday and Saturday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	75 dB 70 dB 65 dB 55 dB
Industrial	Everyday	Anytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	85 dB 80 dB 70 dB 65 dB

(b) *Prohibited conduct.*

- (1) *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be played, used, or operated, any radio receiving device, television, stereo, musical instrument, phonograph, sound, amplifier, or other machines or devices producing, reproducing or amplifying sound and/or at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible and heard or cause vibrations to property or person at or more than the specified distances above from the building, structure or motor vehicle on private property, unless the property boundaries from which the sound originates is a greater distance than those specified in subsection (a) of this section. In that event, the sound shall not be plainly audible beyond the property boundary.

- (2) *Human-produced sound.* It is unlawful for any person to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance at or more than the specified distances in subsection (a) of this section from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest.
- (3) *Party noise.* It is unlawful for any person in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner so as to cause such noise to be plainly audible at or more than the specified distances in subsection (a) of this section from the building or structure from which the party noise is emanating or, in the case of real property, beyond the property limits on which the party or social event is located, whichever is farthest.
- (4) *Commercial advertising.* It is unlawful for any person to use, operate, or permit to be used or operated, any radio receiving device, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for production or reproduction of a sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract attention of the public to any building, structure or vehicle in such a manner as to create, or cause to be created, any noises or sounds which are plainly audible at or more than the specified distances in subsection (a) of this section from the building, structure, or motor vehicle on private property.
- (5) *Construction activities.*
- (6) *Use or ignition of fireworks.* It is unlawful for any person to use, ignite or permit to be used or operated any fireworks as defined in O.C.G.A. § 25-10-1 producing noise in such a manner so as to cause such noise to be plainly audible on any day before 10:00 a.m. or after 10:00 pm and to the extent permitted by Georgia law.
- (c) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime limit of 75 dBA and the nighttime limit of 55 dBA as measured from the closest neighbor's dwelling.
- (d) In places of public entertainment having a capacity of 5,000 or more persons, it shall be unlawful to create or permit to be created any noise that exceeds an average of 95 dBC in any ten-minute period from the hours of 7:00 a.m. to 11:00 p.m., Monday through Thursday, 7:00 a.m. to 11:59 p.m. Friday, 9:00 a.m. to 11:59 p.m. Saturday, and 9:00 a.m. to 11:00 p.m. Sunday. The sound level limit for all other times shall be 55 dBC. The sound shall be measured at a point which is found by traveling a straight line distance from the center of the sound board through the center rear of the facility a distance of 500 feet or to the property line of the facility, whichever is less. The measurement assumes that the sound board is not more than 100 feet from the center stage. The 500-foot measurement shall be reduced one foot for each foot that the sound board is more than 100 feet from center stage.

- (e) In interpreting and applying the times and values in table 1, it is the intent of the city council that the times be interpreted to provide maximum protection from undesirable noise possible.

Sec. XX-XXXX. - Exemptions.

- (a) Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of subsections XX-XXXX(a) and (b).
- (b) The following are exempt from the sound level limits of subsections XX-XXXX(a), (b), and (c):
- (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
 - (2) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if intermittent;
 - (3) Noise from any automobile alarm, provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent;
 - (4) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
 - (5) Organized band and/or sports league activity sponsored by a school or the City of South Fulton that is otherwise in compliance with the code of ordinances of the City of South Fulton;
 - (6) Unamplified bells, chimes or carillons while being used in conjunction with religious services between the hours of 7:00 a.m.—10:00 p.m.;
 - (7) Emergency work; and
 - (8) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit.

Sec. XX-XXXX. - Restricted uses and activities.

Notwithstanding the provisions of subsection (1)—(2)a. and the exceptions above, the following standards shall apply to the activities or sources of sound set forth below:

- (1) Landscaping. Power tools used for landscaping or yard maintenance shall only be operated between the hours of 7:01 a.m. and 9:00 p.m. on weekdays, or between the hours of 9:01 a.m. and 9:00 p.m. on weekends. Power tools used for landscaping or yard maintenance shall not be operated between the hours of 9:01 p.m. and 7:00 a.m. on weekdays, or between the hours of 9:01 p.m. and 9:00 a.m. on weekends. All motorized equipment used in these activities shall be operated with a muffler.

- (2) Construction and demolition activity shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:

- a. Such activities are deemed emergency work; or
- b. Such activities meet the limits set forth in subsection (1).

This provision shall not apply if the chief of police determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration. In such cases, the chief of police may grant a renewable permit for a period not to exceed ten days for this work to be done within the hours of 10:00 p.m. to 7:00 a.m.

- (3) Domesticated animals may not make any vocalizations (including barking, baying, howling, crying, or making any other noise) for more than ten minutes without interruption or more than 30 minutes if intermittent.

- (4) The collection of trash or refuse in residential districts is prohibited between the hours of 9:00 p.m. and 7:00 a.m.

- (6) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device in such a manner as to create a continuing noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space.

Sec. XX-XXXX. - Procedures for the determination of sound levels.

- (a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this article. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this article, noise measurements are measurements are measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.
- (b) Measurements shall be taken by police officers appropriately trained in the use of a sound level meter.

Sec. XX-XXXX. - Special variances.

- (a) The chief of police or the chief's designated representative shall have the authority, consistent with this article, to grant special variances.
- (b) Any person seeking a special variance pursuant to this article shall file an application with the chief of police or the chief's designated representative. The application shall contain information which demonstrates that bringing the source of sound into compliance with this article would constitute an unreasonable hardship on the applicant, on the community, or on the other persons. Notice of an

application for a special variance shall be given by the chief or the chief's representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the chief or the chief's representative containing any information to support such individual's claim.

- (c) In determining whether to grant or deny the application, the chief or the chief's designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances may be required to submit any information the chief or the chief's representative may reasonably require. In granting or denying an application, the chief or the chief's representative shall place on public file a copy of the decision and the reasons for denying or granting the special variance.
- (d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.
- (e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.
- (f) The chief of police or the chief's designated representative may issue guidelines approved by city council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether or not to grant a special variance.

Sec. XX-XXXX. - Enforcement procedures; miscellaneous.

- (a) Except as provided in subsection (b) of this section, the city may prosecute noise related violations by issuance of a city ordinance citation, in which case, the penalty for a violation shall be as set forth in section XX-XXXX of chapter X of the code. In addition to issuing a fine as provided in section XX-XXXX, or in lieu thereof, the municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.
 - (1) Notwithstanding the generally punishments established above, the fine for a first conviction of this Chapter shall be not less than \$200.00, in addition to any other penalty imposed by the Court.
 - (2) Upon a second conviction within 12 months, measured from the date of the conviction, the Court shall impose a fine of not less than \$500.00, in addition to any other penalty imposed by the Court.

- (3) Upon a third conviction within 24 months, measured from the date of the earliest conviction, the Court shall impose a fine of not less than \$1,000.00, in addition to any other penalty imposed by the Court
- (4) Upon a third conviction within 24 months, measured from the date of the earliest conviction, if the offender has been granted or has applied for an alcohol license as a restaurant or as a late night establishment, such license shall automatically be suspended as of the date of the conviction, and proceedings initiated to revoke such alcohol license in accordance with the City of South Fulton Alcohol Ordinance. The court shall refer in such third convictions to the attention of the city manager or her or his designee for action consistent with this paragraph.
- (b) Whenever any city resident shall complain to the police department that a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls, is being kept by any person in the city, a city law enforcement officer, prior to the issuance of a citation, shall notify the owner of such dog or cat that a complaint has been received. If the notice given to the owner alleged to be keeping a dog or a cat in violation of this Chapter is ineffective, then the police shall issue a formal warning to the owner of such dog or cat that the owner shall take whatever steps necessary to alleviate the barking, howling, yelping or crying. If the warning given to the owner is ineffective, a citation shall be issued to the owner of the dog or cat.
- (c) No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefore, of any person for injury or damage arising from any violation of this section or from other law.

The foregoing Ordinance No. **2018-0XX**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2018. CITY
OF SOUTH FULTON, GEORGIA.

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE NO. 2018-0XX

AMENDMENT TO ORDINANCE No. 2018-005

AN AMENDMENT TO ESTABLISH OFFENSES RELATED TO LOITERING; AND
FOR OTHER PURPOSES.

SPONDORED BY COUNCILMEMBER JACKSON

Section 1: To Amend Proposed Ordinance No. 2018-005 of the City of South Fulton by adding the following sections to Chapter 4 - Loitering:

Sec. 15-4001 - Loitering.

- (a) **Generally.** "Loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idling, loafing, walking about aimlessly, or sitting on cars, trucks or other vehicles, and shall also include the colloquial expression "hanging around." It shall be unlawful for any person to loiter in the city on public property or private property that is open to the general public in such a manner so as to:
- (1) Create or cause to be created a danger of a breach of the peace;
 - (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
 - (3) Obstruct the free passage of pedestrians or vehicles;
 - (4) Obstruct, molest, or interfere with any person lawfully in any public place; or
 - (5) Be at a place, at a time, or in a manner not usual for law abiding individuals under circumstances which would warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property within the vicinity or after any law enforcement officer has made at least one warning that such person's conduct is a violation of this section.
- (b) **Near election places.** It shall be unlawful for any person or persons, within the legal hours of election on any election day, to loiter at any point on the streets, sidewalks or other public places in the city nearer than twenty-five (25) feet from the entrance of any voting place or precinct within the city.

Sec. 15-4002. - Loitering for illegal sexual purposes.

- (a) It shall be unlawful for any person to loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, pandering, or procuring another to commit a sexual act for hire or for the purposes of soliciting for an illicit sexual act as defined in section 15-1004. This section is not intended to limit any person from exercising their right to assemble or engage in any other constitutionally protected activity. This section applies to all persons with the requisite intent to induce another to engage in a sexual act for hire. For purposes of this section "sexual act for hire" means conduct which constitutes an offense defined in O.C.G.A. § 16-6-24 or conduct which constitutes conspiracy to commit such an offense.
- (b) A police officer who observes a person loitering under circumstances that provide the officer with an articulable suspicion to believe a sexual act for hire has occurred or is occurring may detain the individual for the purpose of investigating whether the person is in violation of this section.
- (c) A police officer may detain an individual under this section if an element from subsection (1) and an element from subsection (2) below are satisfied:
 - (1) The person engages in one or more of the following behaviors:
 - (A) Repeatedly circling the block in a motor vehicle;
 - (B) Stopping a motor vehicle in a city roadway to beckon to, stop, or engage with persons on the side of the road;
 - (C) Repeatedly stopping or attempting to stop motor vehicle operators by hailing, waving of arms or any bodily gesture;
 - (D) Driving around or sitting in a parked car in a parking lot or vacant lot; or
 - (2) One of the following factors applies:
 - (A) The officer has knowledge of a specific reliable tip concerning unlawful prostitution-related activity at a specific location, and the person who is found loitering is doing so at a time, in a place or in a manner that is otherwise consistent with the details provided in the tip;
 - (B) The person is loitering in an area that is known to be a common location for prostitution-related activity;
 - (C) The person is on the premises of a hotel or other business that is associated with an advertisement for prostitution-related activity;
 - (D) The person is a non-resident of the area, and is present in the area outside of normal business hours and without legitimate business in the area;
 - (E) The officer knows that the person has been previously convicted of loitering with the intention of procuring others to engage in sexual acts for hire under this section; or
 - (F) Any vehicle the person has approached or communicated through is registered to an individual who has been convicted of an unlawful

prostitution-related activity in the previous three years, and the officer is aware of that fact.

- (d) For purposes of this section "sexual act for hire" means conduct which constitutes an offense defined in O.C.G.A. § 16-6-1 *et seq.*; conduct which constitutes complicity to commit such an offense; or conduct which constitutes conspiracy to commit such an offense.
- (f) Any person in violation of this section shall be guilty of the offense of loitering for the purpose of committing a sexual act for hire.

Sec. 15-4003 Loitering for drug-related activity.

- (a) It shall be unlawful for any person to loiter in or near any thoroughfare, place open to the public, or any public or private place, including commercial businesses, in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of O.C.G.A. Title 16, Chapter 13.
- (b) Among the circumstances which may be considered in determining whether such purpose is manifested, are when such person is:
 - (1) a known unlawful drug user, possessor, or seller. For purposes of this section, the term "known unlawful drug user, possessor, or seller" means 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 controlled substances as defined in O.C.G.A. Title 16, Chapter 13, or such person has been convicted of any violation of any 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, burned or callused thumb and index fingers, underweight, nervous and excited behavior.
 - (2) currently subject to a court order prohibiting his presence in a high drug activity geographic area.
 - (3) behaves in such a manner as to raise a reasonable suspicion that he 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 hailing or stopping cars, or repeatedly beckons to, stops, or attempts to stop or engage in conversation with passersby whether such passersby are on foot or in a motor vehicle.
 - (4) is physically identified by the officer as a member of a gang or association which has as its purpose illegal drug activity.
 - (5) transfers small objects or packages in a furtive fashion.
 - (6) takes flight or manifestly endeavors to conceal himself upon the appearance of a police officer.

- (7) manifestly endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity.
 - (8) possesses any instrument, article, or thing whose customary or primary purpose is for the sale, administration or use of controlled substances, such as, but not limited to, crack pipes, push wires, scales, hypodermic needles, razor blades, or other cutting tools.
 - (9) The area involved is by public repute known to be an area of unlawful drug use and trafficking.
 - (10) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.
- (c) No arrest shall be made for a violation of subsection (a) of this section unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating subsection (a) of this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

Sec. 15-4004. - Violations.

Any person convicted of violating the provisions of this Chapter shall be subject to a fine not to exceed \$1,000.00 and/or imprisonment not to exceed 365 days.

The foregoing ORDINANCE No. **2018-0xx** was adopted on _____
was offered by Councilmember **Jackson**, who moved its approval. The motion was
seconded by Councilmember _____, and being put to a vote, the result was
as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2018. CITY
OF SOUTH FULTON, GEORGIA.

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY