



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Tammy Grimes – District 5

CITY COUNCIL WORK SESSION

February 24, 2020

6:00PM

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. AGENDA ITEMS:**
 - 1. Committees
 - 2. Annexation
 - 3. Property Acquisition
 - i. Tax Anticipation Note- Update (Sam’s Club)
 - ii. Urban Redevelopment Agency Procedures (Sears)
 - 4. Code Enforcement Discussion
 - i. Alcohol Sales Hours
 - ii. Shopping Cart Ordinance
 - iii. Donation Box Ordinance
 - 5. Final Plat of Flat Rock Hills Phase 2B
- III. ADJOURNMENT**

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Megan Reid, as soon as possible, preferably 2 days before the activity or event.

Work Session
Agenda Item 1
Committees

Development Authority

1. Jimmy Clanton, Post 1
2. Jeff Dickerson- Alternate

2020 Complete Count Census Committee

1. George Turner, Post 4
2. Jazzmin Cobble, Post 3
3. Kendra Price
4. Melva Hubbard
5. Adrion Bell
6. Al Franklin
7. Barbara Lee
8. Francis Savoy
9. Ramonda Raven
10. Laveeta Branche
11. Patsi Turner
12. Angela Wilson
13. Donna Douglas
14. Sandra Edwards
15. Gertrude Morgan
16. LaDetra Burks
17. Patricia Smith
18. Frank Bush
19. Terry Lee

Post Office Committee

1. George Turner, Post 4
2. Tammy Grimes, Post 5
3. Clarence Robinson
4. Terry Lee
5. Adrion Bell
6. Eric Hubbard
7. Shenita Johnson

Police Advisory Committee

1. Mayor Jason Lary
2. Rob Turner, Post 2
3. Barbara Hall
4. Adrion Bell
5. Eldron Bell
6. Chief Billy Grogan
7. Chief Keith Meadows
8. Antonio Render
9. District 3 Representative
10. Michael Williams

Parks Committee

1. Jimmy Clanton, Post 1
2. Tammy Grimes, Post 5
3. Revonda Cosby
4. Plez Joyner
5. Chris Wheeler
6. Kelly Jordan
7. Eric Hubbard
8. Jetha Wagner
9. Sean de Palma

One representative from the following:

1. Stonecrest Business Alliance
2. Parks of Stonecrest Community Civic Association
3. Klondike Area Civic Association

SPLOST Citizens Oversight Advisory Committee

1. Mayor Jason Lary
2. Jimmy Clanton, Post 1
3. Lemuel Hawkins
4. Shawn Jones
5. Darrel Taylor
6. Kerry Williams
7. Plez Joyner
8. Suzanne Frick
9. Erica Dixon
10. Michelle Emanuel

Film Committee

1. Rob Turner, Post 2
2. Jazzmin Cobble, Post 3
3. Patreece DeChabert
4. Verda Watson
5. Stacy Thibodeaux
6. Clarence Boone
7. Will Settle
8. LaRhonda Sutton
9. Victoria Turner
10. District 5 Representative

Education Committee

1. Tammy Grimes, Post 5
2. Jazzmin Cobble, Post 3
3. Dr. Barbara Lee
4. Vickie Turner
5. Bernard Smith
6. District 3 Representative

Sports Authority Committee

1. Jimmy Clanton, Post 1
2. Mayor Jason Lary
3. Brandon Riley
4. Plez Joyner
5. District 3 Representative
6. Tony Strozier

Commercial Industrial District Committee (CID)

1. Jimmy Clanton, Post 1
2. Rob Turner, Post 2
3. Chris Wheeler
4. Plez Joyner
5. Bernie Knight

Browns Mill-Panola Overlay Committee

1. George Turner, Post 4
2. Jazzmin Cobble, Post 3
3. Dave Marcus
4. Chris Wheeler
5. Kelly Jordan
6. District 3 Representative

Stonecrest Technology Committee

1. Mayor Jason Lary
2. Jimmy Clanton, Post 1
3. Bill Bruckner
4. Plez Joyner
5. Calvin Lawrence
6. Sean Jones

Stonecrest Connect Committee

1. Mayor Jason Lary
2. Jimmy Clanton, Post 1
3. Matt Hampton
4. Ravonda Cosby
5. Bernard Knight
6. Jetha Wagner
7. Plez Joyner
8. Kelly Jordan

Work Session
Agenda Item 2
Annexation

**REPORT OF THE GEORGIA HOUSE ANNEXATION, DEANNEXATION, AND
INCORPORATION STUDY COMMITTEE**

COMMITTEE MEMBERS:

**Honorable Jan Tankersley, Chair
Representative, District 160**

**Honorable Ed Rynders
Representative, District 152**

**Honorable Tom Taylor
Representative, District 79**

**Honorable Mary Margaret Oliver
Representative, District 82**

**Honorable Beth Beskin
Representative, District 54**

TABLE OF CONTENTS:

- I. Introduction**
- II. Executive Summary**
- III. Findings**
- IV. Recommendations**

III. FINDINGS

This committee recognizes local government authority comes with multiple benefits to Georgia. To understand the process, opportunities, and challenges the committee heard testimony from experts on local government policy. Discussion from the committee focused on different strategies and approaches to the development of county and municipal government.

Annexation

Traditionally, annexations in Georgia have been accomplished by local act of the General Assembly. Local legislation amends the charter of the city to extend the corporate limits and include territory adjacent to the city once approved by referendum. Dillon's Rule states that municipalities can exercise only the powers that the state specifically grants and only if those powers are lawfully granted.¹⁰ Municipal governments use annexation as part of a long-term growth strategy and to accommodate or control urban expansion. Benefits of annexation include contiguity, land management, environmental protection, economic interests, expanding the tax base and promoting economic growth.

In counties that provide few services or low levels of service, annexation alleviates public pressure to supply urban services that are already available from a municipality. For property owners, annexation may offer the opportunity to receive services, or a higher level of service, not currently available from the county. Others may consider the new services to be unequal to the increased tax burdens and may oppose annexation proposals. Urban counties may face more complicated issues than rural counties such as zoning regulations and changes in land use. Annexation laws in Georgia provide methods which require the consent of at least a majority of the citizens living in an area to be annexed into a city.

The 100 percent method allows a city to annex qualified parcels if it receives approval from all property owners in the proposed annexed area. This law is a common technique of annexation that must have city council support. In the past, a city could use the "spoke" method that takes place along the length of a road, river, or right-of-way to reach a desirable piece of property distant from the boundary of the city if the county agrees. As of 2000, either one-eighth of the area boundary or 50 feet of the area to be annexed must directly touch the municipality in order to legitimately change city boundaries.

¹⁰ John Forrest Dillon, *The Law of Municipal Corporations*, 1872

The 60 percent method allows municipalities with populations of at least 200 the power of annexation under the following requirements:

1. The application for annexation must be signed by the owners of not less than 60 percent of the property sought to be annexed, by acreage.
2. Not less than 60 percent of the electors living in the area must sign the application for annexation.
3. The municipality must prepare a plan for extending municipal services to the area annexed.

Property owners or voters may request a Superior Court declaratory ruling on the legitimacy of the annexation ordinance. The city council must also approve the annexation.

To utilize the *Resolution and Referendum method*, municipalities must hold a public hearing, present the annexation and service plan to the residents of both the unincorporated area and the city, adopt a resolution annexing the area, and hold a referendum in the area proposed to be annexed. Georgia law requires the annexing municipality to create a basic plan for extending police and fire protection, garbage, water, sewer, and street maintenance services to the annexed area on substantially the same basis and in the same manner as they were required to before the annexation.¹¹ The area must be adjacent or connecting to the city's boundaries and at least one-eighth of the aggregate external boundaries of the area must coincide with the city's boundary. No part of the area may be in another city or county and no part of the area may be receiving water, sewer, police, or fire protection from any unit of government other than the annexing city, unless an intergovernmental agreement is established. This method is applicable for urban areas with a population density of at least two persons per square acre.¹²

In 1992, the Georgia General Assembly enacted an additional method of annexation to address the issue of unincorporated islands. To improve service-provisions efficiency, municipalities of at least 200 people were permitted to annex unincorporated islands. Georgia cities were permitted to individually annex property without the application of property owners or voters or the provision of a public hearing as long as the property met the definition of an unincorporated island and was contiguous to the annexing city. Cities were prohibited from

¹¹ Official Code of Georgia Annotated O.C.G.A 36-36-51 (4)

¹² Georgia State University, Andrew Young School Fiscal Research Center, Report on Laws of Incorporation and Annexation of Georgia Municipalities, 2014

creating new unincorporated islands by any future annexations or deannexations. Municipalities have the discretion to annex unincorporated islands, but are not obligated to do so.¹³ If more than one city surrounds an unincorporated island, then the city with the largest percentage along its external border is permitted to annex the area unless a different agreement is created with another city.

Annexation laws do have requirements and restrictions relative to when annexations become effective and require the annexing municipality to provide maps and surveys of the annexed area to both the Secretary of State and the county governing authority. Municipalities must acquire any county-owned property or facilities within an annexed area if the property or facility is no longer usable for service to the county as a result of the annexation. Furthermore, the municipality must assume ownership, control, care and maintenance of a county right-of-way when it annexes land on both sides of the right-of-way, unless the city and county agree on different arrangements.

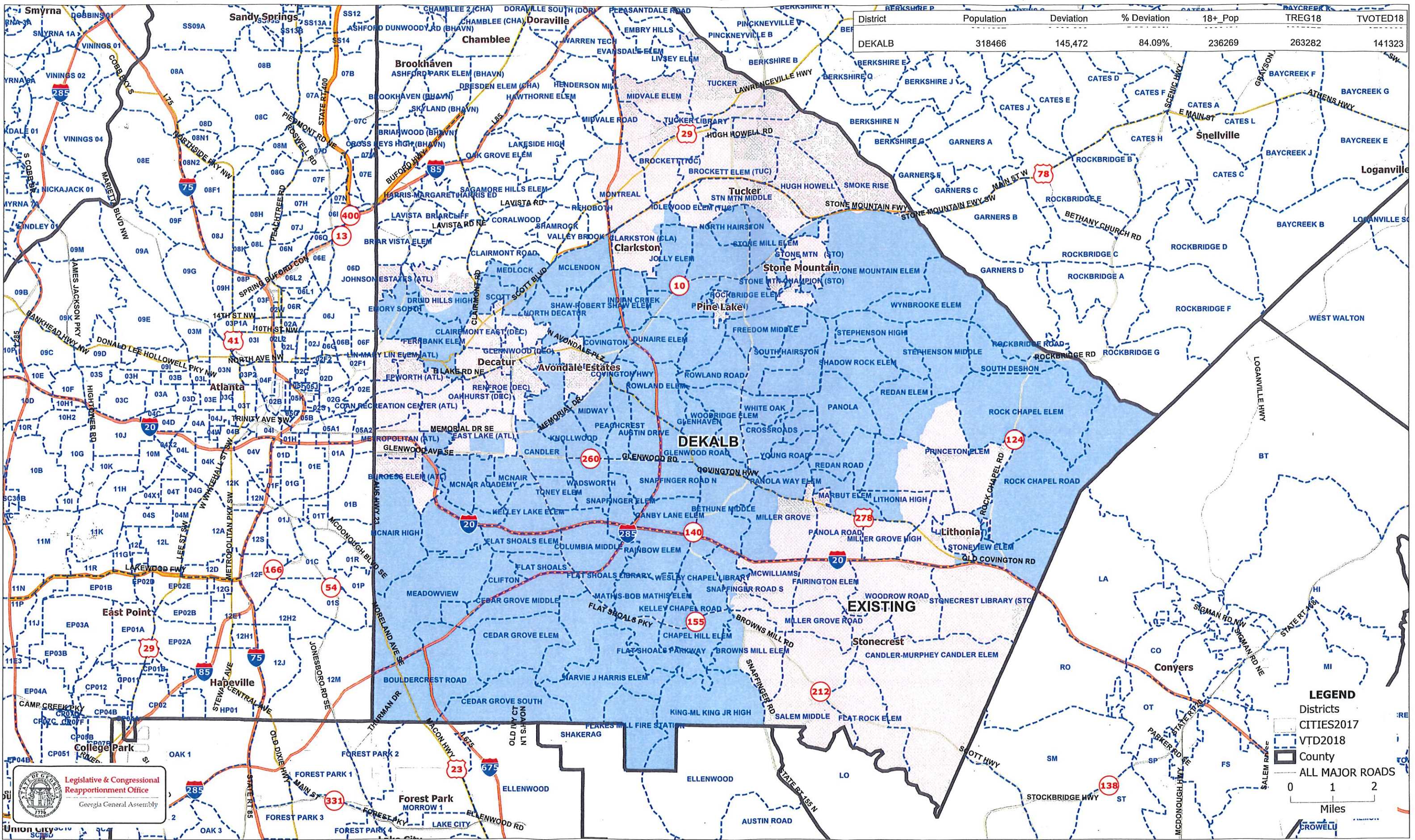
Since 2007, a county may object to an annexation if there is clear evidence there will be an increase burden on the county due to planned changes in zoning or land use. Other reasons for a county objection include possible increase in density and greater infrastructure demands. One problem that arises in annexations is when an area is designated as residential and suddenly becomes commercial when the city takes control. Another problem is that some counties and cities have had difficulty coming up with a procedure to resolve land use disputes. However, objections do not apply to annexations by local act of the General Assembly which may inspire this annexation method to circumvent county objections.

Local legislation that proposes an annexation where more than half of the acreage annexed is property less than five acres containing a house may not have a requirement for a referendum. If the proposed annexed area has more than 500 people or more than 3 percent of the city's population, then the local legislation must require a referendum to approve the proposed annexation. When a city proposes the annexation, it is required to pay for the cost of the referendum.¹⁴ Before the annexation takes place, the city must provide zoning for the annexed property after the city receives notice of intention to introduce local legislation on the proposed annexation from the General Assembly.

¹³ Official Code of Georgia Annotated O.C.G.A 36-36-92

¹⁴ Official Code of Georgia Annotated O.C.G.A 36-36-7

Proposed City of DeKalb



District	Population	Deviation	% Deviation	18+ Pop	TREG18	TVOTED18
DEKALB	318466	145,472	84.09%	236269	263282	141323

Legislative & Congressional Reapportionment Office
 Georgia General Assembly

LEGEND

- Districts
- CITIES2017
- VTD2018
- County
- ALL MAJOR ROADS

0 1 2
Miles

Work Session
Agenda Item 3
Property Acquisition



Branch Banking & Trust Company

Governmental Finance

5130 Parkway Plaza Boulevard
Charlotte, North Carolina 28217
Phone (704) 954-1700
Fax (704) 954-1799

February 21, 2020

Mr. Plez Joyner
Deputy City Manager
City of Stonecrest, Georgia

Mr. Ed Wall
Piper Sandler & Co.

Via Electronic Mail: PJoyner@stonecrestga.gov; Edmund.Wall@psc.com;

Gentlemen:

Truist Bank ("Lender") is pleased to offer this proposal for the financing requested by the City of Stonecrest, Georgia ("Borrower").

PROJECT: Tax Anticipation Note, Series 2020 ("the Note")

AMOUNT: Not to Exceed \$3,200,000.00

MATURITY DATE: December 31, 2020

INTEREST RATE: 2.10%

TAX STATUS: Tax Exempt-BQ

PAYMENTS: Interest: At Maturity
Principal: At Maturity

**INTEREST RATE
CALCULATION:** 30/360

SECURITY: The Note will be secured by the Borrower's full faith and credit and unlimited taxing power.

**PREPAYMENT
TERMS:** Callable in whole at par at any time

**RATE
EXPIRATION:** 4/3/2020

**DOCUMENTATION/
LEGAL REVIEW
FEE:** \$8,000 (origination and lender's counsel fees)

FUNDING: The financing shall be fully funded at closing and allow for a maximum of four (4) funding disbursements in the form of wires or checks.

DOCUMENTATION: It shall be the responsibility of the Borrower to retain and compensate counsel to appropriately structure the financing documents according to Federal and State statutes. Documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with the Internal Revenue Code. These provisions must be acceptable to Lender.

Lender shall also require the Borrower to provide an unqualified bond counsel opinion, a no litigation certificate, and evidence of IRS Form 8038 filing. Lender and its counsel reserve the right to review and approve all documentation before closing. Lender will not be required to present the Note for payment.

REPORTING

REQUIREMENTS: Lender will require financial statements to be delivered within 270 days after the conclusion of each fiscal year end throughout the term of the financing or in accordance with state requirements.

Lender shall have the right to cancel this offer by notifying the Borrower of its election to do so (whether this offer has previously been accepted by the Borrower) if at any time prior to the closing there is a material adverse change in the Borrower's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the Borrower or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to Lender.

Costs of counsel for the Borrower and any other costs will be the responsibility of the Borrower.

The stated interest rate assumes that the Borrower expects to borrow less than \$10,000,000 in the current calendar year and that the financing will be bank qualified and tax exempt under the Internal Revenue Code. Lender reserves the right to terminate this bid or to negotiate a mutually acceptable interest rate if the financing is not bank qualified and tax exempt.

Truist appreciates the opportunity to offer this financing proposal. Please call me at (704) 954-1706 with your questions and comments. We look forward to hearing from you.

Sincerely,

Truist Bank



Mary Parrish Coley
Senior Vice President

**NOTICE OF PUBLIC HEARINGS ON
URBAN REDEVELOPMENT PLANS ENTITLED
“THE CITY OF STONECREST CITY HALL URBAN REDEVELOPMENT PLAN”
AND “THE CITY OF STONECREST GOVERNMENT COMPLEX
URBAN REDEVELOPMENT PLAN”**

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that on the 2nd day of March 2020, at 6:00 p.m., at City Hall at 3120 Stonecrest Boulevard in Stonecrest, Georgia, the City Council of the City of Stonecrest (the “City”) will hold public hearings on (1) an urban redevelopment plan entitled “The City of Stonecrest City Hall Urban Redevelopment Plan” (the “City Hall Plan”) and (2) an urban redevelopment plan entitled “The City of Stonecrest Government Complex Urban Redevelopment Plan” (the “Government Complex Plan”).

The City Hall Plan sets forth an urban redevelopment project for the urban redevelopment area of approximately 17.802 acres located in the City at 2994 Turner Hill Road. The general scope of the urban redevelopment project set forth in the City Hall Plan consists of the acquisition of real property that is improved by an existing building containing approximately 131,514 square feet, which was used as a “Sam’s Club,” and the renovation of such building for use by the City as its City Hall.

The Government Complex Plan sets forth an urban redevelopment project for the urban redevelopment area of approximately 15.167 acres located in the City at 8020 Mall Parkway. The general scope of the urban redevelopment project set forth in the Government Complex Plan consists of the acquisition of real property that is improved by two existing buildings containing approximately 144,391 aggregate square feet, which were used as a “Sears Department Store and Automotive Center,” and the renovation of such buildings for use by the City for public safety purposes and for lease by the City to other state and local governmental entities.

Any interested person may submit oral or written comments on the City Hall Plan or the Government Complex Plan at the hearing. Both plans are on file at City Hall, 3120 Stonecrest Boulevard, Stonecrest, Georgia, and a copy of either plan may be obtained from the City Clerk of the City.

City Clerk, City of Stonecrest

AN ORDINANCE TO PROVIDE FOR OBTAINING A TEMPORARY LOAN TO PAY CURRENT EXPENSES OF THE CITY OF STONECREST IN CALENDAR YEAR 2020; TO PROVIDE FOR THE ISSUANCE AND SALE OF ITS TAX ANTICIPATION NOTE TO EVIDENCE SUCH LOAN; TO SPECIFY THE DATE AND THE RATE OF INTEREST THE NOTE SHALL BEAR; TO PROVIDE FOR THE FORM OF THE NOTE AND FOR THE EXECUTION OF THE NOTE; TO PROVIDE FOR THE PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; TO PROVIDE FOR THE SOURCE OF PAYMENT OF THE NOTE AND THE INTEREST THEREON; TO AUTHORIZE THE SALE OF THE NOTE TO TRUIST BANK; AND FOR OTHER RELATED PURPOSES.

WHEREAS, pursuant to Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983, the governing authority of the City of Stonecrest (the “City”) is authorized to incur debt by obtaining temporary loans in each calendar year to pay the current expenses of such year; and

WHEREAS, pursuant to this constitutional provision, the aggregate amount of all such temporary loans may not exceed 75% of the total gross income of the City from taxes actually collected in the last preceding year; and

WHEREAS, pursuant to this constitutional provision, no such temporary loan may be obtained when there is a loan then unpaid that was obtained in any prior year under this constitutional provision, nor may the City incur in any one calendar year an aggregate of such temporary loans or other contracts, notes, warrants, or other obligations for current expenses in excess of the total anticipated revenue for such calendar year; and

WHEREAS, all temporary loans obtained by the City in calendar year 2019 and all prior calendar years pursuant to this constitutional provision will be paid in full on or before the issuance and delivery of the tax anticipation note hereinafter authorized; and

WHEREAS, during calendar year 2019, the total gross income of the City from taxes actually collected in calendar year 2019 aggregated not less than \$4,119,582, and the City is accordingly authorized to obtain during calendar year 2020 a temporary loan or loans in an aggregate amount not exceeding seventy-five percent (75%) of such amount (which is \$3,089,686); and

WHEREAS, the total anticipated revenue for calendar year 2020 is not less than \$10,135,900, and to date the City has not incurred in excess of \$1,000,000 aggregate unpaid temporary loans or other contracts, notes, warrants, or other obligations for current expenses; and

WHEREAS, the City Council of the City, after an independent investigation of the present and future needs of the City, has determined that the City should obtain a temporary loan in the principal amount not to exceed \$3,060,000 for the purpose of providing moneys to pay current expenses to be incurred by the City during calendar year 2020; and

WHEREAS, the most feasible method of obtaining this temporary loan is by the issuance and sale of the City’s tax anticipation note for such purpose; and

WHEREAS, the City has solicited bids from various financial institutions for the purchase of not to exceed \$3,060,000 in principal amount of a tax anticipation note hereinafter authorized to be issued, and such tax anticipation note will be sold to Truist Bank (the “Note Purchaser”); and

WHEREAS, as a result of this sale, the tax anticipation note shall bear interest from the dates advances are made at the rate per annum hereinafter set forth, and all interest shall be payable on the date of the payment of the tax anticipation note; and

WHEREAS, the tax anticipation note should now be printed or otherwise reproduced, executed, and thereafter issued and delivered, and it is necessary to adopt a note form, to provide for the execution of the tax anticipation note, and to designate a place for the payment of the principal of and interest on the tax anticipation note; and

WHEREAS, the tax anticipation note, when issued, will constitute an indebtedness of the City that must be paid on or prior to December 31, 2020, and provision should be made for the pledge of the City’s full faith and credit and taxing power to produce moneys in an amount sufficient to provide for the payment of the principal of and interest on the tax anticipation note as the same become due and payable.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Stonecrest, and it is hereby ordained by authority of the same, as follows:

Section 1. As authorized pursuant to the provisions of Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 and Section 36-80-2 of the Official Code of Georgia Annotated, the City of Stonecrest shall obtain a temporary loan in anticipation of the collection of taxes levied or to be levied during calendar year 2020, in a principal amount not to exceed \$3,060,000 pursuant to the terms and conditions hereinafter set forth, to pay current expenses of the City in calendar year 2020.

Section 2. (a) To evidence such temporary loan, there be and there is hereby authorized to be issued a tax anticipation note of the City in the principal amount not to exceed \$3,060,000 to be designated “City of Stonecrest Tax Anticipation Note” (the “Note”), and the Note shall be dated the date of its issuance and delivery, shall be issued only as a single, fully registered note without coupons in the principal amount not to exceed \$3,060,000, shall be numbered R-1, and shall bear interest from the dates advances are made at the rate of 2.10% per annum, payable at maturity and computed on the basis of a 360-day year for the number of days actually elapsed, and the entire principal amount of the Note shall mature on December 31, 2020.

(b) The Note shall be subject to optional redemption by the City prior to maturity, in whole and not in part on any banking day, at a redemption price equal to one hundred percent (100%) of the principal amount being redeemed plus accrued interest to the redemption date, but without premium or penalty. As a condition precedent to each optional redemption pursuant to the preceding sentence, the registered owner of the Note shall receive written notice of such optional redemption not less than 30 days and not more than 60 days prior to the date fixed for such redemption. Each such notice shall specify the date of redemption, the principal amount of the Note to be redeemed on such date, and the accrued interest (if the same can be calculated) to be paid on the redemption date with respect to the principal amount being redeemed.

Section 3. (a) The City shall keep at its office a register for the registration and registration of transfers of the Note. The name and address of the registered owner of the Note (the “Noteholder”), each transfer thereof, and the name and address of each transferee of the Note shall be registered in such register. Prior to due presentment for registration of transfer, the person in whose name the Note shall be registered shall be deemed and treated as the owner and holder thereof for all purposes hereof (including the receipt of payments of principal of and interest on the Note), whether or not the Note shall be overdue, and the City shall not be affected by any notice or knowledge to the contrary.

(b) Upon surrender of the Note at the office of the City for registration of transfer, duly endorsed or accompanied by a written instrument of transfer duly executed by the registered owner of the Note or its attorney duly authorized in writing and accompanied by the address for notices of each transferee of the Note, the City shall execute and deliver, at its expense (except as provided below), a new Note in exchange therefor, in a principal amount equal to the unpaid principal amount of the surrendered Note. Each such new Note shall be payable to such person as the former Noteholder may request and shall be issued as a single, fully registered note substantially in the form provided in Section 5 hereof. Each such new Note shall be dated and bear interest from the date to which interest shall have been paid on the surrendered Note or dated the date of the surrendered Note if no interest shall have been paid thereon. The City may require payment of a sum sufficient to cover any stamp tax or governmental charge imposed in respect of any such transfer of the Note. The Note shall not be transferred in a denomination of less than the unpaid principal amount of the surrendered Note.

(c) Upon receipt by the City of evidence reasonably satisfactory to it of the ownership of and the loss, theft, destruction, or mutilation of the Note, and

(1) in the case of loss, theft, or destruction, of indemnity reasonably satisfactory to it (provided that if the Noteholder is, or is a nominee for, the Note Purchaser or another Noteholder with a minimum net worth of at least \$25,000,000, such person’s own unsecured agreement of indemnity shall be deemed to be satisfactory), or

(2) in the case of mutilation, upon surrender and cancellation thereof,

the City at its expense shall execute and deliver, in lieu thereof, a new single, fully registered Note, dated and bearing interest from the date to which interest shall have been paid on such lost, stolen, destroyed, or mutilated Note or dated the date of such lost, stolen, destroyed, or mutilated Note if no interest shall have been paid thereon.

Section 4. All sums becoming due on the Note for principal and interest shall be paid in lawful money of the United States by the method and at the address specified for such purpose by the Noteholder in writing to the City, without the presentation or surrender of the Note or the making of any notation thereon, except that upon written request of the City made concurrently with or reasonably promptly after payment in full of the Note, the Noteholder shall surrender the Note for cancellation, reasonably promptly after any such request, to the City. Prior to any sale or other disposition of the Note, the Noteholder shall endorse thereon the amount of principal paid thereon and the last date to which interest has been paid thereon.

Section 5. The Note shall be executed by the Mayor or the Mayor Pro Tempore of the City and attested by the City Clerk or the Deputy City Clerk, and the official seal of the City shall be impressed upon the Note, and the Note shall be substantially in the form hereinafter set forth with such variations, omissions, and insertions as are permitted or required by this Ordinance:

[FORM OF NOTE]

THIS NOTE IS SUBJECT TO AN INVESTMENT LETTER AGREEMENT AND MAY NOT BE SOLD, TRANSFERRED, ASSIGNED, OR OTHERWISE DISPOSED OF EXCEPT PURSUANT TO THE TERMS OF SUCH INVESTMENT LETTER AGREEMENT.

**UNITED STATES OF AMERICA
STATE OF GEORGIA
CITY OF STONECREST
TAX ANTICIPATION NOTE**

Number R-1

Principal Amount Not To Exceed \$3,060,000

Date of Original Issue:

Maturity Date:

Interest Rate:

_____, 2020

December 31, 2020

2.10%

Registered Owner: Truist Bank

KNOW ALL MEN BY THESE PRESENTS THAT the **CITY OF STONECREST** (the “City”), a municipal corporation created and existing under the laws of the State of Georgia, for value received and in consideration of money borrowed, hereby promises to pay to the registered owner shown above, or registered assigns, with option of prior redemption as hereinafter provided, on the maturity date identified above, so much of the principal amount identified above that is advanced to it, as indicated in the Schedule of Advances attached to this Note, together with interest on the unpaid principal amount at the interest rate per annum identified above, from the dates advances are made until the principal amount has been fully paid, such interest being payable upon retirement of this Note and computed on the basis of a 360-day year for the number of days actually elapsed.

All sums becoming due on this Note for principal and interest shall be paid in lawful money of the United States by the method and at the address specified for such purpose by the registered owner of this Note in writing to the City, without the presentation or surrender of this Note or the making of any notation hereon, except that upon the written request of the City made concurrently with or reasonably promptly after payment in full of this Note, the registered owner of this Note shall surrender this Note for cancellation, reasonably promptly after any such request, to the City. Prior to any sale or other disposition of this Note, the registered owner of this Note shall endorse hereon the amount of principal paid hereon and the last date to which interest has been paid hereon.

This Note is the only note of an authorized issue limited in original principal amount to \$3,060,000, authorized by an ordinance duly adopted by the City Council of the City of Stonecrest (the “Governing Body”) on the ____ day of _____ 2020 (the “Note Ordinance”), and in accordance with Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 and Section 36-80-2 of the Official Code of Georgia Annotated, for the purpose of obtaining a temporary loan to pay expenses of the City in calendar year 2020.

This Note is issued in anticipation of the collection of taxes levied or to be levied for the calendar year 2020. The aggregate amount of this Note, together with other temporary loans obtained by the City to pay expenses of the City in calendar year 2020, does not exceed 75% of the total gross income from taxes collected by the City in calendar year 2019 and does not exceed, together with other contracts, notes, warrants, and obligations of the City for current expenses in calendar year 2020, the total anticipated revenues of the City for calendar year 2020.

This Note shall be subject to optional redemption by the City prior to maturity, in whole and not in part on any banking day, at a redemption price equal to one hundred percent (100%) of the principal amount being redeemed plus accrued interest to the redemption date, but without premium or penalty. As a condition precedent to each optional redemption pursuant to the preceding sentence, the registered owner of this Note shall receive written notice of such optional redemption not less than 30 days and not more than 60 days prior to the date fixed for such redemption. Each such notice shall specify the date of redemption, the principal amount of this Note to be redeemed on such date, and the accrued interest (if the same can be calculated) to be paid on the redemption date with respect to the principal amount being redeemed.

This Note shall be issued as a single, fully registered note without coupons in the original principal amount not to exceed \$3,060,000. Upon surrender of this Note at the office of the City for registration of transfer, duly endorsed or accompanied by a written instrument of transfer duly executed by the registered owner of this Note or its attorney duly authorized in writing and accompanied by the address for notices of each transferee of this Note, the City shall execute and deliver, at the City's expense (except as provided below), a new Note in exchange herefor, in a principal amount equal to the unpaid principal amount of the surrendered Note. Each such new Note shall be payable to such person as the former registered owner of this Note may request and shall be issued as a single, fully registered note. Each such new Note shall be dated and bear interest from the date to which interest shall have been paid on the surrendered Note or dated the date of the surrendered Note if no interest shall have been paid hereon. The City may require payment of a sum sufficient to cover any stamp tax or governmental charge imposed in respect of any such transfer of this Note. This Note shall not be transferred in a denomination of less than the unpaid principal amount of the surrendered Note.

Prior to due presentment for registration of transfer, the person in whose name this Note shall be registered shall be deemed and treated as the owner and holder hereof for all purposes hereof (including the receipt of payments of principal of and interest on this Note), whether or not this Note shall be overdue, and the City shall not be affected by any notice or knowledge to the contrary.

All borrowings evidenced by this Note, including the date and amount of each advance, shall be endorsed by the registered owner of this Note on the Schedule of Advances attached to this Note; provided, however, that any failure by the registered owner of this Note to endorse such information on such Schedule shall not in any manner affect the obligation of the City to make payments of principal and interest in accordance with the terms of this Note. The City hereby irrevocably authorizes and directs the registered owner of this Note to enter on the Schedule of Advances the date and amount of each advance under this Note.

The City hereby pledges to the registered owner of this Note its full faith and credit and taxing power for the purpose of paying the principal of and interest on this Note as the same become due and payable, as more particularly provided in Section 6 of the Note Ordinance.

The City has designated this Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

It is hereby certified, recited, and declared that all acts, conditions, and things required by law to be done precedent to and in the issuance of this Note have been properly done, have happened, and have been performed in the manner required by the Constitution and statutes of the State of Georgia relating thereto; that the tax levies in anticipation of which this Note is issued are or will be valid and legal levies; that the City will use a sufficient amount of the proceeds of such tax levies and other available funds for the payment of this Note and the interest thereon; and that this Note, together with all other indebtedness of the City, is within every debt or other limit provided by the Constitution and statutes of the State of Georgia.

IN WITNESS WHEREOF, the City of Stonecrest, acting by and through its Governing Body, has caused this Note to be executed in its corporate name by the manual signature of its Mayor and to be attested by the manual signature of its City Clerk, and has caused the official seal of the City to be impressed hereon, all as of the Date of Original Issue set forth above.

CITY OF STONECREST

(SEAL)

By: _____
Mayor

Attest:

City Clerk

REVIEWED BY:

City Attorney

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED, the undersigned, _____, hereby
sells, assigns, and transfers unto

(Tax Identification or Social Security No. _____)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints
_____ attorney to transfer the within Note on the
books kept for registration thereof, with full power of substitution in the premises.

Dated: _____
Signature _____

NOTICE: The signature(s) to this assignment must correspond with the name as it appears upon
the face of the within note in every particular, without alteration or enlargement or
any change whatsoever.

[END OF FORM OF NOTE]

Section 6. For the purpose of paying the principal of and interest on the Note as the same become due and payable, the City hereby pledges to the Noteholder its full faith and credit and taxing power for such payment. The City covenants that, in order to pay when due from its general funds to the extent required hereunder, it will exercise its power of taxation to the extent necessary to pay the principal of and interest on the Note when due and will make available and use for such payments all taxes levied and collected for that purpose together with funds received from any other sources. The City further covenants and agrees that in order to make funds available for such purpose in each fiscal year, it will, in its general revenue, appropriation, and budgetary measures through which its tax funds or revenues and the allocation thereof are controlled or provided for, include sums sufficient to satisfy any such payments of principal of and interest on the Note that may be required to be made when due, whether or not any other sums are included in such measure, until all principal and interest due on the Note shall have been paid in full. The obligation of the City to pay the principal of and interest on the Note shall constitute a general obligation of the City and a pledge of the full faith and credit of the City to provide the funds required to fulfill any such obligation. In the event for any reason any such provision or appropriation is not made as provided in this Section 6, then the fiscal officers of the City are hereby authorized and directed to set up as an appropriation on their accounts in the appropriate fiscal year the amounts required to pay the obligations that may be due from the general funds of the City. The amount of such appropriation shall be due and payable and shall be expended for the purpose of paying any such obligations, and such appropriation shall have the same legal status as if the City had included the amount of the appropriation in its general revenue, appropriation, and budgetary measures, and the fiscal officers of the City shall make such payments of principal of and interest on the Note to the Noteholder if for any reason the payment of such obligations shall not otherwise have been made.

Section 7. The City shall sell the Note to the Note Purchaser for the price of \$3,060,000. The Mayor or Mayor Pro Tempore of the City is hereby authorized to execute and deliver, on behalf of the City, a purchase contract between the City and the Note Purchaser, providing for the sale of the Note. The execution and delivery of a purchase contract by the Mayor or Mayor Pro Tempore of the City shall constitute conclusive evidence of the ratification, confirmation, and approval by the City of the terms and conditions of the purchase contract.

Section 8. The Note shall, in due course, be delivered to the Note Purchaser against payment for the Note.

Section 9. All actions taken or to be taken by the Mayor or Mayor Pro Tempore of the City and by the City Clerk or Deputy City Clerk relating to the authorization, issuance, and sale of the Note shall be, and the same are hereby, ratified, confirmed, and approved.

Section 10. The City recognizes that the purchaser and owner of the Note will have accepted the Note on, and paid for the Note a price that reflects, the understanding that interest on the Note is not included in the gross income of the owner for federal income tax purposes under laws in force at the time the Note shall have been delivered.

The City shall take any and all action that may be required from time to time in order to assure that interest on the Note shall remain excludable from the gross income of the owner of the Note for federal income tax purposes and shall refrain from taking any action that would adversely affect such status.

Prior to or contemporaneously with delivery of the Note, the Mayor or Mayor Pro Tempore of the City and the City Clerk or Deputy City Clerk shall execute a Certificate as to Arbitrage Matters on behalf of the City respecting the investment of the proceeds of the Note. Such certificate shall be a representation and certification of the City, and an executed counterpart thereof shall be delivered to the Note Purchaser. The City shall not knowingly invest or participate in the investment of any proceeds of the Note if such investment would cause interest on the Note to become included in gross income for federal income tax purposes.

The Mayor or Mayor Pro Tempore of the City or the City Clerk or Deputy City Clerk may also execute and deliver, on behalf of the City: (i) such agreements, filings, and other writings as may be necessary or desirable to cause or bind the City to comply with any requirements for rebate under Section 148(f) of the Internal Revenue Code of 1986, as amended (the “Code”), or (ii) such certificate or other writing as may be necessary or desirable to qualify for exemption from such rebate requirements.

The City shall calculate, from time to time, as required in order to comply with the provisions of Section 148(f) of the Code, the amounts required to be rebated (including penalties) to the United States and shall pay or cause to be paid to the United States any and all of such amounts on or before the due date.

The City hereby covenants and agrees that it will not use or permit any use of the proceeds of the sale of the Note, or use or permit the use of any of the facilities being financed thereby, which would cause the Note or any portion thereof to be a “private activity bond” within the meaning of Section 141 of the Code.

The City hereby designates the Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code and covenants that the Note does not constitute a “private activity bond,” as defined in Section 141 of the Code, and that not more than \$10,000,000 in aggregate principal amount of obligations the interest on which is excludable from gross income for federal income tax purposes (excluding, however, private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds, as defined in Section 145 of the Code), including the Note, have been or shall be issued by the City, including all subordinate entities of the City and all entities that issue obligations on behalf of the City, during calendar year 2020.

The covenants, certifications, representations, and warranties contained in this Section 10 shall survive payment in full or provision for payment in full of the Note.

Section 11. The Mayor or Mayor Pro Tempore of the City or the City Clerk or Deputy City Clerk are hereby authorized and directed to execute, for and on behalf of the City, such other agreements, certificates, or documents as may be necessary or desirable in connection with the issuance, sale, and delivery of the Note or the investment of the proceeds of the Note.

Section 12. All ordinances and resolutions, or parts of ordinances or resolutions, if any, in conflict with this Ordinance be and the same are hereby repealed.

PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this ____ day of _____ 2020.

(SEAL)

CITY OF STONECREST

Attest:

By: _____
Mayor

City Clerk

CITY CLERK'S CERTIFICATE

I, **MEGAN REID**, the duly appointed, qualified, and acting City Clerk of the City of Stonecrest (the "City"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of the ordinance adopted by the City Council of the City at an open public meeting duly called and lawfully assembled at ____ p.m., on the ____ day of _____ 2020, in connection with the authorization of not to exceed \$3,060,000 in original principal amount of the City's Tax Anticipation Note, the original of such ordinance being duly recorded in the Minute Book of the City, which Minute Book is in my custody and control.

I do hereby certify that the following members of the City Council were present at such meeting:

- Jason Lary
- Jimmy Clanton
- Rob Turner
- Jazzmin Cobble
- George Turner
- Tammy Grimes

and that the following members were absent:

and that such ordinance was duly adopted by a vote of:

Aye ____ Nay ____.

WITNESS my hand and the seal of the City this the ____ day of _____ 2020.

(SEAL)

City Clerk, City of Stonecrest

Work Session
Agenda Item 4.i
Alcohol Sales Hours

Stonecrest Ordinance:

DIVISION 2. - ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF DISTILLED SPIRITS

Sec. 4.5.12. - Hours of sale and operation.

(a) Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours: (i) Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of the following day. (ii) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday. (iii) Sunday hours are from 12:30 p.m. until 2:55 a.m. on Monday as permitted by section 4.5.15. (b) Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Tucker Ordinance

Sec. 4-302. - Hours of operation; Sunday sales.

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(a) Hours of sale and operation for on-premises consumption licenses. Alcoholic beverages shall be sold and delivered to the customer for consumption on the premises only during the following hours:

(1) Monday through Saturday hours are from 9:00 a.m. until 3:00 a.m. of the following morning.

(2) Effective April 10, 2018, Monday through Saturday hours are from 9:00 a.m. until 2:00 a.m. of the following day.

(3) Sunday hours shall be from 11:00 a.m. on Sunday, as authorized by O.C.G.A. § 3-3-7(j.1) and as approved by referendum of the Voters of the City of Brookhaven, until 2:00 a.m. on Monday morning.

(4) Sales during all other hours are prohibited. There shall be no consumption on the premises after prohibited hours have been in effect for 30 minutes. All licensed establishments must close their premises to the public and clear their premises of patrons no later than 30 minutes following the end of sales as defined above and shall not reopen to the public until 9:00 a.m. or thereafter. These times and rules also apply to the section or area of a grocery store in which sales for consumption on premises occur.

(5)

Establishments that qualify for Sunday sales. Excluding specialty shops, holders of a Class C or Class H License qualify for Sunday sales of **alcoholic** beverages.

(6)

Sunday sales—Certain exceptions. Permitted **hours** of sale and operation for on-premises consumption shall be extended to match Monday through Saturday **hours** for establishments that are otherwise eligible for Sunday sales when the following days or events occur on a Sunday: New Year's Day, NFL's Super Bowl; the Sunday before the Martin Luther King Federal Holiday; March 17 (St. Patrick's Day); May 5 (Cinco de Mayo); the Sunday before the Memorial Day Holiday; July 4 (Independence Day); Sunday before the Labor Day Holiday; October 31 (Halloween); and December 31 (New Year's Eve), unless pre-empted or prohibited by State law. This section does not allow Sunday sales at establishments that do not qualify for Sunday sales.

(b)

Hours of sale and operation for off-premises consumption licenses. Retailers may engage in the sale of **alcoholic** beverages only during the following **hours**:

(1)

Monday through Saturday **hours** from 8:00 a.m. to 12:00 midnight.

(2)

Sunday **hours** are from 12:30 p.m. to 11:30 p.m.

(c)

Licensees may open their establishments for the sale of **alcoholic** beverages on any election day, except within 200 yards of any polling place.

(Ord. No. [2017-10-02](#), § 2(Att. A), 10-10-2017; Ord. No. [2018-08-07](#), § 1(attch.), 8-28-2018; Ord. No. [2018-07-01](#), § 1, 7-24-2018; Ord. No. [2018-10-04](#), § 1, 10-23-2018; Ord. No. [2018-11-02](#), § 1, 11-13-2018)

Dunwoody Ordinance:

Sec. 4-135. - Hours of operation.

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(a)

Package licensees shall not engage in the sale of **alcoholic** beverages except between the **hours** of 7:00 a.m. and 12:00 midnight Monday through Saturday and between the **hours** of 12:30 p.m. and 11:30 p.m. on Sunday. Package licensees shall not permit their places of business to be open except between the **hours** of 7:00 a.m. and 12:00 midnight, Monday through Saturday, or between the **hours** of 12:30 p.m. and 11:30 p.m. on Sundays, except that where the primary business of a malt beverage package licensee or **wine** package licensee is other than the sale of **alcoholic** beverages, such restrictive **hours** shall apply only with respect to the sale of malt beverages or **wine**.

(b)

Consumption on the premises licensees shall sell **alcoholic** beverages only between the **hours** of 9:00 a.m. and 2:00 a.m. on the following day, Monday through Saturday. Sunday sales may be made by eating establishments, as defined herein, or by a private club between the **hours** of 11:00 a.m. and 2:00 a.m. the

following day, provided license for Sunday sales has been granted and the fee paid. Consumption on the premises licensees shall not allow **alcoholic** beverages sold under this subsection to be consumed after 2:30 a.m.

(c)

The business **hours** of wholesale dealers shall be between the **hours** of 6:00 a.m. and 11:00 p.m., Monday through Saturday. There shall be no sales on Sunday.

(Comp. Ords. 2008, ch. 4, art. 5, § 5; Ord. No. 2011-06-21, § 2, 6-20-2011; Ord. No. 2018-07-12, § 1, 7-23-2018)

Brookhaven ordinance

Hours of operation; Sunday sales.

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(a)

Hours of sale and operation for on-premises consumption licenses. **Alcoholic** beverages shall be sold and delivered to the customer for consumption on the premises only during the following **hours**:

(1)

Monday through Saturday **hours** are from 9:00 a.m. until 3:00 a.m. of the following morning.

(2)

Effective April 10, 2018, Monday through Saturday **hours** are from 9:00 a.m. until 2:00 a.m. of the following day.

(3)

Sunday **hours** shall be from 11:00 a.m. on Sunday, as authorized by O.C.G.A. § 3-3-7(j.1) and as approved by referendum of the Voters of the City of Brookhaven, until 2:00 a.m. on Monday morning.

(4)

Sales during all other **hours** are prohibited. There shall be no consumption on the premises after prohibited **hours** have been in effect for 30 minutes. All licensed establishments must close their premises to the public and clear their premises of patrons no later than 30 minutes following the end of sales as defined above and shall not reopen to the public until 9:00 a.m. or thereafter. These times and rules also apply to the section or area of a grocery store in which sales for consumption on premises occur.

(5)

Establishments that qualify for Sunday sales. Excluding specialty shops, holders of a Class C or Class H License qualify for Sunday sales of **alcoholic** beverages.

(6)

Sunday sales—Certain exceptions. Permitted **hours** of sale and operation for on-premises consumption shall be extended to match Monday through Saturday **hours** for establishments that are otherwise eligible

for Sunday sales when the following days or events occur on a Sunday: New Year's Day, NFL's Super Bowl; the Sunday before the Martin Luther King Federal Holiday; March 17 (St. Patrick's Day); May 5 (Cinco de Mayo); the Sunday before the Memorial Day Holiday; July 4 (Independence Day); Sunday before the Labor Day Holiday; October 31 (Halloween); and December 31 (New Year's Eve), unless pre-empted or prohibited by State law. This section does not allow Sunday sales at establishments that do not qualify for Sunday sales.

(b)

Hours of sale and operation for off-premises consumption licenses. Retailers may engage in the sale of alcoholic beverages only during the following **hours**:

(1)

Monday through Saturday **hours** from 8:00 a.m. to 12:00 midnight.

(2)

Sunday **hours** are from 12:30 p.m. to 11:30 p.m.

(c)

Licensees may open their establishments for the sale of **alcoholic** beverages on any election day, except within 200 yards of any polling place.

(Ord. No. [2017-10-02](#), § 2(Att. A), 10-10-2017; Ord. No. [2018-08-07](#), § 1(attch.), 8-28-2018; Ord. No. [2018-07-01](#), § 1, 7-24-2018; Ord. No. [2018-10-04](#), § 1, 10-23-2018; Ord. No. [2018-11-02](#), § 1, 11-13-2018)

Haven Ordinance:

Alejandro Ferrell
CODE ENFORCEMENT DIRECTOR
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd
Stonecrest, GA 30038
direct: 770.224.0207
cell: 470.445.3065
main: 770.224.0200
afferrell@stonecrestga.gov
www.stonecrestga.gov

From: Alejandro Ferrell

Sent: Wednesday, February 19, 2020 11:21 AM

To: Plez Joyner <PJoyner@stonecrestga.gov>; Megan Reid <MReid@stonecrestga.gov>

Cc: Chris Wheeler <CWheeler@stonecrestga.gov>

Subject: FW: Alcohol Sales Hours

Good morning all,

I would like to get this on the work session for discussion with MCC.

Regards,

Alejandro Ferrell
CODE ENFORCEMENT DIRECTOR
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd

Stonecrest, GA 30038

direct: 770.224.0207

cell: 470.445.3065

main: 770.224.0200

afferrell@stonecrestga.gov

www.stonecrestga.gov

From: Alejandro Ferrell

Sent: Wednesday, September 4, 2019 11:38 AM

To: Julian Jackson <JJackson@stonecrestga.gov>; Plez Joyner <PJoyner@stonecrestga.gov>

Cc: Megan Reid <MReid@stonecrestga.gov>

Subject: Alcohol Sales Hours

GGood morning all,

I received a call from Maj Banks with Dekalb PD on yesterday evening and he states the City of Stonecrest is the only municipality in Dekalb County that allows alcohol served until 330 am. I do recall in early 2018 when the County changed their ordinance to 230 and the Stonecrest MCC looked at the same hours it was deferred or pulled to be looked at in future legislation. I advised him I would refer back to the CM office for discussion. Below is the current Deklab County Ordinance related to this activity.

RRegards,

Alejandro Ferrell

-
- **Sec. 4-128. - Sunday sales.**
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(a)

Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve distilled **spirits** by the drink from 11:00 a.m. on Sunday until 2:00 a.m. of the following Monday. Failure to adhere to these standards shall result in the automatic revocation or denial of a Sunday sales permit by the county.

(b)

Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the finance department. The finance department may, at anytime, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the finance department. No later than March 31st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(c)

All annual permit renewals shall be filed with the finance department not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

(d)

Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.

(e)

Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one (1) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

(Code 1976, § 7-2046; Ord. No. 93-05, § 1, 3-9-93; [Ord. No. 17-06](#), Pt. I, 12-12-17; [Ord. No. 18-07](#), Pt. I, 11-13-18)

State Law reference— Local authorization and regulation of Sunday sales, O.C.G.A. § 3-3-7.

- **Sec. 4-129. - Open area and patio sales.**

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No consumption and/or sale of distilled **spirits** shall be allowed in open areas and patios unless first permitted and approved by the finance department. The department shall prepare such appropriate regulations as to ensure the safe and orderly operation of these establishments, including but not limited to regulations pertaining to maximum capacity, ingress and egress.

(Code 1976, § 7-2047; Ord. No. 98-04, Pt. 1, 4-30-98)

- **Secs. 4-130—4-145. - Reserved.**

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- **DIVISION 3. - ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF **BEER** AND **WINE**[5]**

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Footnotes:

--- (5) ---

Cross reference— *Food service establishments, § 13-281 et seq.*

- **Sec. 4-146. - Types of retail establishments.**
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(a)

No **beer** or **wine** shall be sold for consumption on the premises where sold except in eating establishments having a full-service kitchen prepared to serve food every **hour** they are open. These establishments must be located in zoning districts which permit restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.

(b)

A golf course within a planned development, as authorized by the 1970 zoning ordinance, as amended, a stadium facility during the playing of professional athletic competitions, and a licensed or leased athletic complex within a park owned by DeKalb County, may be issued a **beer** and **wine** consumption-on-the-premises license without meeting the full-service kitchen requirement. No license may be issued for use at a park or stadium at which the consumption of **alcohol** is not permitted under sections [19-30\(c\)](#) or [4-101.1](#) of this Code.

(Code 1976, § 7-2061; Ord. No. 97-09, § 1, 5-13-97; Ord. No. 98-04, Pt. 1, 4-30-98; Ord. No. 99-07, Pt. 1, 2-23-99)

- **Sec. 4-147. - **Hours** of sale and operation.**
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Beer and/or **wine** shall be sold and delivered to the customer for consumption on the premises only during the following **hours**:

(a)
Monday through Wednesday **hours** are from 9:00 a.m. until 2:00 a.m. of the following day.

(b)
Thursday through Saturday **hours** are from 9:00 a.m. until 2:30 a.m. of the following day.

(c)
Sunday **hours** are from 11:00 a.m. until 2:00 a.m. of the following Monday as permitted by [section 4-149](#).

(d)
Sales and deliveries during all other **hours** are prohibited. There shall be no consumption on the premises after prohibited **hours** have been in effect for one-half (½) **hour**. All licensed establishments must likewise close their premises to the public and clear their premises of patrons within one-half (½) **hour** after the time set by this chapter for discontinuance of the sale of **alcoholic** beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

(Code 1976, § 7-2063; Ord. No. 89-14, § 2, 4-11-89; Ord. No. 98-04, Pt. 1, 4-30-98; Ord. No. 10-12, Pt. I, 6-22-10; [Ord. No. 17-06](#), Pt. I, 12-12-17; [Ord. No. 18-07](#), Pt. I, 11-13-18

Alejandro Ferrell
MANAGER OF CODE ENFORCEMENT
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd
Stonecrest, GA 30038
direct: 770.224.0207
cell: 470.445.3065
main: 770.224.0200
afferrell@stonecrestga.gov

Work Session
Agenda Item 4.ii
Shopping Cart Ordinance

College Park GA:

Sec. 12-22. - Shopping carts; removal, abandonment, recovery by owner, disposition of unclaimed carts.

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(a)
As used in this section, "shopping cart" means those push carts of the type which are commonly provided by grocery stores, drug stores, or other merchant stores or markets for the use of the public in transporting commodities in stores and markets, and incidentally from the stores to a place outside the store.

(b)
It shall be unlawful for any person to remove a shopping cart from the premises of the owner of such shopping cart without consent of the owner or the owner's agent, servant or employee. For the purpose of this section, the premises shall include all of the parking areas set aside by the owner or on behalf of the owner for the parking of vehicles for the convenience of the patrons of the owner.

(c)
It shall be unlawful for any person to abandon a shopping cart upon any public street, sidewalk, way, or parking lot, other than the parking lot of the premises of the owner, or to abandon same upon private property not authorized by the owner of the shopping cart for the storage of shopping carts. Any shopping cart found off of the premises of a shopping area shall be deemed an abandoned shopping cart unless ownership is claimed by an adult who shall give such adult's name and address and the name and address from whom said shopping cart was purchased or acquired.

(d)
Upon the discovery of any abandoned shopping cart which can be identified as belonging to a particular owner, the city police or the city building inspector shall give written notice to the owner of said abandoned shopping cart, who shall within three (3) days of the written notice, take possession of and return the shopping cart to such owner's premises.

(e)
If the owner fails to remove the abandoned shopping cart after three (3) days from the written notice, the city may remove the abandoned shopping cart and dispose of the same at the expense of the owner.

(f)
If the owner of an abandoned shopping cart cannot be identified, the city may remove said abandoned shopping cart and dispose of the same in any manner, including the sale by private or public sale. Any owner proving ownership at a private or public sale shall be liable for the expenses incurred by the city. Notwithstanding the above, the city shall be authorized to charge a fee of twenty dollars (\$20.00) to any owner proving ownership of an abandoned shopping cart.
(Ord. No. 97-11, § 1, 4-21-97)

Smyrna GA :

Sec. 66-13. - Shopping carts; removal; abandonment; impoundment.

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(a)

It shall be unlawful for any person to remove a shopping cart from the premises, posted as provided in O.C.G.A. § 16-8-21(d), of the owner of such shopping cart without the consent, given at the time of such removal, of the owner or of his agent or employee. Premises shall include the parking area set aside by the owner or on behalf of the owner for the parking of cars for the convenience of the patrons of the owner.

(b)

It shall be unlawful for any person to abandon a shopping cart upon any public street, sidewalk, way, or parking lot other than a parking lot on the premises of the owner.

(c)

Shopping carts abandoned on any public street, sidewalk, way, or parking lot will be impounded by the city. For the purpose of this section an abandoned shopping cart shall be deemed to be a cart which is unattended and positioned in any of the locations described except a parking lot adjacent to or provided to the owner of such shopping cart for the purpose of conducting the business of such owner. Any shopping cart impounded by the city under this section may be reclaimed by the owner thereof by submitting evidence, satisfactory to the city, of ownership and the payment of \$25.00 for each cart so impounded. Any shopping cart impounded under this section which has not been reclaimed by an owner as herein specified within 60 days shall be disposed of by the city in the same manner as other property seized by the city.

(Ord. No. 94-12, 7-5-94; Ord. No. 94-16, 11-7-94)

Editor's note— Ordinance No. 94-12, adopted July 5, 1994, did not specifically amend this Code; hence, codification of the substantive provisions of said ordinance as [§ 66-13](#) herein was at the editor's discretion.

Savannah, GA:

- **ec. 9-2017. - Purpose.**
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The mayor and aldermen find that it is in the public interest to provide for the prompt retrieval of lost, stolen or abandoned shopping carts in order to eliminate blight and improve the image and appearance of the city. It is the purpose of this ordinance to have the owners and operators of businesses providing shopping carts to use the means available to them to deter, prevent or mitigate the removal of shopping carts from their business premises. It is further the purpose of this ordinance to prevent the illegal removal of shopping carts from business premises.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2018. - Declaration of public nuisance.**
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Shopping carts that have been illegally removed from the premises of businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health, safety and welfare of the public. They create conditions of blight in the community, obstruct free access to sidewalks, streets and other public rights-of-way, interfere with pedestrian and vehicular traffic, impede emergency services, and create impediments to the flow of water in drainage systems and other waterways when abandoned within drainage culverts and easements. It is for these reasons such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this chapter, or as provided by law.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2019. - Definitions.**
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The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a)

Shopping cart shall mean a basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transportation of goods of any kind.

(b)

Abandoned means a shopping cart that is left unattended or discarded upon public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the permission of the owner. For purposes of this ordinance, any shopping cart left unattended or discarded on any public property shall be presumed abandoned, and any shopping cart left unattended or discarded on any private property shall be presumed abandoned unless the owner or occupant of the private property is: (i) the owner, employee, or authorized agent of the owner, entitled to possession of said shopping cart, (ii) an officer, employee, or agent of a cart retrieval

service hired by the owner to retrieve shopping carts, or (iii) is enforcement personnel retrieving, storing or disposing of a cart pursuant to the provisions of this ordinance.

(c)

Preventative measures means a description of the specific measures that the business owner will implement to prevent removal of any cart from the business premises. Such measures may include, but are not limited to:

(1)

Electronic or other disabling devices on any cart so they cannot be removed from the business premises;

(2)

Use of courtesy clerks to accompany customers and return carts to the inside of the business premises;

(3)

Education provided to customers regarding criminal penalties associated with removal of a cart from the premises; and

(4)

Other demonstrably effective measures likely to prevent removal of carts from the business premises.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2020. - Abandoned shopping cart prevention and retrieval plan.**
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Each retail establishment with ten or more shopping carts is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. All retail establishments must provide, upon request, a cart prevention and retrieval plan. Two or more retail establishments may collaborate on a single plan. Plans must be available upon request, within 60 days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the city. The plan shall include:

(a)

Owner/point of contact information. The name of the owner/manager; the physical address where the retail establishment is conducted; and the name, address, and telephone number(s) of the

owner/manager and any point of contact to call and report an abandoned cart, including any changes of such persons.

(b)

Shopping carts to be maintained on-site. The following are required measures to contain shopping carts on-site. The owner of the retail establishment may install specific physical measures on the carts or implement other measures to prevent cart removal from business premises. These measures may include, but are not limited to:

(1)

Installing disabling devices on all carts;

(2)

Installing bollards and chains around business entrances/exits to prevent cart removal;

(3)

Providing carts for rental or sale that can be temporarily or permanently used for the purpose of transporting purchases; or

(4)

Providing personnel for the purposes of the retrieval of lost, stolen or abandoned shopping carts. Such personnel may be either employees of the business or one or more independent contractors hired by the owner to provide shopping cart retrieval services, or combination of both.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2021. - Identification affixed to carts.**

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Every shopping cart made available for use by customers shall affix on each shopping cart, and maintain thereon, legible information identifying the name of the retail establishment with which it is owned or otherwise associated.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2022. - Employee training.**

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The owner/manager of the retail establishment shall communicate the cart retrieval plan to new and existing store managers designed to educate such employees concerning the requirements of the plan and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2023. - New development requirements.**

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New developments and businesses of over 15,000 square feet in area and having more than ten carts shall be required to provide, upon request, a cart retrieval plan prior to the issuance of a certificate of occupancy for the facility.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2024. - Effective date; compliance.**

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The effective date of this ordinance shall be June 1, 2018. Within 60 days of the effective date of this ordinance, each retail establishment that utilizes shopping carts in the operation of its business shall affix on each shopping cart, and maintain thereon, information identifying the name of the retail establishment.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2025. - Enforcement.**

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The provisions of this ordinance shall be enforced by code enforcement personnel. In the enforcement of this ordinance, enforcement personnel may enter upon public property which the city owns or has a right to enter to examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart and remove, or cause removal of, a shopping cart, or parts thereof, declared to be a nuisance pursuant to this ordinance.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2026. - Penalty for failure to submit, modify or implement plan.**
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Any retail establishment that fails to provide a plan upon request, shall constitute a violation of this ordinance, and be subject to the procedure and penalties that follow:

(a)

Once a merchant or point of contact, as specified in the cart retrieval plan, has spoken with code enforcement, the merchant has 72 hours to remove carts.

(b)

If the city has to remove the carts, they will be immediately disposed of and the business fined a recovery fee.

(c)

The recovery fee will be established yearly in the city's revenue ordinance. For 2018 the fees shall be: one cart picked up \$250.00; more than one cart at the same location, \$250.00 plus \$125.00 for each additional cart collected during the same recovery effort.

(d)

Failure of any business to provide a cart retrieval plan within 24 hours of request shall result in a fine not to exceed \$500.00.

(Ord. of [1-18-2018\(4\)](#), § 1)

Work Session
Agenda Item 4.iii
Donation Box Ordinance

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #03-2013

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES;
AMENDING CHAPTER 52, ZONING, ARTICLE VI, SUPPLEMENTAL
REGULATIONS, ADOPTING AN ORDINANCE REGULATING DONATION BOXES.**

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 52, Article VI, Section 908 is hereby added as follows:

Section 52-908: Donation Box

- (a) Definition. Donation box – An unattended receptacle designed with a door, slot, or other opening that is intended to accept donated goods or items.
- (b) Intent. It is the intent of this section to regulate donation boxes to help protect the health, safety and welfare of the citizens of the city by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of donation boxes and properties upon which donation boxes are located. The large number of donation boxes in the city has become an attractive nuisance for minors and/or criminal activity. It is also the intent of this section to preserve the aesthetics and character of the community by limiting and restricting the number and placement of donation boxes. The City also needs to be able to contact owners for maintenance issues, fire safety and police reasons. Last, the citizens of Allen Park are entitled to know to whom the donations are going and for what purpose per Public Acts 195 and 196 of 2010 (MCL 445.903).
- (c) Only donation boxes directly associated with the principal use of the subject property shall be permitted if the following conditions are met:
 - 1. Licenses for donation boxes shall be acquired from the building department for a fee set from time to time by city council.
 - 2. Licenses shall be renewed annually for a set renewal fee and are non-transferable.
 - 3. Site Plan Review by the Planning Commission is required for each licensee.
 - 4. As part of the application to locate a donation box, written authorization from the property owner must be obtained and provided to the City of Allen Park.
 - 5. Donation boxes shall not exceed six (6) feet, six (6) inches in height, five (5) feet wide and four (4) feet deep and if located in the parking lot shall not obstruct

- more than one surplus parking space.
6. Donation boxes shall not be located in the front or corner side yard and must be located to minimize the visual impact when viewed from a public right of way.
 7. Donation boxes shall only be located upon properties zoned for the following uses: commercial including C-1 Neighborhood Business Districts (Sec. 52-237 *et seq.*), and on any property used for following primary purposes regardless of which zone the property is located in: educational, governmental, religious, or not-for-profit.
 8. Donation boxes shall include an informational posting on the box in a conspicuous place stating whether the organization accepting the donations is a for-profit or not-for-profit, and the name of the organization accepting the donation; and the donation box shall also have a sticker issued by the City of Allen Park indicating that the box is licensed for the current year, posted in a conspicuous place on the donation box.
 9. The license application obtained from the building department shall include a local contact person and the operator of the donation box, with the appropriate contact telephone number to address any maintenance or damage concerns with the donation box.
 10. The donation box shall not be placed in a location to interfere with or cause a visual obstruction to vehicle or pedestrian traffic.
 11. Donated materials or items shall not be stored or left outside the donation box.
 12. Illegally placed donation boxes will be seized and impounded at the donation box owner's expense.

(d) A donation box that exists on the effective date of this division that fails to acquire a license within sixty days of the effective date shall cease operating at the existing site, until it comes into compliance with this division.

SECTION 2. Repeal.

All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any

reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **9th day of July, 2013.**

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park

Ordinances Governing
DONATION BOXES
in the
CITY OF ARLINGTON
TEXAS

Adopted by Ordinance No. 18-044
(August 21, 2018)

(Chapter Designator: DONATION BOXES)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
16-020	04/26/16	Adopt new “Donation Boxes” Chapter of the Code of the City of Arlington, Texas, 1987; providing regulations for donation boxes and establishing requirements for permits allowing the placement of donation boxes on approved open spaces on private property.
18-044	08/21/18	Amend Article II , <u>Definitions</u> , in its entirety, and amend Article III , <u>Registration</u> , in its entirety, revising requirements for permits allowing the placement of donation boxes on approved open spaces on private property.

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ARTICLE I**GENERAL PROVISIONS****Section 1.01 Title**

This Chapter of the Code of the City of Arlington is hereby designated and shall be known and referred to as the “Donation Boxes” Chapter of the City Code of Ordinances.

Section 1.02 Purpose

The purpose of this Chapter is to protect the public health, safety and welfare of Arlington residents by requiring the registration and permitting of donation boxes on private property within the City limits of the City of Arlington. This Chapter further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted or poorly maintained donation boxes that threaten the orderly development of the City. These provisions are cumulative of all City ordinances.

Section 1.03 Applicability

The requirements of this Chapter shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any legally non-conforming rights under this Chapter or the “Unified Development Code” Chapter of the Code of the City of Arlington, Texas, as amended. (Adopt Ord 16-020, 4/26/16)

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

“**Administrator**” means the director of the department designated by the City Manager to enforce and administer this Chapter, including the Director’s designees.

“**City Appeal Officer**” means the authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

“**Donation Box**” means any drop-off box, container, trailer or other receptacle that is intended for use as a collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, household items, or other salvageable items of personal property.

“**Fluorescent**” means a color that appears very bright, vivid, or glowing to the human eye.

“**Front Side**” means the side of a donation box that contains the opening that allows the depositing of donated items.

“**GPS**” means global positioning system.

“**Person**” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

(Amend Ord 18-044, 8/21/18)

ARTICLE III
REGISTRATION

Section 3.01 Donation Box – General Provisions

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, a donation box at any location within the City of Arlington, without a valid permit issued in accordance with this Article.
- B. Any donation box located within the jurisdiction of the City of Arlington that does not have a current, valid permit shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City’s sole discretion.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in the Unified Development Code: Industrial Manufacturing (IM), Light Industrial (LI), and General Commercial (GC). Donation boxes may also be permitted on real property zoned Planned Development with the above-referenced underlying zoning use districts. Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Section 3.02 Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Arlington, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Section 3.03 Permit Requirements

- A. Permit and decal required. A permit and corresponding decal to allow a donation box to be placed and used at a designated location shall be issued by the Administrator within sixty (60) days of receipt of a completed application after determining that all the requirements of this Section are satisfied.

DONATION BOXES

3.03

- B. Authorization for use. A written authorization allowing the donation box on the property shall be required from the real property owner, lessee, or property manager.
- C. Requirement to keep clean. A permit holder shall be responsible for collecting the contents of the donation box to prevent overflow and littering. A permit holder shall keep the real property situated within 25 feet of the location of a donation box clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories, or excess donations. A permit holder that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the permit holder, the permit holder shall have 48 hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. A permit holder who is issued a citation within the one-year term of a donation box permit is subject to revocation of the associated donation box permit.
- D. Number of Boxes Allowed. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot. In the case of a shopping center or office development, the Administrator can permit a single additional donation box; provided that neither box is within 50-feet of the other, unless both donation boxes are operated by the same person.
- E. Maximum Size of the Box. No donation box shall exceed 120 cubic feet in size.
- F. Construction Material for the Box. Each donation box shall be constructed from metal material to prevent high winds from toppling and/or moving the donation box and to reduce the potential of arson or graffiti.
- G. Color of the Box. Each donation box shall be painted one solid color. Trade dress color schemes or corporate logos will be allowed. No fluorescent colors shall be used for a donation box or its associated signage.
- H. GPS Coordinates. No donation box shall be permitted without a valid set of GPS coordinates identifying the placement location of the donation box.
- I. Placement on Site. No donation box shall be permitted within the row of parking adjacent to street right-of-way unless an existing landscape setback is present in

- good condition. If there is no existing landscape setback, a donation box shall not be placed less than 40 feet from the adjacent street right-of-way.
- J. Notice to donators. Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.
- K. Contact information. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public from the front side of the box. The size of lettering for the contact information shall not be less than one-half inch in height.

Section 3.04 Applications for Permits

- A. Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner, lessee, or property manager allowing the donation box on the property. A site plan depicting the exact proposed location (with GPS coordinates indicated) of the donation box shall be submitted with each application.
- B. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address and GPS coordinates stated on the permit.
- C. An annual permit fee for each donation box shall be required. All permits shall expire on the one-year anniversary of the date of issuance.
- D. Any person denied a permit shall have the right to appeal such action in accordance with the provisions of Section 3.09.

Section 3.05 Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

DONATION BOXES

3.06

Section 3.06 Maintenance and Upkeep

- A. The permit holder and the real property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.
- B. The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in the “Nuisance” Chapter of the Code of the City of Arlington, Texas, 1987, as amended. This provision does not exclude or limit the use of any other provision in this Chapter, the Arlington City Code, or the laws of the State of Texas.
- C. The visual and structural integrity of the donation box must be maintained continuously.
- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- E. The donation box shall not be located in a required landscape or building setback, drainage easement, floodplain, driveway, utility easement or fire lane.
- F. At least one (1) stacking or parking space must be provided for use of persons accessing the donation box.
- G. The donation box must not be located in, or block public access to, any required off-street parking spaces, access easements, or stacking lanes serving a structure on the property, fire lane, or fire hydrant.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box on the front side.
- I. The donation box shall only be used for the solicitation and collection of clothing and household items. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from a donation box to a residential lot line.

- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 3.03, Permit Requirements, as amended.

Section 3.07 Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received a citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or (2) has knowingly made a false material statement in the application or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Article.
- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.
- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of Section 3.09 herein.
- D. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.
- E. One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

DONATION BOXES

3.08

Section 3.08 Fees

All fees established by this Chapter shall be in an amount set by resolution of the City Council.

Section 3.09 Administrative Appeals of Denial or Revocation of Permit

- A. Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.
- B. The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the Administrator.
- C. The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.
- D. After such hearing, an applicant that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals.
- E. An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

Section 3.10 Appeals of Administrator Decision

- A. All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 3.09 above.

- B. The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.
- C. If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.
- D. The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal:
1. The number of violations, convictions, or liability findings;
 2. The number of previous revocations;
 3. The number of repeat violations at the same location;
 4. The degree to which previous violations endangered the public health, safety or welfare; or
 5. Any pending action or investigation by another agency.
- E. After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.
- F. The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).
- G. The determination of the City Appeal Officer shall be final on the date the order is signed.
- H. An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer.

(Amend Ord 18-044, 8/21/18)

ARTICLE IV

ENFORCEMENT AND PENALTIES

Section 4.01 Offense/Penalty

- A. A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Each day the violation continues shall be a separate offense.
- B. A culpable mental state is not required for the commission of an offense under this Chapter.
- C. Nothing in this Chapter shall limit the remedies available to the City in seeking to enforce the provisions of this Chapter.
- D. All other legal remedies are reserved by the City if necessary to enforce the provisions of this Chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Chapter. (Adopt Ord 16-020, 4/26/16)

Ordinance No. 16-020

An ordinance creating the “Donation Boxes” Chapter of the Code of the City of Arlington, Texas, 1987; providing regulations for donation boxes and establishing requirements for permits allowing the placement of donation boxes on approved open spaces on private property; providing for a fine of up to \$500 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, the increase in the number of persons or entities desiring to collect clothing and household products for charitable purposes has led to the proliferation of donation boxes in various areas of the City; and

WHEREAS, the inability of landowners to accurately identify the owners of said donation boxes has resulted in decreased accountability on the part of donation box owners; and

WHEREAS, the failure to properly empty and clean donation boxes has resulted in an unsightly and littered appearance near said donation boxes; and

WHEREAS, City Council finds that regulating the placement and use of donation boxes is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City of Arlington; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Donation Boxes**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby established and shall read as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Title

This Chapter of the Code of the City of Arlington is hereby designated and shall be known and referred to as the “Donation Boxes” Chapter of the City Code of Ordinances.

Section 1.02 Purpose

The purpose of this Chapter is to protect the public health, safety and welfare of Arlington residents by requiring the registration and permitting of donation boxes on private property within the City limits of the City of Arlington. This Chapter further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted or poorly maintained donation boxes that threaten the orderly development of the City. These provisions are cumulative of all City ordinances.

Section 1.03 Applicability

The requirements of this Chapter shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any legally non-conforming rights under this Chapter or the “Unified Development Code” Chapter of the Code of the City of Arlington, Texas, as amended.

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

“**Administrator**” means the director of the department designated by the City Manager to enforce and administer this Chapter, and includes the Director’s designees.

“**Donation box**” means any box, container, building, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials.

“**Person**” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

ARTICLE III

REGISTRATION

Section 3.01 Donation Box – General Provisions

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation box within the City of Arlington, without having first secured a permit and decal in compliance with the provisions of this Article.

- B. Any donation box located within the jurisdiction of the City of Arlington that does not have a current, valid permit (or any permitted donation box that has received more than two (2) notices of violation from the City in the past 12 months) shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in the Unified Development Code: Industrial Manufacturing (IM), Light Industrial (LI), and General Commercial (GC). Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Section 3.02 Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Arlington, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Section 3.03 Permit Requirements

A permit and decal to allow a donation box to be placed and used on designated real property shall be issued by the Administrator after inspection and verification that the following conditions are satisfied:

1. The person receiving a permit to place or maintain a donation box is registered to operate in the State of Texas as a non-profit corporation *or* has proof of a written agreement to solicit on behalf of such a non-profit corporation.
2. The real property owner provides written authorization allowing the donation box on the property.
3. The permit holder agrees to be responsible for collecting the contents of the donation box in order to prevent overflow and littering.
4. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot.
5. No donation box shall exceed 50 square feet in size.
6. Each donation box shall clearly indicate in writing on the side of each box that all donations must fit into and be placed within the donation box.

7. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public.
8. Each donation box shall be screened from the nearest public street or right-of-way for which it is adjacent. If a donation box is located on a corner of a lot, then the box shall be screened on a minimum of two sides. Minimum screening shall consist of a six foot (6') solid wood fence. Comparable materials may be substituted for screening upon prior approval of the Administrator. All screening shall be constructed to prevent the storage or placement of donations outside the donation box, with the screening fence itself being no more than two feet (2') from the screened donation box.
9. Each donation box shall be constructed from metal material.
10. Each donation box shall be painted one solid color. No high-intensity or fluorescent colors shall be used for the donation box or associated signage.

Section 3.04 Applications for Permits

- A. Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner allowing the donation box on the property.
- B. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address stated on the permit.
- C. An annual permit fee for each donation box shall be required. All permits shall expire on December 31st of each calendar year regardless of the date of issuance; provided, however, that the fee for each permit shall be prorated for each month or portion of a month for which the permit is issued.
- D. Any person denied a permit shall have the right to appeal such action. In such case the procedure shall be the same as in revocation.

Section 3.05 Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable and the authority a permit confers shall be conferred only on the permit holder named therein.

Section 3.06 Maintenance and Upkeep

- A. The permit holder and the property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box

and clean up and removal of any donations left on the property outside of the donation box.

- B. The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in the “Nuisance” Chapter of the Code of the City of Arlington, Texas, 1987, as amended.
- C. The visual and structural integrity of the donation box must be maintained continuously.
- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- E. The donation box shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement or fire lane.
- F. At least one (1) stacking or parking space shall be required for use of persons accessing the donation box.
- G. The donation box may not block or occupy any number of parking spaces required by the primary use structure.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box.
- I. The donation box shall only be used for the solicitation and collection of clothing and household materials. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from lot line to lot line.
- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 3.03, Permit Requirements, as amended.

Section 3.07 Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has received two (2) notices of violation for violations of this Chapter or any other provision of this Code of Ordinances within a 12 month time period or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this Article.

- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.
- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal not later than 15 days after the notice of the appeal is filed.
- D. Stay. Any appeal of revocation pursuant to this section shall stay the revocation until said revocation is finalized.
- E. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice.
- F. One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Section 3.08 Fees

All fees established by this Chapter shall be in an amount set by resolution of the City Council.

ARTICLE IV

ENFORCEMENT AND PENALTIES

Section 4.01 Offense/Penalty

- A. A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Each day the violation continues shall be a separate offense.
- B. A culpable mental state is not required for the commission of an offense under this Chapter.
- C. Nothing in this Chapter shall limit the remedies available to the City in seeking to enforce the provisions of this Chapter.

D. All other legal remedies are reserved by the City if necessary to enforce the provisions of this Chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Chapter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

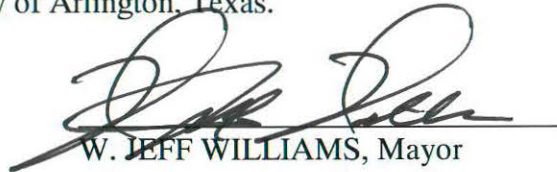
The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be

published in pamphlet form and shall be admissible in such form in any court, as provided by law.


8.

This ordinance shall become effective ten (10) days after first publication.

PRESENTED AND GIVEN FIRST READING on the 12th day of April, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 26th day of April, 2016, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Ordinance No. 18-044

An ordinance amending the “Donation Boxes” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, Definitions, and Article III, Registration; revising requirements for permits allowing the placement of donation boxes on approved open spaces on private property; providing for a fine of up to \$500.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

- WHEREAS, the increase in the number of persons or entities desiring to collect clothing and household products for profit or charitable purposes has led to the proliferation of donation boxes in various areas of the City; and
- WHEREAS, the inability of landowners to accurately identify the owners of said donation boxes has resulted in decreased accountability on the part of donation box owners; and
- WHEREAS, the absence of identifying information makes it difficult or impossible for the City, property owners, or local citizens to contact donation box operators about items placed outside of the box, broken glass, or other concerns; and
- WHEREAS, the placement of donation boxes on property without permission from the property owner constitutes a trespass of private property; and
- WHEREAS, the failure to properly empty and to clean in and around donation boxes creates an unsightly and littered appearance near said containers; and
- WHEREAS, the placement of discarded clothes and other household items outside of the donation boxes leads to rummaging of items, which causes scattering and litter and may defeat the donor’s intent; and
- WHEREAS, the documented trash and debris present around unkempt donation boxes invite illegal dumping under the guise of charitable solicitation and recycling; and
- WHEREAS, the presence of broken glass and other sharp objects provide a threat to the general public wishing to access donation boxes and other pedestrians walking on or near the property containing donation boxes and provides a threat to the tires of vehicles using parking lots where donation boxes are placed; and

WHEREAS, wooden donation boxes have been observed with deteriorated conditions, and are more easily toppled by storm conditions, and have been subject to arson; and

WHEREAS, City Council finds that regulating the placement, proximity and use of donation boxes is necessary for the health, safety and welfare of the general public; the promotion of consistent land use development; and the protection of landowners and residents of the City of Arlington; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Donation Boxes**” Chapter of the Code of the City of Arlington, Texas, 1987, as amended, **Article II, Definitions**, is hereby repealed and replaced in its entirety and shall hereafter read as follows:

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

“**Administrator**” means the director of the department designated by the City Manager to enforce and administer this Chapter, including the Director’s designees.

“**City Appeal Officer**” means the authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

“**Donation Box**” means any drop-off box, container, trailer or other receptacle that is intended for use as a collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, household items, or other salvageable items of personal property.

“**Fluorescent**” means a color that appears very bright, vivid, or glowing to the human eye.

“**Front Side**” means the side of a donation box that contains the opening that allows the depositing of donated items.

“**GPS**” means global positioning system.

“**Person**” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

Further, **Article III, Registration**, is hereby repealed and replaced in its entirety and shall hereafter read as follows:

ARTICLE III
REGISTRATION

Section 3.01 Donation Box – General Provisions

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, a donation box at any location within the City of Arlington, without a valid permit issued in accordance with this Article.
- B. Any donation box located within the jurisdiction of the City of Arlington that does not have a current, valid permit shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City’s sole discretion.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in the Unified Development Code: Industrial Manufacturing (IM), Light Industrial (LI), and General Commercial (GC). Donation boxes may also be permitted on real property zoned Planned Development with the above-referenced underlying zoning use districts. Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Section 3.02 Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Arlington, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Section 3.03 Permit Requirements

- A. Permit and decal required. A permit and corresponding decal to allow a donation box to be placed and used at a designated location shall be issued by the Administrator within sixty (60) days of receipt of a completed application after determining that all the requirements of this Section are satisfied.

- B. Authorization for use. A written authorization allowing the donation box on the property shall be required from the real property owner, lessee, or property manager.
- C. Requirement to keep clean. A permit holder shall be responsible for collecting the contents of the donation box to prevent overflow and littering. A permit holder shall keep the real property situated within 25 feet of the location of a donation box clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories, or excess donations. A permit holder that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the permit holder, the permit holder shall have 48 hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. A permit holder who is issued a citation within the one-year term of a donation box permit is subject to revocation of the associated donation box permit.
- D. Number of Boxes Allowed. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot. In the case of a shopping center or office development, the Administrator can permit a single additional donation box; provided that neither box is within 50-feet of the other, unless both donation boxes are operated by the same person.
- E. Maximum Size of the Box. No donation box shall exceed 120 cubic feet in size.
- F. Construction Material for the Box. Each donation box shall be constructed from metal material to prevent high winds from toppling and/or moving the donation box and to reduce the potential of arson or graffiti.
- G. Color of the Box. Each donation box shall be painted one solid color. Trade dress color schemes or corporate logos will be allowed. No fluorescent colors shall be used for a donation box or its associated signage.
- H. GPS Coordinates. No donation box shall be permitted without a valid set of GPS coordinates identifying the placement location of the donation box.
- I. Placement on Site. No donation box shall be permitted within the row of parking adjacent to street right-of-way unless an existing landscape setback is present in good condition. If there is no existing landscape setback, a donation box shall not be placed less than 40 feet from the adjacent street right-of-way.
- J. Notice to donators. Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.

- K. Contact information. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public from the front side of the box. The size of lettering for the contact information shall not be less than one-half inch in height.

Section 3.04 Applications for Permits

- A. Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner, lessee, or property manager allowing the donation box on the property. A site plan depicting the exact proposed location (with GPS coordinates indicated) of the donation box shall be submitted with each application.
- B. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address and GPS coordinates stated on the permit.
- C. An annual permit fee for each donation box shall be required. All permits shall expire on the one-year anniversary of the date of issuance.
- D. Any person denied a permit shall have the right to appeal such action in accordance with the provisions of Section 3.09.

Section 3.05 Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

Section 3.06 Maintenance and Upkeep

- A. The permit holder and the real property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.
- B. The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in the "Nuisance" Chapter of the Code of the City of Arlington, Texas, 1987, as amended. This provision does not exclude or limit the use of any other provision in this Chapter, the Arlington City Code, or the laws of the State of Texas.

- C. The visual and structural integrity of the donation box must be maintained continuously.
- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- E. The donation box shall not be located in a required landscape or building setback, drainage easement, floodplain, driveway, utility easement or fire lane.
- F. At least one (1) stacking or parking space must be provided for use of persons accessing the donation box.
- G. The donation box must not be located in, or block public access to, any required off-street parking spaces, access easements, or stacking lanes serving a structure on the property, fire lane, or fire hydrant.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box on the front side.
- I. The donation box shall only be used for the solicitation and collection of clothing and household items. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from a donation box to a residential lot line.
- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 3.03, Permit Requirements, as amended.

Section 3.07 Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received a citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or (2) has knowingly made a false material statement in the application or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Article.
- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of Section 3.09 herein.
- D. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.
- E. One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Section 3.08 Fees

All fees established by this Chapter shall be in an amount set by resolution of the City Council.

Section 3.09 Administrative Appeals of Denial or Revocation of Permit

- A. Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.
- B. The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the Administrator.
- C. The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.

- D. After such hearing, an applicant that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals.
- E. An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

Section 3.10 Appeals of Administrator Decision

- A. All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 3.09 above.
- B. The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.
- C. If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.
- D. The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal:
 - 1. The number of violations, convictions, or liability findings;
 - 2. The number of previous revocations;
 - 3. The number of repeat violations at the same location;
 - 4. The degree to which previous violations endangered the public health, safety or welfare; or
 - 5. Any pending action or investigation by another agency.
- E. After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.
- F. The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).
- G. The determination of the City Appeal Officer shall be final on the date the order is signed.

H. An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and except as otherwise stated herein, this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 7th day of August, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 21st day of August, 2018, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Good morning here is the ordinance for Phoenix, AZ below and attached is Allen Park and Arlington Donation Box Ordinances and Case law for Donation Box regulations powerpoint

City of Phoenix, AZ:

ec. 21-814. - Donation/Recycling Drop-Off Boxes.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#) [COMPARE VERSIONS](#)

- A. Donation/Recycling Drop-Off **Boxes** are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to [Section 21-322](#) and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off **box** on the parcel.
- B. Donation/Recycling Drop-Off **Boxes** may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.
- C. Donation/Recycling Drop-Off **Boxes** shall be located on a paved surface.
- D. Donation/Recycling Drop-Off **Boxes** shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
- E. Donation/Recycling Drop-Off **Boxes** shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F. There shall be no more than one (1) Donation/Recycling Drop-Off **box** on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off **Boxes** on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off **Boxes** on lots or complexes/centers greater than three (3) acres in size. No more than two donation **boxes** shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation **Box Allotment**

Lots or Complexes/Centers Size	
Number of Boxes Allowed	

• No more than two (2) Donation Bins shall be clustered together in any one location.

- G. Each Donation/Recycling Drop-Off **Box** shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be **collected** for donation, and shall be clearly marked to

identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the **box**.

H.

The name and local telephone number of the entity obtaining the TUP shall be affixed to the **box** on an area no larger than one (1) foot by one (1) foot.

I.

Donation/Drop-Off **Boxes** shall have a capacity no greater than six (6) cubic yards.

J.

All donated items must be **collected** and stored in the Donation/Recycling Drop-Off **Box** and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off **Boxes** shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.

K.

It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation **boxes** free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.

L.

It is the responsibility of the entity obtaining the TUP to maintain the donation **box** painted or otherwise un-rusted and un-dented and in good condition.

M.

Donation/Recycling Drop-Off **Boxes** not located or maintained in compliance with this Section may be subject to revocation of the Business License and the Temporary Use Permit (TUP).

N.

The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off **Boxes**.

O.

Any Donation/Recycling Drop-**Box** (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in [Chapter 17](#) of the Peoria City Code and may be removed pursuant to those provisions.

P.

The property owner shall control the Temporary Use Permit. The permittee or drop **box** operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off **box** at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a donation/drop-off **box** regardless of whether said **box** is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off **box** at any time. (Ord. No. 2015-08, 4-7-15; Ord. No. [2017-33](#), § 177, 6-13-17)

Alejandro Ferrell
CODE ENFORCEMENT DIRECTOR
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd
Stonecrest, GA 30038
direct: 770.224.0207
cell: 470.445.3065
main: 770.224.0200
afferrell@stonecrestga.gov
www.stonecrestga.gov

From: Alejandro Ferrell
Sent: Wednesday, February 19, 2020 11:25 AM
To: Plez Joyner <PJoyner@stonecrestga.gov>; Megan Reid <MReid@stonecrestga.gov>
Cc: Chris Wheeler <CWheeler@stonecrestga.gov>
Subject: RE: Collection Box ordinances

Good morning all,

Chris and I would like to place this on the work session to discuss with MCC.

Regards,

Alejandro Ferrell
CODE ENFORCEMENT DIRECTOR
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



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Stonecrest, GA 30038
direct: 770.224.0207
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main: 770.224.0200
afferrell@stonecrestga.gov
www.stonecrestga.gov

From: Alejandro Ferrell
Sent: Wednesday, November 6, 2019 2:07 PM
To: Julian Jackson <JJackson@stonecrestga.gov>; Plez Joyner <PJoyner@stonecrestga.gov>; Megan Reid <MReid@stonecrestga.gov>
Cc: Chris Wheeler <CWheeler@stonecrestga.gov>
Subject: FW: Collection Box ordinances

Good afternoon all,

Chris and I would like to place on work session a discussion about donation boxes ordinance. Currently we treat them as outside storage and address the property owner but some municipalities regulate the boxes by a permitting process through authorization from the property owner. Chris and I agree this approach could be a solution that allows for the legitimate organizations and property owners who like to help others as well as our area does have a population that could benefit from these legitimate organizations offering this type of service in the area. Lastly additional revenue could be achieved through the permitting process with only allowing no more than 2 bins per multi-tenant parcel. Below are links and ordinances from other jurisdictions.

Regards,

Alejandro Ferrell
CODE ENFORCEMENT DIRECTOR
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



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direct: 770.224.0207
cell: 470.445.3065
main: 770.224.0200
afferrell@stonecrestga.gov
www.stonecrestga.gov

From: Alejandro Ferrell
Sent: Wednesday, October 9, 2019 12:22 PM
To: Chris Wheeler <CWheeler@stonecrestga.gov>; William Kirkland <WKirkland@stonecrestga.gov>;
Dakarta Richardson <drichardson@stonecrestga.gov>; Matthew Brown <MBrown@stonecrestga.gov>;
Jacob Cockrell <JCockrell@stonecrestga.gov>
Subject: Collection Box ordinances

Chris,

Look at these ordinances and give me your thoughts on collection boxes

<https://cityoffallenpark.org/Services-Departments/Clerk/Ordinance-Information/03-2013-Collection-Box-Regulation.aspx>

https://www.arlingtontx.gov/UserFiles/Servers/Server_14481062/File/City%20Hall/Depts/City%20Secretary/City_Code_of_Ordinances/DONBOXChapter.pdf

<https://www.law.du.edu/documents/rmlui/conference/powerpoints/2016/MorrisRecentLandUse.pdf>

City of Phoenix, AZ:

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Lots or Complexes/Centers Size

Donation Box Allotment

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donation/drop-off **box** regardless of whether said **box** is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off **box** at any time. (Ord. No. 2015-08, 4-7-15; Ord. No. [2017-33](#), § 177, 6-13-17)

Donation Drop Boxes and Associated Case Law

The Rocky Mountain Land Use Institute
Examining The Past
Exploring the Future

Presented by:

Jason Morris, Withey Morris PLC

Recent Land Use Decisions in the Rocky Mountain West

Have donation bins become a part of your urban landscape?



The Problem

Trespass & Lack of Authorization

- Drop box owners rarely have authorization from the Property Owner
- Boxes appear in parking lots overnight
- No point of contact for maintenance or removal

The Problem

Misrepresentation of Use

There are three types of drop box users

1. Legitimate non-profit organizations
2. For-profit organizations partnering with charities
- 3. Entirely for-profit organizations posing as charities**

Making Headlines

Group Must Pay \$700K Penalty For Allegedly Profiting From 'Charity' Donation Bins

By *Mary Beth Quirk* October 29, 2015

Clothing bin donations don't always reach needy

USA Today by *Meghan Hoyer and Jayne O'Donnell* – Dec 30, 2012

The donation bin debacle

Examiner.Com by *Corey Ramirez* – May 10, 2010

Is your neighborhood donation bin laundering your clothing to for-profit retailers?

Park Howell Blog - November 9th, 2011

Not all donations end up with non-profits

By *Corey Ramirez* Special to *Ahwatukee Foothills News* Posted: Monday, May 10, 2010 12:19 pm

Not all of your clothing donation is going to charity

ABC15.com Posted: 11/26/2008

Nonprofit book-collection groups clash with upstart for-profit rival

http://azstarnet.com/news/local/govt-and-politics/nonprofit-book-collection-groups-clash-with-upstart-for-profit-rival/article_f092f4c6-8667-540a-8821-eba89d8cdd4b.html

Constitutional Issues

Jurisdictions Which Have Banned Donation Drop Boxes

- Corona, CA
 - St. Charles, IL
 - Cicero, IL
 - Palm Beach, FL
 - City of St. Johns, Mi.
- The Sixth Circuit ruled that outright bans on Donation Drop Boxes are a content-based violation of the right to free speech

Case Law

Planet Aid v. City of St. Johns, Mi.

- Dec. 2012- Planet Aid placed two drop boxes on private property **with the consent of the property owners**
- Dec. 2013- City of St. John's enacts an ordinance **entirely prohibiting** charitable donation bins
- Feb. 2014- Planet Aid filed suit against the City claiming a violation of the First Amendment
- Holding
 - Charitable solicitations are protected free speech
 - Banning solicitations violates the First Amendment
 - Ordinance "only peripherally" addressed fraud

State Legislation

SB 1504: Arizona's Proposed Donation Bin Legislation

- If approved during the 2016 legislative session, SB 1504 would be Arizona's first legislation addressing the donation bin problem.
- The legislation is focused on:
 - (1) Requiring notarized written authorization from the property owner, or authorized agent, for each donation bin;
 - (2) Clarifying that all unauthorized bins, and their contents, may be removed by the property owner; and
 - (2) Requiring proper identification for the donation bin operator on each box.
- Unlike the municipal ordinances, the legislation does not regulate blight, parking, landscaping, or right-of-way obstruction issues. General zoning/land use issues are not addressed.

Drafting a Model Ordinance

How to Avoid a Constitutional Challenge

- Goals of the ordinance:
 - Eliminate trespass
 - Eradicate nuisance and blight
 - Prevent fraud
 - Protect property owners and neighbors
- Regulate the use, don't ban the speech
 - Time, place, manner restrictions
 - Require a temporary use permit for each box
 - Require ownership authorization
 - Only permit drop boxes in certain zoning districts
 - Create separation requirements
 - Require maintenance & blight prevention



The Solution

Proper Regulation

- Arizona municipalities have enacted ordinances *regulating* the use of donation drop boxes in Arizona
 - Phoenix
 - Surprise
 - Peoria
 - Gilbert
 - Goodyear
- Municipalities considering similar ordinances
 - Chandler
 - Glendale
- *No Arizona jurisdictions have proposed outright bans on donation bins.*



Ordinance Case Study: Peoria



Objectives:

- Establish reasonable regulations
- Tax Status *not relevant*
- Have a local contact and means to quickly address issues

Primary Areas of Focus:

- Site Placement & Aesthetics
- Accountability
- Regulatory Process
- Enforcement



Case Study: Peoria



Locations Permitted:

- Commercial Zones
- Non-Residential *Uses* within Residential Zoning Districts
 - e.g. Church, School etc.

Maximum Number of Bins:

0-1 acres = 1 bin

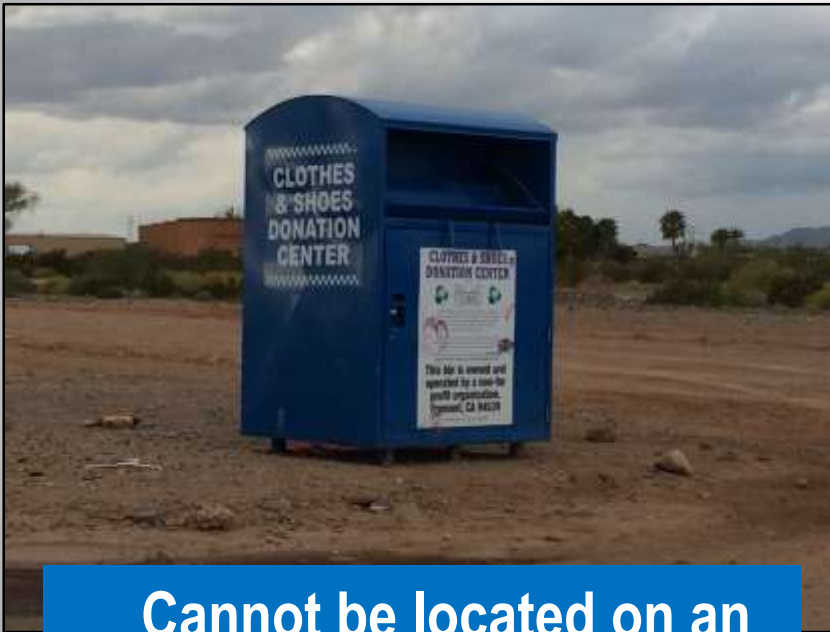
1-3 acres = 2 bins

3+ acres = 4 bins

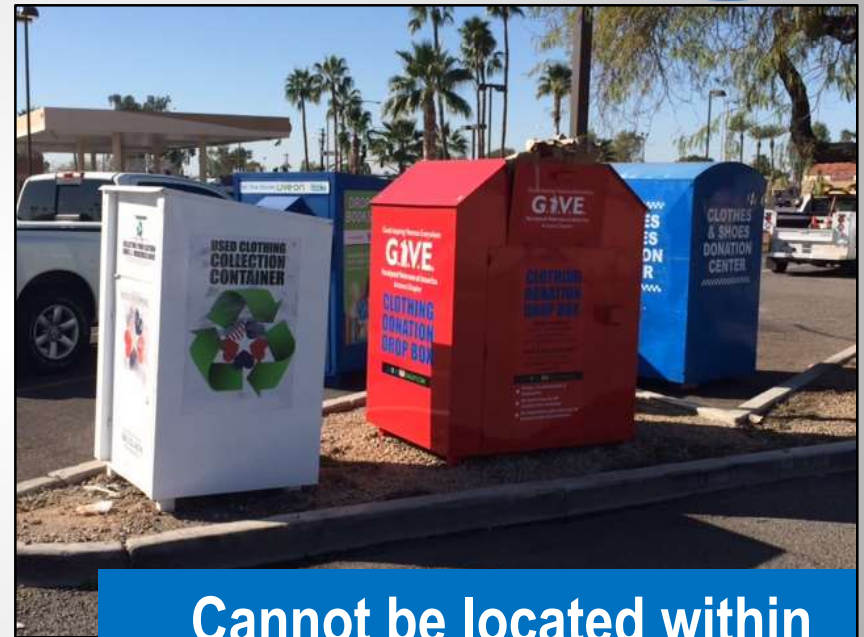


- No more than two (2) clustered together

Case Study: Peoria



Cannot be located on an unpaved surface



Cannot be located within landscaped areas

Case Study: Peoria



Keep Street Frontages Clear

- Cannot displace parking spaces
- Must be located outside of setbacks

Case Study: Peoria



Public Safety/Means of Access

- Cannot obstruct fire lanes, loading zones, drive aisles
- Cannot be within Right-of-Way or obstruct pedestrians

Case Study: Peoria



Bin Identification:

- Temporary Use Permit Number affixed to the bin – no exceptions
- Contents clearly identified
- Responsible party affixed to bin
 - Entity name
 - Local contact information
 - Will verify at TUP review



Case Study: Peoria



Pickup & Maintenance:

- Contents collected at least weekly



Performance Standards:

- If Bin is vandalized or damaged:
 - Repaired within 5 business days
- Graffiti or items left outside of Bin:
 - Removed within 24 hours



Case Study: Peoria



Temporary Use Permit (TUP):

- Each bin requires TUP
- Administrative Review Process
 - Planning Department
 - Nominal fee
 - Maintain GIS layer
- TUP must be renewed annually



Case Study: Peoria



- Work with local bin contact and property owner first
- Bins not maintained in compliance may be subject to *revocation* of TUP
- Bins deemed a ‘public nuisance’ may be removed per nuisance abatement code



Case Study: Peoria



Goals/Expectations

- Responsible operators will comply
- “Bad Actors” will move elsewhere
- Overall decline of bins in “wrong areas”
- Adjustments to the Ordinance may be necessary



The Solution

Model Ordinance

Suggested Provisions

- Regulate Rather than Ban
- Require a temporary permit
- Charge a per box fee to recover enforcement costs
- Annual renewal required per box
- Require notarized owner authorization
- Limit the size of each drop box
- Limit the number of drop boxes permitted per acre/site
- Require regular pickup of donated items
- Require ID of for-profit or non-profit organization
- Prohibition in setbacks/landscape areas
- Authorize City/Property Owner to Remove



Work Session

Agenda Item 5

Final Plat of Flat Rock Hills Phase 2B



CITY COUNCIL AGENDA ITEM

SUBJECT: Final Plat of Flat Rock Hills Phase 2B

ORDINANCE **POLICY** **STATUS REPORT**

DISCUSSION ONLY **RESOLUTION** **OTHER**

Date Submitted: 2-6-20

Work Section: 2-10-20

Council Meeting: 2-10-20

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director

PURPOSE: The applicant (D.R. Horton) requesting final plat approval for Phase 2 Flat Rock Hill subdivision.

HISTORY: This application was submitted to staff for review early December 2019

OPTIONS: Approve; Deny; or Defer

RECOMMENDED ACTION:

Staff recommended approval of final plat application.

ATTACHMENTS:

#1 Plat

ATTACHMENT #1

PLAT

FINAL PLAT OF FLAT ROCK HILLS

PHASE 2B

FINAL PLAT FOR FLAT ROCK HILLS PHASE 2B

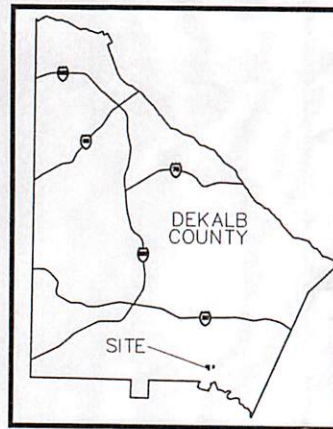
STREET ADDRESS:
5700 BROWNS MILL ROAD
(AKA CREEKWOOD)

LAND LOT
47, 49 AND 50
DISTRICT
16TH

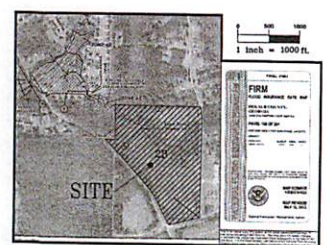
DeKalb County, Georgia
City of Stonecrest

TAX PARCEL NUMBER
16-050-01-001

FINAL PLAT AP#3037311 (LOTS 1-94)
LDP AP# 20675 (PHASES 2B & 3)



ISSUE				
NO.	DESCRIPTION	DATE	BY	APPR.
1	COUNTY COMMENTS	1/8/20	JP	TH



A PORTION OF THIS CITY LIES WITHIN A DESIGNATED FLOOD PRONE AREA AS PER I.I.M. CONVEYANCE TABLE 15080C0164 J DeKalb County, GEORGIA EFFECTIVE DATED MAY 14, 2015.

D.R. HORTON, INC.
1371 DUCKWOOD DR SW
CONOVERS, GA 30025
PHONE: (478) 774-4884
CONTACT: Jay Coombs

ACR ENGINEERING, INC.
500 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
PHONE: (678) 291-0000
CONTACT: ABBAS NEGARI

DEKALB COUNTY
GIS DEPARTMENT

APPROVED

Date: 11/14/2020
Approved by: [Signature]

ES
SHOWN ON DEKALB COUNTY TAX MAPS AS BEING IN LAND LOT 47 & 50 OF THE
PROVIDED BY DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT. WATER
LIED FOR ALL LOTS IN THIS UNIT. SERVICE LOCATIONS SHOWN ON THIS PLAT ARE
SERVICE (DRAINAGE SEWER) PROVIDED BY DEKALB COUNTY DEPARTMENT OF WATERSHED
TARY BUFFER AND 25-FOOT STREAM BUFFER WILL BE MAINTAINED ON ALL STATE WATERS
DIED FOR A BUFFER ENHANCEMENT VARIANCE BY DEKALB COUNTY OF GEORGIA
URAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION.

E PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS'
DING METLANDS.
OR THIS PLAT IS NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.88).
LOTS IN PHASE 2B = 94
AREA = 46,925 AC.
20675(2B & 3)
H = 60 FEET AT R/W (CORNER LOT MIN. WIDTH = 75 FEET)
REQUIREMENTS:
- 50 FEET MAJOR THROUGHFARE
- 40 FEET MINOR THROUGHFARE
- 25 FEET COLLECTOR STREETS
- 25 FEET INTERIOR STREETS
- 15 FEET ALLEYS
- 15 FEET
- 15 FEET
SEA COVERED BY BUILDINGS = 355
AC SIZE IS 2,000 SQUARE FEET.
COMMUNITY PANEL NO. 15080C0164, EFFECTIVE DATE IS MAY 14, 2015.
SEWER PARKS AND RECREATION AREA ARE OWNED AND MAINTAINED BY A
EIS ASSOCIATION.
FILL SLOPE 3%:1V.

LONG ELECTRIC SERVICE, ARE LOCATED UNDERGROUND.
SHOWN IN DEED BOOK 20351, PAGES 554-631, IN DEKALB COUNTY RECORDS, DATED
-OF-WAY, INCLUDING PAVED SURFACES, PERMITTED WITHOUT WRITTEN AUTHORIZATION
JUNY PUBLIC WORKS DEPARTMENT.
LL EXIST WHICH INCLUDES THE FLOOD PLAIN PLUS FIVE FEET.
ED BELOW THE STREET, A SEWER RELIEF VALVE IS REQUIRED ON CLEAN-OUT OUTSIDE
TOW THE LOWEST FLOOR ELEVATION. A BACKFLOW CHECK VALVE IS REQUIRED BETWEEN
STRUCTURE.

EASEMENT EXISTS BETWEEN ALL LOTS AND ALONG THE PERMITTER BOUNDARY LINES
CEPT WHERE SHOWN OTHERWISE.
MUNICIPALITY DEPARTMENT IS NOT RESPONSIBLE FOR TRASH PICK-UP ON PRIVATE
FORM DRAINS AND SANITARY SEWER LINES SHALL BE CENTERED ON THE PIPES.
TIAL BUILDERS, IN A SUBDIVISION WHERE A NOTICE OF INTENT (NOI) IS REQUIRED TO
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATIONS, MUST
A NOTICE OF TERMINATION (NOT) WITH THE GEORGIA DEPT. OF NATURAL RESOURCES,
CITY DIVISION (EPO). A STORM WATER POLLUTION PREVENTION PLAN MUST BE
APPROVED.

SEWER IS RESPONSIBLE FOR PROVIDING LONG SIDE AND SHORT SIDE WATER SERVICE LINES
TOW THE SIDEWALK.
THE AND DEVELOPERS OF INDIVIDUAL LOTS SHALL MAKE PROMISONS TO CONDUCT LOT
WATERS TO THE DRAINAGE FACILITIES PROVIDED BY THE DEVELOPER WITHOUT
SID INTO ADJACENT PROPERTIES.
IF THE BURNING OF CONSTRUCTION DEBRIS, TREE STAMPS AND TOPS OR ANY OTHER
ACTS THAT VIOLATE THE INDUSTRIAL ZONE LAND DEVELOPMENT ORDINANCE CHAPTER
14-37 (D) (3).
BUTTER EXISTS ON ALL POSSIBLE FRONTAGE LOTS. EXTERNAL LOTS SHALL HAVE THE
AL STREET FRONTAGE. INTERNAL LOTS' BUFFERS SHALL BE ON THE STREET(S) WHICH
IT ACROSS (S) OF THE STREET TO THE REAR OF THE HOUSE.
ATED STATES, INCLUDING METS AND ADJACENT METLANDS, SHOWN ON THE PLAT ARE
OF THE ARMY CORPS OF ENGINEERS. LOT OWNERS ARE SUBJECT TO PENALTY BY
THESE METLAND AREAS WITHOUT EX AUTHORIZATION.
QUIPRED FOR THE FOLLOWING LOTS IN THIS UNIT. ALL LOTS
VED ADJACENT TO THE INTERMEDIATE REGIONAL FLOODPLAIN SHALL BE CONSTRUCTED
OF THE STRUCTURE, INCLUDING THE BASEMENT FLOOR OR DRAIN AREAS, SHALL BE NOT
ABOVE THE INTERMEDIATE REGIONAL FLOOD ELEVATIONS.
DRAIN FILL DEPTH OF TWO (2) FEET OR GREATER BETWEEN THE ROAD RIGHT-OF-WAY
AT THE TIME OF FUTURE LOT GRADING WILL REQUIRE A CONSTRUCTION CERTIFICATION
D PROFESSIONAL GEOTECHNICAL ENGINEER TO BE SUBMITTED AT THE TIME OF
DRAIN.

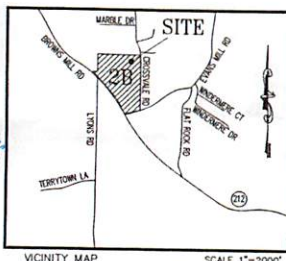
SOLE FOR THE MAINTENANCE OF THE STORM WATER DETENTION FACILITY AND THE STORM
AND 8 INCH WATER MAIN.
ALL BE RESPONSIBLE SOLELY FOR THE 8 INCH SANITARY SEWER SERVICE LATERAL PIPE
AND THE 8 INCH WATER MAIN.
REST AND DEKALB COUNTY PERSONNEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL
ALL EASEMENTS.
ASSISTANT SECRETARY NOTARY PUBLIC

SURVEYORS CERTIFICATION:
As required by subsection (d) of O.C.G.A. Section 15-6-67, this
plat has been prepared by a land surveyor and approved by all
applicable local jurisdictions for recording as evidenced by approved
certificates, signatures, stamps, or statements hereon. Such
approvals or affirmations should be confirmed with the appropriate
governmental bodies by any purchaser or user of this plat as to
intended use of any parcel. Furthermore, the undersigned land
surveyor certifies that this plat complies with the minimum technical
standards for property surveys in Georgia as set forth in the rules
and regulations of the Georgia Board of Registration for Professional
Engineers and Land Surveyors and as set forth in O.C.G.A. Section
15-6-67.

Thomas M. Hipp
Georgia Registered Land Surveyor No. 3082
Date: 1-10-20



SURVEYORS ACKNOWLEDGMENTS
(1) SURVEYORS ACKNOWLEDGEMENT
I, THOMAS M. HIPPI, DATE 04/20/20
BY MY OFFICE THIS PLAT DRAWN BY ME OR UNDER MY SUPERVISION, WAS MADE FROM
ACTUAL SURVEY, AND IS A CORRECT REPRESENTATION OF THE LAND PLATED AND HAS BEEN
PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW. THIS
PLAT HAS BEEN CALCULATED FOR CONGRUENCY AND IS FOUND TO BE ACCURATE WITHIN
ONE FOOT IN 3814.77 FEET.



FLOOD HAZARD
THE SPECIAL FLOOD HAZARD AREAS (SFHA) SHOWN HEREON WERE
DETERMINED BY THE PROFESSIONAL ENGINEER WHOSE STAMP AND
SIGNATURE ARE ATTACHED HERETO. THE CITY OF STONECREST DOES NOT, BY
APPROVING THIS PLAT, WARRANT THEIR ACCURACY, AND DOES NOT IMPLY
THAT LAND OUTSIDE THE AREAS OF FLOOD HAZARD SHOWN WILL BE FREE
FROM FLOODING OR FLOOD DAMAGE. FURTHER, THE CITY OF STONECREST
DOES NOT BY APPROVING THIS PLAT NOR ACCEPTING THE PUBLIC
IMPROVEMENTS THEREON, ASSUME MAINTENANCE OF THE FLOOD CARRYING
CAPACITY OF THE FLOOD AREAS OR WATERCOURSES. MAINTENANCE SHALL
REMAIN THE RESPONSIBILITY OF THE OWNER(S) OF THE LAND UPON WHICH
THEY EXIST. THE OWNER OF A LOT OR PARCEL THAT CONTAINS A FLOOD
HAZARD AREA IS REQUIRED TO SUBMIT A SITE PLAN TO THE CITY OF
STONECREST PRIOR TO THE INITIATION OF ANY IMPROVEMENTS TO THE LOT
OR PARCEL. THE SITE PLAN SHALL INCLUDE THE LOCATION AND ELEVATION
OF THE SFHA WITHIN THE LOT OR PARCEL, AND THE EXISTING AND
PROPOSED IMPROVEMENTS APPROVAL OF THE SITE PLAN BY THE CITY OF
STONECREST IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

DRAINAGE
THE OWNER OF RECORD ON BEHALF OF HIMSELF (ITSELF) AND ALL
SUCCESSORS IN INTEREST SPECIFICALLY RELEASES THE CITY OF STONECREST
FROM ANY AND ALL LIABILITY AND RESPONSIBILITY FOR FLOODING OR DROUGHT
FROM STORM DRAINS OR FLOODING FROM HIGH WATER OF NATURAL
CREEKS, RIVERS OR DRAINAGE FEATURES. A DRAINAGE EASEMENT IS HEREBY
ESTABLISHED FOR THE PURPOSE OF PROVIDING FOR THE EMERGENCY
PROTECTION OF THE FREE FLOW OF SURFACE WATERS ALONG ALL
WATERCOURSES AS ESTABLISHED BY CITY REGULATIONS. THE CITY MAY
CONDUCT EMERGENCY MAINTENANCE OPERATIONS WITHIN THIS EASEMENT
WHERE EMERGENCY CONDITIONS EXIST. EMERGENCY MAINTENANCE SHALL BE
THE REMOVAL OF TREES AND OTHER OBSTACLES, FILLING AND
THE LIKE, NECESSARY TO BRING TO A CONDITION, WHICH IN THE JUDGMENT
OF THE STAFF AND DIRECTOR, IS POTENTIALLY HAZARDOUS TO LIFE, PROPERTY
OF THE PUBLIC ROAD OR UTILITY SYSTEM. SUCH EMERGENCY MAINTENANCE
CONDUCTED FOR THE COMMON GOOD SHALL NOT BE CONSIDERED AS
CONSTITUTING A CONTINUING MAINTENANCE OBLIGATION ON THE PART OF
THE CITY OF STONECREST NOR IMPLICATION OF THE CITY OF STONECREST
PROPERTIES) OR THE LANDS THAT GENERATED THE CONDITIONS.
NOTE: STREAM BUFFERS ARE TO REMAIN IN A NATURAL AND UNDISTURBED
CONDITION.
NOTE: STRUCTURES, OTHER THAN APPROVED STORM STRUCTURES, ARE NOT
ALLOWED IN DRAINAGE EASEMENTS.

DEVELOPMENT SERVICES PERMITTING DISCLAIMER:
The approval of these plans and the issuance of this Land Disturbance
Permit does not in any way suggest that all other requirements for the
legal or operate operations for this activity, which may require
additional permitting, have been met. The onus is on the owner/developer/builders to discover what additional permitting or
approval may be necessary to operate from this point in an explicit
and legal manner. Plan approval or permit issuance does not absolve the
applicant from complying with all applicable laws, policies, standards
or other permits which may be required for this project.

TITLE	INDEX	SHEET NO.
COVER SHEET		1
FINAL PLAT PHASE 2B		2
FINAL PLAT PHASE 2B		3
CUL. DEC SAC DETAILS		4
CHARTS		5

ACR JOB NO. 14021
PREPARED BY:
ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
(678) 291-0000

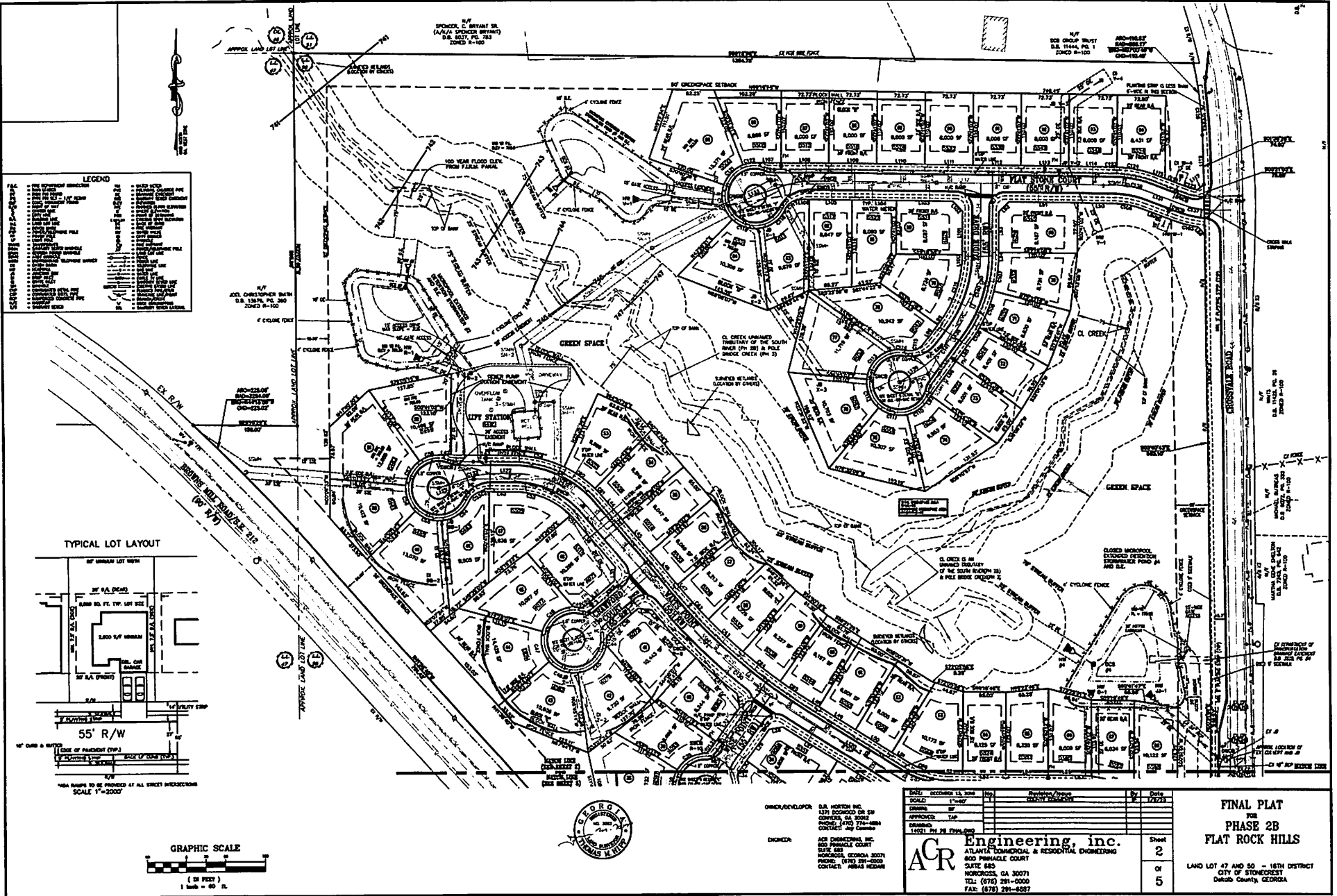
D.R. HORTON, OWNER
WITNESS
DORIS PRINTED
WITNESS
ASSISTANT SECRETARY NOTARY PUBLIC

THE FIRM OF ACR ENGINEERING, INC. DOES NOT WARRANT TO THE ACCURACY OF THE LOCATION OF ANY UNDERGROUND UTILITIES EITHER SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITIES PROTECTION CENTER AT 1-800-285-7411 PRIOR TO ANY CONSTRUCTION.



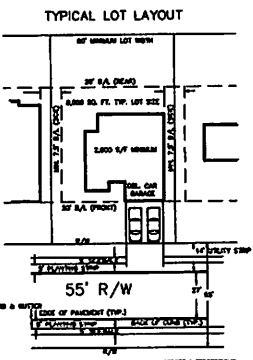
DRAWING: 1620 PM 28 FINAL.DWG
DATE: DECEMBER 13, 2019

FINAL PLAT AP#3037311, LDP AP# 20675



LEGEND

1. LOT	2. DRIVE	3. SIDEWALK	4. CURB	5. GREEN SPACE	6. FLOOD LINE	7. CREEK	8. UTILITY	9. EASEMENT	10. PROPERTY LINE	11. ADJACENT PROPERTY	12. ADJACENT ROAD	13. ADJACENT CREEK	14. ADJACENT FLOOD LINE	15. ADJACENT UTILITY	16. ADJACENT EASEMENT	17. ADJACENT PROPERTY LINE	18. ADJACENT PROPERTY	19. ADJACENT ROAD	20. ADJACENT CREEK	21. ADJACENT FLOOD LINE	22. ADJACENT UTILITY	23. ADJACENT EASEMENT	24. ADJACENT PROPERTY LINE	25. ADJACENT PROPERTY	26. ADJACENT ROAD	27. ADJACENT CREEK	28. ADJACENT FLOOD LINE	29. ADJACENT UTILITY	30. ADJACENT EASEMENT	31. ADJACENT PROPERTY LINE	32. ADJACENT PROPERTY	33. ADJACENT ROAD	34. ADJACENT CREEK	35. ADJACENT FLOOD LINE	36. ADJACENT UTILITY	37. ADJACENT EASEMENT	38. ADJACENT PROPERTY LINE	39. ADJACENT PROPERTY	40. ADJACENT ROAD	41. ADJACENT CREEK	42. ADJACENT FLOOD LINE	43. ADJACENT UTILITY	44. ADJACENT EASEMENT	45. ADJACENT PROPERTY LINE	46. ADJACENT PROPERTY	47. ADJACENT ROAD	48. ADJACENT CREEK	49. ADJACENT FLOOD LINE	50. ADJACENT UTILITY	51. ADJACENT EASEMENT	52. ADJACENT PROPERTY LINE	53. ADJACENT PROPERTY	54. ADJACENT ROAD	55. ADJACENT CREEK	56. ADJACENT FLOOD LINE	57. ADJACENT UTILITY	58. ADJACENT EASEMENT	59. ADJACENT PROPERTY LINE	60. ADJACENT PROPERTY	61. ADJACENT ROAD	62. ADJACENT CREEK	63. ADJACENT FLOOD LINE	64. ADJACENT UTILITY	65. ADJACENT EASEMENT	66. ADJACENT PROPERTY LINE	67. ADJACENT PROPERTY	68. ADJACENT ROAD	69. ADJACENT CREEK	70. ADJACENT FLOOD LINE	71. ADJACENT UTILITY	72. ADJACENT EASEMENT	73. ADJACENT PROPERTY LINE	74. ADJACENT PROPERTY	75. ADJACENT ROAD	76. ADJACENT CREEK	77. ADJACENT FLOOD LINE	78. ADJACENT UTILITY	79. ADJACENT EASEMENT	80. ADJACENT PROPERTY LINE	81. ADJACENT PROPERTY	82. ADJACENT ROAD	83. ADJACENT CREEK	84. ADJACENT FLOOD LINE	85. ADJACENT UTILITY	86. ADJACENT EASEMENT	87. ADJACENT PROPERTY LINE	88. ADJACENT PROPERTY	89. ADJACENT ROAD	90. ADJACENT CREEK	91. ADJACENT FLOOD LINE	92. ADJACENT UTILITY	93. ADJACENT EASEMENT	94. ADJACENT PROPERTY LINE	95. ADJACENT PROPERTY	96. ADJACENT ROAD	97. ADJACENT CREEK	98. ADJACENT FLOOD LINE	99. ADJACENT UTILITY	100. ADJACENT EASEMENT	101. ADJACENT PROPERTY LINE	102. ADJACENT PROPERTY	103. ADJACENT ROAD	104. ADJACENT CREEK	105. ADJACENT FLOOD LINE	106. ADJACENT UTILITY	107. ADJACENT EASEMENT	108. ADJACENT PROPERTY LINE	109. ADJACENT PROPERTY	110. ADJACENT ROAD	111. ADJACENT CREEK	112. ADJACENT FLOOD LINE	113. ADJACENT UTILITY	114. ADJACENT EASEMENT	115. ADJACENT PROPERTY LINE	116. ADJACENT PROPERTY	117. ADJACENT ROAD	118. ADJACENT CREEK	119. ADJACENT FLOOD LINE	120. ADJACENT UTILITY	121. ADJACENT EASEMENT	122. ADJACENT PROPERTY LINE	123. ADJACENT PROPERTY	124. ADJACENT ROAD	125. ADJACENT CREEK	126. ADJACENT FLOOD LINE	127. ADJACENT UTILITY	128. ADJACENT EASEMENT	129. ADJACENT PROPERTY LINE	130. ADJACENT PROPERTY	131. ADJACENT ROAD	132. ADJACENT CREEK	133. ADJACENT FLOOD LINE	134. ADJACENT UTILITY	135. ADJACENT EASEMENT	136. ADJACENT PROPERTY LINE	137. ADJACENT PROPERTY	138. ADJACENT ROAD	139. ADJACENT CREEK	140. ADJACENT FLOOD LINE	141. ADJACENT UTILITY	142. ADJACENT EASEMENT	143. ADJACENT PROPERTY LINE	144. ADJACENT PROPERTY	145. ADJACENT ROAD	146. ADJACENT CREEK	147. ADJACENT FLOOD LINE	148. ADJACENT UTILITY	149. ADJACENT EASEMENT	150. ADJACENT PROPERTY LINE	151. ADJACENT PROPERTY	152. ADJACENT ROAD	153. ADJACENT CREEK	154. ADJACENT FLOOD LINE	155. ADJACENT UTILITY	156. ADJACENT EASEMENT	157. ADJACENT PROPERTY LINE	158. ADJACENT PROPERTY	159. ADJACENT ROAD	160. ADJACENT CREEK	161. ADJACENT FLOOD LINE	162. ADJACENT UTILITY	163. ADJACENT EASEMENT	164. ADJACENT PROPERTY LINE	165. ADJACENT PROPERTY	166. ADJACENT ROAD	167. ADJACENT CREEK	168. ADJACENT FLOOD LINE	169. ADJACENT UTILITY	170. ADJACENT EASEMENT	171. ADJACENT PROPERTY LINE	172. ADJACENT PROPERTY	173. ADJACENT ROAD	174. ADJACENT CREEK	175. ADJACENT FLOOD LINE	176. ADJACENT UTILITY	177. ADJACENT EASEMENT	178. ADJACENT PROPERTY LINE	179. ADJACENT PROPERTY	180. ADJACENT ROAD	181. ADJACENT CREEK	182. ADJACENT FLOOD LINE	183. ADJACENT UTILITY	184. ADJACENT EASEMENT	185. ADJACENT PROPERTY LINE	186. ADJACENT PROPERTY	187. ADJACENT ROAD	188. ADJACENT CREEK	189. ADJACENT FLOOD LINE	190. ADJACENT UTILITY	191. ADJACENT EASEMENT	192. ADJACENT PROPERTY LINE	193. ADJACENT PROPERTY	194. ADJACENT ROAD	195. ADJACENT CREEK	196. ADJACENT FLOOD LINE	197. ADJACENT UTILITY	198. ADJACENT EASEMENT	199. ADJACENT PROPERTY LINE	200. ADJACENT PROPERTY
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OWNER/DEVELOPER
 SIA NORTH INC.
 1331 GORDON DR SW
 CORDELE, GA 30024
 PHONE: (770) 774-4884
 CONTACT: Jay Galloway

ENGINEER
 ACR ENGINEERING, INC.
 610 PINEVALE COURT
 SUITE 645
 MONROE, GEORGIA 30071
 PHONE: (770) 281-0000
 CONTACT: JAMES HEDGER

DATE	REVISION	BY	DATE
1/10/21	1	JPH	1/10/21
1/10/21	2	JPH	1/10/21
1/10/21	3	JPH	1/10/21
1/10/21	4	JPH	1/10/21
1/10/21	5	JPH	1/10/21

ACR Engineering, inc.
 ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
 610 PINEVALE COURT
 SUITE 645
 MONROE, GA 30071
 TEL: (770) 281-0000
 FAX: (770) 281-6287

FINAL PLAT
PHASE 2B
FLAT ROCK HILLS

Sheet 2 of 5

LAND LOT 47 AND 50 - 16TH DISTRICT
 CITY OF STONECROSS
 DEKALB COUNTY, GEORGIA

LINE	LENGTH	BEARING
L1	17.74	N72°42'40"W
L2	79.71	N69°50'00"W
L3	85.02	N69°50'00"W
L4	85.02	N69°50'00"W
L5	85.02	N69°50'00"W
L6	85.02	N69°50'00"W
L7	85.02	N69°50'00"W
L8	85.02	N69°50'00"W
L9	85.02	N69°50'00"W
L10	85.02	N69°50'00"W
L11	85.02	N69°50'00"W
L12	85.02	N69°50'00"W
L13	85.02	N69°50'00"W
L14	85.02	N69°50'00"W
L15	85.02	N69°50'00"W
L16	85.02	N69°50'00"W
L17	85.02	N69°50'00"W
L18	85.02	N69°50'00"W
L19	85.02	N69°50'00"W
L20	85.02	N69°50'00"W
L21	85.02	N69°50'00"W
L22	85.02	N69°50'00"W
L23	85.02	N69°50'00"W
L24	85.02	N69°50'00"W
L25	85.02	N69°50'00"W
L26	85.02	N69°50'00"W
L27	85.02	N69°50'00"W
L28	85.02	N69°50'00"W
L29	85.02	N69°50'00"W
L30	85.02	N69°50'00"W
L31	85.02	N69°50'00"W
L32	85.02	N69°50'00"W
L33	85.02	N69°50'00"W
L34	85.02	N69°50'00"W
L35	85.02	N69°50'00"W
L36	85.02	N69°50'00"W
L37	85.02	N69°50'00"W
L38	85.02	N69°50'00"W
L39	85.02	N69°50'00"W
L40	85.02	N69°50'00"W
L41	85.02	N69°50'00"W
L42	85.02	N69°50'00"W
L43	85.02	N69°50'00"W
L44	85.02	N69°50'00"W
L45	85.02	N69°50'00"W
L46	85.02	N69°50'00"W
L47	85.02	N69°50'00"W
L48	85.02	N69°50'00"W
L49	85.02	N69°50'00"W
L50	85.02	N69°50'00"W
L51	85.02	N69°50'00"W
L52	85.02	N69°50'00"W
L53	85.02	N69°50'00"W
L54	85.02	N69°50'00"W
L55	85.02	N69°50'00"W
L56	85.02	N69°50'00"W
L57	85.02	N69°50'00"W
L58	85.02	N69°50'00"W
L59	85.02	N69°50'00"W
L60	85.02	N69°50'00"W
L61	85.02	N69°50'00"W
L62	85.02	N69°50'00"W
L63	85.02	N69°50'00"W
L64	85.02	N69°50'00"W
L65	85.02	N69°50'00"W
L66	85.02	N69°50'00"W
L67	85.02	N69°50'00"W
L68	85.02	N69°50'00"W
L69	85.02	N69°50'00"W
L70	85.02	N69°50'00"W
L71	85.02	N69°50'00"W
L72	85.02	N69°50'00"W
L73	85.02	N69°50'00"W
L74	85.02	N69°50'00"W
L75	85.02	N69°50'00"W
L76	85.02	N69°50'00"W
L77	85.02	N69°50'00"W
L78	85.02	N69°50'00"W
L79	85.02	N69°50'00"W
L80	85.02	N69°50'00"W
L81	85.02	N69°50'00"W
L82	85.02	N69°50'00"W
L83	85.02	N69°50'00"W
L84	85.02	N69°50'00"W
L85	85.02	N69°50'00"W
L86	85.02	N69°50'00"W
L87	85.02	N69°50'00"W
L88	85.02	N69°50'00"W
L89	85.02	N69°50'00"W
L90	85.02	N69°50'00"W
L91	85.02	N69°50'00"W
L92	85.02	N69°50'00"W
L93	85.02	N69°50'00"W
L94	85.02	N69°50'00"W
L95	85.02	N69°50'00"W
L96	85.02	N69°50'00"W
L97	85.02	N69°50'00"W
L98	85.02	N69°50'00"W
L99	85.02	N69°50'00"W
L100	85.02	N69°50'00"W

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING
C1	37.45	177.50	18.79	37.36	S72°42'40"W
C2	77.97	177.50	36.36	72.36	S69°50'00"W
C3	14.31	122.50	7.17	14.31	N44°36'08"W
C4	73.97	122.50	36.18	72.81	N67°14'37"W
C5	12.87	15.00	6.86	12.48	S23°34'50"E
C6	42.47	50.00	22.70	41.33	N24°30'08"W
C7	43.67	60.00	23.51	43.11	N20°14'12"E
C8	43.47	50.00	23.21	43.11	N19°50'48"E
C9	43.47	50.00	23.21	43.11	S00°00'00"E
C10	53.15	50.00	29.40	50.89	S00°12'40"E
C11	16.73	50.00	8.44	16.65	S45°34'48"W
C12	12.87	15.00	6.86	12.48	S23°34'50"E
C13	17.45	177.50	8.73	17.44	S66°30'29"E
C14	150.69	177.50	64.95	150.69	S00°00'00"E
C15	125.73	122.50	63.03	126.18	S02°30'17"W
C16	6.50	122.50	3.25	6.50	S00°00'00"E
C17	166.46	122.50	88.24	153.34	S68°12'24"E
C18	18.73	25.00	9.85	18.50	N02°50'00"E
C19	57.58	50.00	30.11	54.03	N42°08'30"E
C20	43.48	50.00	23.23	43.13	N27°43'10"E
C21	43.47	50.00	23.22	43.11	N25°58'30"E
C22	43.47	50.00	23.22	43.11	N19°50'48"E
C23	37.41	60.00	19.08	37.07	N00°00'00"E
C24	23.46	177.50	11.75	23.45	N00°00'00"E
C25	57.97	177.50	29.21	57.96	S08°20'21"E
C26	57.97	177.50	29.21	57.95	S68°08'00"E
C27	57.97	177.50	29.21	57.94	S48°27'32"E
C28	41.50	177.50	20.84	41.11	S33°27'42"E
C29	1.84	177.50	0.92	1.84	S20°31'34"E
C30	37.95	177.50	19.21	37.84	S18°26'12"E
C31	57.90	177.50	29.21	57.84	S01°48'48"E
C32	57.97	177.50	29.21	57.84	S02°30'17"E
C33	6.51	177.50	3.25	6.51	S00°00'00"E
C34	12.87	15.00	6.86	12.48	S11°17'39"W
C35	43.67	50.00	23.23	44.05	S07°44'42"E
C36	43.47	50.00	23.21	43.11	N63°33'13"E
C37	43.47	50.00	23.21	43.11	S24°14'30"E
C38	43.67	50.00	23.23	44.11	S00°00'00"E
C39	47.12	50.00	23.51	45.44	S00°00'00"E
C40	12.87	15.00	6.86	12.48	S67°02'42"E
C41	12.87	15.00	6.86	12.48	S67°02'42"E
C42	48.50	50.00	24.25	47.07	S68°07'31"E
C43	48.50	50.00	24.25	47.07	S12°13'17"E
C44	48.50	50.00	24.25	47.07	S00°00'00"E
C45	48.50	50.00	24.25	47.07	S00°00'00"E
C46	48.50	50.00	24.25	47.07	S00°00'00"E
C47	48.50	50.00	24.25	47.07	S00°00'00"E
C48	48.50	50.00	24.25	47.07	S00°00'00"E
C49	48.50	50.00	24.25	47.07	S00°00'00"E
C50	48.50	50.00	24.25	47.07	S00°00'00"E
C51	12.87	15.00	6.86	12.48	N74°13'02"E
C52	9.85	122.50	4.92	9.85	N47°41'00"E
C53	94.70	122.50	47.35	94.70	N00°00'00"E
C54	28.46	25.00	14.27	27.59	S37°28'44"E
C55	23.57	50.00	11.78	23.57	S00°00'00"E
C56	43.47	50.00	23.21	43.11	S68°44'00"E
C57	43.47	50.00	23.21	43.11	S12°50'21"E
C58	31.32	50.00	15.66	30.81	S74°42'22"E
C59	17.97	177.50	8.99	17.97	N00°00'00"E
C60	57.96	177.50	29.21	57.94	S05°32'42"E
C61	16.51	177.50	8.27	16.52	S43°00'00"E
C62	52.63	52.50	26.32	52.62	S44°13'08"E
C63	71.90	52.50	35.97	71.87	S44°13'02"E
C64	68.67	52.50	34.34	68.61	S06°13'46"E
C65	68.67	52.50	34.34	68.64	S17°42'00"E
C66	17.95	177.50	8.98	17.84	N88°23'30"E
C67	68.63	177.50	34.34	67.31	S12°50'21"E
C68	56.45	177.50	28.47	56.21	S05°22'13"E
C69	36.57	177.50	18.28	36.51	S47°28'21"E
C70	41.34	122.50	20.67	41.15	S65°24'12"E
C71	38.16	177.50	19.08	38.08	S78°20'48"E
C72	43.53	122.50	21.78	43.31	S79°53'00"E
C73	24.85	227.50	12.42	24.71	N07°30'30"E
C74	58.41	227.50	29.21	58.24	S00°00'00"E
C75	28.53	227.50	14.26	28.31	N24°46'27"E
C76	10.50	50.00	5.25	10.50	S00°00'00"E
C77	49.74	50.00	24.83	49.16	S18°30'00"E
C78	48.47	50.00	24.23	48.39	S12°31'21"E
C79	48.47	50.00	24.23	48.39	S48°02'00"E
C80	48.47	50.00	24.23	48.39	S00°00'00"E
C81	23.96	60.00	11.99	23.76	S89°21'23"E
C82	28.46	25.00	14.27	27.59	S00°00'00"E
C83	108.59	172.50	53.08	104.91	N00°00'00"E
C84	28.46	25.00	14.27	27.59	S00°00'00"E
C85	111.43	50.00	55.71	111.43	S00°00'00"E
C86	43.47	50.00	23.21	43.11	S44°53'10"E
C87	18.80	50.00	9.40	18.80	S19°24'30"E
C88	3.58	112.50	1.79	3.58	N08°46'17"E
C89	58.67	172.50	29.36	58.70	S78°42'42"E
C90	19.27	122.50	9.63	19.28	S13°13'30"E
C91	110.82	148.17	55.47	110.45	N07°00'40"E
C92	105.96	162.50	52.97	105.77	S00°00'00"E
C93	120.61	150.00	63.78	117.39	N66°17'41"E
C94	82.00	150.00	42.00	80.18	S74°00'00"E
C95	120.77	145.00	61.99	120.59	S44°00'00"E
C96	120.15	150.00	60.28	124.79	N64°50'20"E
C97	120.61	150.00	63.83	120.19	S89°21'23"E
C98	120.15	150.00	60.28	124.79	N64°50'20"E
C99	120.61	150.00	63.83	120.19	S89°21'23"E
C100	120.15	150.00	60.28	124.79	N64°50'20"E
C101	120.61	150.00	63.83	120.19	S89°21'23"E
C102	120.15	150.00	60.28	124.79	N64°50'20"E
C103	120.61	150.00	63.83	120.19	S89°21'23"E
C104	120.15	150.00	60.28	124.79	N64°50'20"E
C105	120.61	150.00	63.83	120.19	S89°21'23"E
C106	120.15	150.00	60.28	124.79	N64°50'20"E
C107	120.61	150.00	63.83	120.19	S89°21'23"E
C108	120.15	150.00	60.28	124.79	N64°50'20"E
C109	120.61	150.00	63.83	120.19	S89°21'23"E
C110	120.15	150.00	60.28	124.79	N64°50'20"E
C111	120.61	150.00	63.83	120.19	S89°21'23"E
C112	120.15	150.00	60.28	124.79	N64°50'20"E
C113	120.61	150.00	63.83	120.19	S89°21'23"E
C114	120.15	150.00	60.28	124.79	N64°50'20"E
C115	120.61	150.00	63.83	120.19	S89°21'23"E
C116	120.15	150.00	60.28	124.79	N64°50'20"E
C117	120.61	150.00	63.83	120.19	S89°21'23"E
C118	120.15	150.00	60.28	124.79	N64°50'20"E
C119	120.61	150.00	63.83	120.19	S89°21'23"E
C120	120.15	150.00	60.28	124.79	N64°50'20"E
C121	120.61	150.00	63.83	120.19	S89°21'23"E
C122	120.15	150.00	60.28	124.79	N64°50'20"E
C123	120.61	150.00	63.83	120.19	S89°21'23"E
C124	120.15	150.00	60.28	124.79	N64°50'20"E
C125	120.61	150.00	63.83	120.19	S89°21'23"E
C126	120.15	150.00	60.28	124.79	N64°50'20"E
C127	120.61	150.00	63.83	120.19	S89°21'23"E
C128	120.15	150.00	60.28	124.79	N64°50'20"E
C129					