

**Code of Ordinances**  
**☞**  
**City of Oxford, Georgia**

*Prepared by  
the  
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**CITY OF OXFORD, GEORGIA**

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# **MUNICIPAL CHARTER**



# MUNICIPAL CHARTER

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## A BILL TO BE ENTITLED AN ACT

To provide a new Charter for the City of Oxford; to provide for incorporation, boundaries, and powers of the City; to provide for a governing authority of such City and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a Mayor, Mayor pro tem., and City Council and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a City Attorney, a City Clerk, a City Treasurer, a City Accountant, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for City contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for severability; to provide for other matters relative to the foregoing; to provide for an effective date; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I. INCORPORATION AND POWERS

1. **Name.** This City and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style Oxford, Georgia, and by that name shall have perpetual succession.
2. **Corporate Boundaries as Stated in Charter of 1914.**
  - A. **Original Boundaries.** The northern boundary of the City of Oxford shall be a line beginning at a rock at northwest corner of land lot number two hundred ninety one (291), situated and being in the ninth district of original Henry, but not Newton County, and running along the northern boundary of said land lot and continuing in a straight line east until it intersects Dried Indian Creek. The western boundary of the City of Oxford shall be a line beginning at the rock already mentioned (as northwest corner of land lot number two hundred ninety-one {291}) and land lots number two hundred ninety-one (291) and two hundred (200) running in a southerly direction along the west boundary of eighty-eight (88), and continuing in same straight line until it reaches southern boundary hereinafter described. The eastern boundary of the City of Oxford shall be a line beginning where the northern boundary of said City, before described, intersects Dried

Indian Creek, and running thence down the channel of said Dried Indian Creek to a ford in said creek situated in southwest corner of property now owned by No. F. Donnell, from which point the boundary line shall run south, following a line between property of L. L. Johnson and W. P. Odium, until it reaches southern boundary hereinafter described. The southern boundary of the City of Oxford shall be an east and west line which shall be a continuation of the southern boundary of the land subdivided into lots by Kidded and Marshall, being southern boundary of lots fifteen (15), sixteen (16), seventeen (17), and eighteen (18) in block E and lot forty-eight (48) in block G in said Kidded and Marshall's plat; also southern boundary of parcel of land sold by J. Z. Johnson and J. E. Black stock to Harper. Said southern boundary shall extend in straight line east until it intersects eastern boundary line of the City of Oxford hereinbefore described, and west until it intersects western boundary line of the City of Oxford hereinbefore described.

- B. Present and Future Boundaries.** The boundaries of the City of Oxford shall be those existing on the earliest effective date of the adoption of this Charter with such alterations as may be made from time to time in the manner provided by local law and/or general State law.

The boundaries of the City of Oxford at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the City Clerk of the City and to be designated, as the "Official Comprehensive Zoning Map, City of Oxford, Georgia." Photographic, typed, or other copies of such map or description certified by the City Clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

Mayor and Council may provide for the redrawing of any such map by resolution to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

**3. Municipal Powers and Construction.**

- A.** This City shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This City shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- B.** The powers of this City shall be construed liberally in favor of the City. The specific mention or failure to mention a particular power shall not be construed as limiting in any way the powers of this City.

**4. Examples of Powers.** The powers of this City shall include, but not be limited to, the following:

- A. Air and Water Pollution.** To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the City.
- B. Alcoholic Beverages.** Liquors not to be kept for sale. The keeping for sale, selling or offering for sale, of any spirituous, vinous, malt, or fermented wines or liquors within the corporate limits of said City be, and the same is, hereby prohibited forever. And the Mayor and Council of Oxford shall have no power or authority to license the sale thereof, and it shall be their duty to enforce this prohibition by the enactment of necessary ordinances with suitable penalties for violation.
- C. Animal Regulations.** To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this Charter;
- D. Appropriations and Expenditures.** To make appropriations for the support of the government of the City; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the City;
- E. Building Regulation.** To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all building, housing trades;



- F. Business Regulation and Taxation.** To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any City fees or taxes;
- G. Cemeteries.** The Mayor and Council shall have jurisdiction over all cemeteries belonging to, or located in said City, and/or may provide by ordinance for a public cemetery. They may appoint such employees to superintend the care thereof as they deem proper. They may enact ordinances to prevent trespass therein and to prevent any person from defacing any work therein. They may regulate the charges for grave digging, hearse fees and any and everything pertaining to the care and operation of such cemeteries.
- H. Condemnation.** To condemn property, inside or outside the corporate limits of the City, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- I. Contracts.** To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
- J. Emergencies.** To establish procedures for determining and proclaiming that an emergency situation exists within or outside the City and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the City;
- K. Environmental Protection.** To protect and preserve the natural resources, environment and vital areas of the City through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
- L. Fire Regulations.** To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;
- M. Garbage Fees.** To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the City from all individuals, firms, and corporations residing in said City or doing business therein and benefitting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;
- N. General Health, Safety, and Welfare.** To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City, and to provide for the enforcement of such standards;
- O. Gifts.** To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the City and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- P. Health and Sanitation.** To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- Q. Jail Sentences.** To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and squares in the City; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- R. Motor Vehicles.** To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the City;
- S. Municipal Agencies and Delegation of Power.** To create, alter, or abolish departments, boards, offices, commissions, and agencies of the City; and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- T. Municipal Debts.** To appropriate and borrow money for the payment of debts of the City and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or the laws of the State of Georgia;

- U. Municipal Property Ownership.** To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the City;
- V. Municipal Property Protection.** To provide for the preservation and protection of property and equipment of the City and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- W. Municipal Utilities.** To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; to provide for the withdrawal of service for refusal or failure to pay the same; to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the City; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the City as provided by ordinance;
- X. Nuisance.** To define a nuisance and provide for its abatement whether on public or private property;
- Y. Penalties.** To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
- Z. Planning and Zoning.** To provide comprehensive City planning for development by zoning; and to provide subdivision regulation and the like as Mayor and Council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- AA. Police and Fire Protection.** To exercise the power of arrest through duly appointed police officers; and to establish, operate, or contract for a police and a fire-fighting agency;
- BB. Public Hazards; Removal.** To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- CC. Public Improvements.** To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements, inside or outside the corporate limits of the City; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the *O.C.G.A.* or such other applicable laws as are or may hereafter be enacted;
- DD. Public Peace.** To provide for the prevention and punishment of intoxication, riots, and public disturbances;
- EE. Public Transportation.** To organize and operate such public transportation systems as are deemed beneficial;
- FF. Public Utilities and Services.** To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, standards, and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
- GG. Regulation of Roadside Areas.** To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the City; and to prescribe penalties and punishment for violation of such ordinances;
- HH. Retirement.** To provide and maintain a retirement plan for officers and employees of the City;
- II. Roadways.** To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the City; to negotiate and execute leases over, through, under, or across any City property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the City, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location, and to charge a rental therefor in

such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the City; to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

- JJ. Sewer Fees.** To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;
  - KK. Solid Waste Disposal.** To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials;
  - LL. Special Areas of Public Regulation.** To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors and drugs, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and flammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors;
  - MM. Special Assessments.** To levy and provide for the collection of special assessments to cover the costs for any public improvements;
  - NN. Taxes: Ad Valorem.** To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
  - OO. Taxes: Other.** To levy and collect such other taxes as may be allowed now or in the future by law;
  - PP. Trees.** The Mayor and Council of Oxford shall have full power and authority to adopt and enforce ordinances for the protection and preservation of trees on the streets, public places, cemeteries and parks in said City and to prevent the cutting, impairing or mutilations thereof by telephone, telegraph, electric light linemen or employees, or any other person unless the same is done under and with the express and formal consent of the Mayor and Council or some officer appointed by them to direct the same, and then only when absolutely necessary for the public service or safety.
  - QQ. Urban Redevelopment.** To organize and operate an urban redevelopment program;
  - RR. Vehicles for Hire.** To regulate and license vehicles operated for hire in the City; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
  - SS. Other Powers.** To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the City and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.
- 5. Exercise of Powers.** All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

## ARTICLE II. GOVERNMENT STRUCTURE

1. **City Council Creation; Number; Election.** The legislative authority of the government of this City, except as otherwise specifically provided in this Charter, shall be vested in a City Council to be composed of a Mayor and six (6) councilmembers. The Mayor and councilmembers shall be elected in the manner provided by this Charter.
2. **City Council Terms and Qualifications for Office.** The members of the City Council shall serve for terms of four (4) years and until their respective successors are elected and sworn in. No person shall be eligible to serve as Mayor or councilmember unless he or she shall have been a resident of the City for twelve (12) months prior to the date of qualification for the election of Mayor or councilmember (as the case may be). Each such official shall continue to reside in the City during his or her period of service and continue to be registered and qualified to vote in municipal elections of this City.
3. **Vacancy; Suspensions; Filling of Vacancies.**
  - A. **Vacancies.** The office of Mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of Mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by the Mayor and Council.
4. **Failure to Qualify.** A failure to take the oath of office within fifteen (15) days after the first day of January, unless for providential cause, shall operate to vacate the office of the Mayor or councilmember.
  - A. **Suspension.** Upon the suspension from office of Mayor or councilmember in any manner authorized by the general laws of the State of Georgia, Mayor and Council, or those remaining, shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this Charter.
  - B. **Filling Vacancy.** In the event of a vacancy in the office of Mayor or councilmember prior to the expiration of a regular term of office, the remaining councilmembers and Mayor, if any, shall fill the vacant office for the unexpired term, provided that the person or persons selected shall meet the requirements of Article II 2 of this Charter.
5. **Compensation and Expenses.** The Mayor and councilmembers shall receive compensation and expenses for their services as provided by resolution.
6. **Conflicts of Interest; Holding Other Offices.**
  - A. **Officers as Trustees.** Elected and appointed officers of the City are trustees and servants of the residents of the City and shall act in a fiduciary capacity for the benefit of such residents.
  - B. **Conflict of Interest.** No elected official, appointed officer, or employee of the City or any agency or political entity to which this Charter applies shall knowingly:
    - (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;
    - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;
    - (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
    - (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
    - (5) Represent other private interests in any action or proceeding against this City or any

- portion of its government; and
- (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.
- C. Disclosure.** Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any councilmember who has a private interest in the matter pending before Mayor and Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.
- D. Use of Public Property.** No elected official, appointed officer, or employee of the City or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by Mayor and Council or the governing body of such agency or entity.
- E. Contracts Voidable and Rescindable.** Any violation of this Article which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the Mayor and Council.
- F. Ineligibility of Elected Official.** Except where authorized by law, neither the Mayor nor any councilmember shall hold any other elective or appointed office in City government during the term for which he or she was elected.
- G. Political Activities of Certain Officers and Employees.** No appointed officer and no employee of the City shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.
- H. Penalties for Violation.**
- (1) Any City officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this Article shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his or her office or position.
- (2) Any officer or employee of the City who shall forfeit his or her office or position as described in paragraph (1) of this subparagraph shall be ineligible for appointment or election to or employment in a position in the City government for a period of three (3) years thereafter.
- 7. Inquiries and Investigations.** Mayor and Council may make inquiries and investigations into the affairs of the any and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by Mayor and Council shall be punished as provided by ordinance.
- 8. General Power and Authority of the Mayor and Council.** Except as otherwise provided by law or this Charter, the Mayor and Council shall be vested with all the powers of government of this City as provided by Article I.
- 9. Eminent Domain.** Mayor and Council are empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the use thereof, the City, and to regulate and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.
- 10. Organizational Meetings.** Mayor and Council shall hold an organizational meeting on the first Monday of each year, unless such date falls on a holiday, then on the second Monday. The meeting shall be called to order by a legal Officer of the Court, and the oath of office shall be administered to the Mayor and councilmembers as follows:
- "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (Mayor) (councilmember) of this City and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

- 11. Regular and Special Meetings.**
  - A.** Mayor and Council shall hold regular meetings at such times and places as prescribed by ordinance.
  - B.** Special meetings of Mayor and Council may be held on call of the Mayor or four (4) members of the City Council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least forty-eight (48) hours in advance of the meeting. Such notice to councilmembers shall not be required if the Mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.
  - C.** All meetings of Mayor and Council shall be public to the extent required by law, and notice to the public of special meetings shall be made as fully as is reasonably possible prior to such meetings.
- 12. Rules of Procedure.**
  - A.** Mayor and Council shall adopt rules of procedure and order of business consistent with the provisions of this Charter and shall provide for keeping a journal of proceedings, which shall be a public record.
  - B.** All committees, boards and commissions of citizens shall be appointed by the Mayor and Council and shall serve at their pleasure. The Mayor and Council shall have the power to appoint new members to any committee at any time; each committee may appoint its own chairperson, if said chairperson has not been especially appointed by Mayor and Council.
- 13. Quorum; Voting.** Five (5) councilmembers (one of whom may be the Mayor) shall constitute a quorum and shall be authorized to transact business of the City Council. Voting on the adoption of ordinances shall be by voice vote or raising of right hand and the vote shall be recorded in the journal, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, the affirmative vote of four shall be required for the adoption of any ordinance, resolution, or motion.
- 14. Ordinance Form; Procedure.**
  - A.** Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Oxford hereby ordains" and every ordinance shall so begin.
  - B.** An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the City Council. Ordinances shall be considered and adopted or rejected by Mayor and Council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Article II 16 of this Charter. Upon introduction of any ordinance, the Clerk shall as soon as possible distribute a copy to the Mayor and to each councilmember and shall file a reasonable number of copies in the office of the Clerk and at such other public places as Mayor and Council may designate.
- 15. Action Requiring an Ordinance.** Acts of Mayor and Council which have the force and effect of law shall be enacted by ordinance or resolution.
- 16. Emergencies.** To meet a public emergency affecting life, health, property, or public peace, Mayor and Council may convene on call of the Mayor or four (4) councilmembers and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing such emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Article if the emergency still exists. An

emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Article for adoption of emergency ordinances.

**17. Code of Technical Regulations.**

- A. Mayor and Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:
  - (1) The requirements of subparagraph B of Article II 14 of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
  - (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the Clerk pursuant to Article II 18 of this Charter.
- B. Copies of any adopted code of technical regulations shall be made available by the Clerk for distribution or for purchase at a reasonable price.

**18. Signing; Authenticating; Recording; Codification; Printing.**

- A. The Clerk shall authenticate by his or her signature and record in fall in a properly indexed book kept for that purpose all ordinances and/or resolutions adopted by the Council.
- B. Mayor and Council shall provide for the preparation of a general codification of all the ordinances of the City having the force and effect of law. The general codification shall be adopted by Mayor and Council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as Mayor and Council may specify. This compilation shall be known and cited officially as "The Code of the City of Oxford, Georgia." Copies of the Code shall be furnished to all officers, departments, and agencies of the City and shall be made available for purchase by the public at a reasonable price as fixed by the Mayor and Council.
- C. Mayor and Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the Mayor and Council. Following publication of the first code under this Charter and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable for incorporation therein. Mayor and Council shall make such farther arrangements as deemed desirable with the reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the Code.

**19. Election of Mayor; Forfeiture; Compensation.** The Mayor shall be elected and shall serve for a term of four (4) years and until his or her successor is elected and qualified. The Mayor shall be a qualified elector of this City and shall have been a resident of the City for twelve (12) months prior to his or her qualification for his or her election. The Mayor shall continue to reside in this City during the period of his or her service. He or she shall forfeit his or her office on the same grounds and under the same procedure as for councilmembers. The compensation of the Mayor shall be established in the same manner as for councilmembers.

**20. Chief Executive Officer.** The Mayor shall be the executive of this City. The Mayor shall possess all of the executive and administrative power granted to the City under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this Charter.

**21. Powers and Duties of Mayor.** As the chief executive of this City, the Mayor shall:

- A. Preside at all meetings of the City Council;
- B. Be the head of the City for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the City and the chief advocate of policy;
- C. Have the power to administer oaths and to take affidavits;
- D. Sign as a matter of course on behalf of the City all written and approved contracts, ordinances, and other instruments executed by the City which by law are required to be in writing;
- E. Vote on matters before Mayor and Council and be counted toward a quorum as any other councilmember;
- F. Have prepared and submitted to Mayor and Council a recommended annual operating budget and recommended capital budget; and
- G. Assign councilmembers to their committees of responsibilities each year at the first scheduled Council meeting;

H. Fulfill such other executive and administrative duties as Mayor and Council shall establish by ordinance.

22. **Mayor Pro Tem; Selection; Duties.** By a majority vote, Mayor and Council shall elect a councilmember to serve as Mayor pro tem. The Mayor pro tem shall preside at all meetings of the City Council and shall assume the duties and powers of the Mayor upon the Mayor's disability or absence. Mayor and Council by a majority vote shall elect a new presiding officer from among the councilmembers for any period in which the Mayor pro tem is disabled, absent, or acting as Mayor. Any such absence or disability shall be declared by majority vote of all councilmembers.

### ARTICLE III. ADMINISTRATIVE AFFAIRS

#### 1. Organization and General Provision.

##### A. Department Heads.

- (1) Except as otherwise provided in this Charter, Mayor and Council by resolution shall prescribe the functions or duties of and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the City and establish professional qualifications as necessary for the proper administration of the affairs and government of the City.
- (2) Except as otherwise provided by this Charter or by law, all appointed officers of the City shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (3) All appointed officers shall receive such compensation as prescribed by ordinance or resolution.
- (4) The City Clerk shall be the principal administrative officer of the City of Oxford, subject to the direction and supervision of the Mayor, and be responsible for the administration and direction of the affairs and operations of the City.
- (5) The Mayor may suspend or remove any and all appointed City officials, but such suspension or removal shall not be final for twenty-one (21) calendar days following the Mayor giving written notice of such action and the reasons therefor to the appointed City official involved and to the City Council. The appointed City official involved may appeal within twenty-one (21) days to the Council which, after a hearing, may override the Mayor's action by a vote of four (4) councilmembers.

##### B. Boards, Commissions.

- (1) Mayor and Council shall create by ordinance or resolution such boards, commissions, and authorities to fulfill any functions Mayor and Council deem necessary and shall by ordinance or resolution establish the composition, period of existence, duties, and powers thereof.
- (2) All members of boards, commissions, and authorities of the City shall be appointed by Mayor and Council for such terms of office and in such manner as shall be provided by ordinance or resolution, except where other appointing authority, terms of office, or manner of appointment is prescribed by this Charter or by law.
- (3) Mayor and Council by ordinance or resolution may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.
- (4) Except as otherwise provided by this Charter or by law, no member of any board, commission, or authority shall hold any elective office in the City.
- (5) Any vacancy on a board, commission, or authority of the City shall be filled for the unexpired term in the manner prescribed in this Article for original appointment, except as otherwise provided by this Charter or by law.
- (6) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the Clerk of the City an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance or resolution and administered by the Mayor.
- (7) Any member of a board, commission, or authority may be removed from office for cause by a vote of four members of the City Council.
- (8) Except as otherwise provided by this Charter or by law, each board, commission, or authority of the City may elect one of its members as chairperson and one member as



vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the City, provided that the Mayor and Council did not especially appoint a chairperson at the time of appointment. Each board shall pass rules and regulations, not inconsistent with this Charter, ordinances of the City, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such rules and regulations shall be filed with the Clerk of the City.

**2. Administrative Officers.**

- A. City Attorney.** Mayor and Council shall appoint a City Attorney at the first scheduled meeting of the calendar year for a term of one (1) year, together with such assistant City Attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the City. The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a party; may be solicitor in the municipal court; shall attend the meetings of the Council as directed; shall advise the City Council, Mayor, and other officers and employees of the City concerning legal aspects of the City's affairs; and shall perform such other duties as may be required of him or her by virtue of his or her position as City Attorney.
- B. City Clerk.** Mayor and Council shall appoint a City Clerk at the first scheduled meeting of the calendar year for a term of one (1) year, who shall not be a councilmember. The City Clerk shall be custodian of the official City seal; maintain City Council records required by this Charter; and perform such other duties as may be required by the City Council.
- C. City Treasurer.** Mayor and Council may appoint a City Treasurer at the first scheduled meeting of the calendar year for a term of one (1) year to collect all taxes, licenses, fees, and other moneys belonging to the City subject to the provisions of this Charter and the ordinances of the City and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the City. The City Treasurer shall also be responsible for the general duties of a treasurer and fiscal officer.
- D. Chief of Police.** Mayor and Council shall appoint a Chief of Police at the first scheduled meeting of the calendar year for a term of one (1) year, to perform the duties as the administrative officer of the police department and have all the powers of an arresting officer within the City of Oxford; he shall further have all the powers usual and incident to such office; he shall have the power to serve all papers and summons/citations and execute all writs and executions directed by the municipality and the State of Georgia; he shall perform all duties prescribed by State law and by this Charter, and carry out such other duties as the Mayor and Council may lawfully direct. The municipality through Mayor and Council shall have the power to hire additional police officers to assist the Chief of Police in his or her duties and to act in his or her stead.
- E. Municipal Judge.** Mayor and Council shall appoint a Municipal Judge at the first scheduled meeting of the calendar year for a term of one (1) year, whose duty it shall be to try all cases of violation of the City ordinances and perform such functions and acts as may be laid upon him by the provisions of this Charter, or shall be from time to time placed upon him/her by the ordinances or by-laws adopted by the Mayor and Council of the City of Oxford.

**3. Personnel Administration.**

- A. Position Classification and Pay Plans.** The City Clerk shall be responsible for the preparation of a position classification and pay plan which shall be submitted to Mayor and Council for approval. Such plan may apply to all employees of the City and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, Mayor and Council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this Article, all elected and appointed City officials are not City employees.
- B. Personnel Policies.** Mayor and Council shall adopt rules and regulations consistent with this Charter concerning: (1) the method of employee selection and probationary periods of employment; (2) the administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan; three (3) hours of work, vacation, sick leave, other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected; (4) such dismissal hearings as due process may require; and (5) such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

## ARTICLE IV. JUDICIAL BRANCH

1. **Municipal Court.** There shall be a court to be known as the Municipal Court of the City of Oxford.
2. **Judges.**
  - A. The Municipal Court shall be presided over by a Chief Judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance,
  - B. No person shall be qualified or eligible to serve as a judge on the Municipal Court unless he or she shall have attained the age of twenty-five (25) years and shall have a high school diploma or its equivalent. The Chief Judge shall be nominated and appointed by the Mayor and Council and shall serve at the pleasure of the Mayor and Council. All other judges shall be nominated by the chief judge and appointed by the Mayor and City Council.
  - C. Compensation of the judges shall be fixed by ordinance.
  - D. Judges may be removed for cause by a vote of four (4) members of the City Council.
  - E. Before assuming office, each judge shall take an oath, given by the Mayor, that he or she will honestly and faithfully discharge the duties of his or her office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the City Council journal required in Article II 12 of this Charter.
3. **Convening of Court.** The Municipal Court shall be convened at regular intervals as provided by ordinance.
4. **Jurisdiction; Powers.**
  - A. The Municipal Court shall try and punish violations of its Charter, all City ordinances, and such other violations as provided by law.
  - B. The Municipal Court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed two hundred dollars (\$200.00) or ten (10) days in jail.
  - C. The Municipal Court may fix punishment for offenses within its jurisdiction not exceeding a fine of one thousand dollars (\$1,000.00) or imprisonment for six (6) months or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.
  - D. The Municipal Court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and catering of prisoners bound over to superior courts for violations of state law.
  - E. The Municipal Court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for City property taxes.
  - F. The Municipal Court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
  - G. The Municipal Court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this Charter or by law.
  - H. Each judge of the Municipal Court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the City, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committee within the City.
  - I. The Municipal Court is specifically vested with all the jurisdiction and powers throughout the geographic area of this City granted by law to Mayor's, recorder's and police courts, and

particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

5. **Certiorari.** The right of certiorari from the decision and judgment of the Municipal Court shall exist in all criminal cases and ordinance violations cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Newton County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.
6. **Rules for Court.** With the approval of the Mayor and Council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the Municipal Court; provided, however, that Mayor and Council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the City Clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least forty-eight (48) hours prior to said proceedings.

## **ARTICLE V. ELECTIONS AND REMOVAL**

1. **General Law. Applicability of General Law.** All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."
2. **Election of Officers.**
  - A. **Election of Mayor and Councilmembers.**
    - (1) There shall be a municipal general election on the first Tuesday following the first Monday in November, 2001, and biennially thereafter.
    - (2) There shall be elected three (3) councilmembers at the next election under this new Charter and at every other election thereafter. The remaining City Council seats and the office of Mayor shall be filled at the election alternating with the first election so that a continuing body is created as provided for in the initial election held pursuant to Article V 2D of this Charter.
  - B. **Nonpartisan Elections.** Political parties shall not conduct primaries for City offices and all names of candidates for City offices shall be listed without party designations.
  - C. **Election by Majority.** The person receiving a majority of the votes cast for any City office shall be elected.
  - D. **First Election Under This Charter.** The first municipal election after the adoption of this Charter shall be held in November, 2001, at which councilmember positions for posts 4, 5, and 6 (all posts are at-large posts) shall be filled. All persons giving notice of candidacy for a City Council seat shall designate the post being sought. Posts 4, 5 and 6 shall be filled at this first election for an initial term of four (4) years and until their respective successors are elected and sworn in such that a continuing body is created. Each councilmember elected shall serve a fall term as provided in Article II 2 of this Charter.

The second municipal election after the adoption of this Charter shall be held in November, 2003, at which councilmember positions for Posts 1,2, and 3( all posts are at-large posts) and the Office of Mayor shall be filled. All persons giving notice of candidacy for a City Council seat shall designate the post being sought. Posts 1, 2, and 3 shall be filled at this second municipal election for an initial term of four (4) years and until their respective successors are elected and sworn in such that a continuing body is created. Each councilmember elected shall serve a fall term as provided in Article II 2 of this Charter.

The Office of Mayor shall be filled at this election of November, 2003, for an initial term of four (4) years and until his or her successor is elected and sworn in such that continuing position of Mayor is created. The Mayor elected shall serve a fall term as provided in Article II 19 of this Charter. The position of the Mayor shall be filled every four (4) years hereafter.

3. **Other Provisions.**
  - A. Except as otherwise provided by this Charter, Mayor and Council shall by resolution prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."
  - B. **Removal of Officers.**
    - (1) The Mayor, councilmembers, or appointed officers provided for in this Charter shall be

removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

- (2) Removal of a Mayor, councilmember or appointed officer pursuant to subparagraph (a) of this Article shall be accomplished by one of the following methods:
  - (a) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the City Council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten (10) days after the service of such written notice. Mayor and Council shall provide by ordinance for the manner in which such hearing shall be held. Any elected official sought to be removed from office as herein provided shall have the right of appeal from the decision of Mayor and Council to the Superior Court of Newton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.
  - (b) By an order of the Superior Court of Newton County following a hearing on a complaint seeking such removal brought by any resident of the City of Oxford.

## ARTICLE VI. FINANCE

### 1. Taxation and Various Fees.

- A. Property Tax.** Mayor and Council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the City that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the City government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by Mayor and Council in its discretion.
- B. Millage Rate; Due Date; Payment Methods.** Mayor and Council by resolution shall establish a millage rate for the City property tax, a due date, and the time period within which these taxes must be paid. Mayor and Council by resolution may provide for the payment of these taxes by voluntary payment of taxes prior to the time when due.
- C. Occupation Taxes and Business Taxes.** Mayor and Council by resolution shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this City or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to this City to be so taxed. Mayor and Council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Article VI 11 of this Charter.
- D. Regulatory Licenses, Fees, Permits.** Mayor and Council by resolution shall have the power to require any individuals or corporations who transact business in this City or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the City and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude City regulations. Such fees may reflect the total cost to the City of regulating the activity and, if unpaid, shall be collected as provided in Article VI 2A of this Charter. Mayor and Council by resolution may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.
- E. Franchises.** Mayor and Council shall have the power to grant franchises for the use of this City's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies, and other similar organizations. Mayor and Council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted unless the City receives just and adequate compensation therefor. Mayor and Council shall provide for the registration of all franchises with the City Clerk in a registration book kept by the Clerk. Mayor and Council may provide by resolution for the registration within a reasonable time of all franchises previously granted.

- F. **Services Charges.** Mayor and Council by resolution shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, fire services or any other services provided or made available within and outside the corporate limits of the City for the total cost to the City of providing or making available such services. If unpaid, such fees, charges, and tolls shall be collected as provided in Article VI 1I of this Charter.
  - G. **Special Assessments.** Mayor and Council, by resolution, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Article VI 1I of this Charter.
  - H. **Construction; Other Taxes and Fees.** This City shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power, or authority in this Article shall not be construed as limiting in any way the general powers of this City to govern its local affairs.
  - I. **Collection of Delinquent Taxes and Fees.** Mayor and Council by resolution may provide generally for the collection of delinquent taxes, fees, or other revenue due the City under Article VI 1A through 1I of this Charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking City licenses for failure to pay any City taxes or fees; and providing for the assignment or transfer of tax executions.
2. **Borrowing.**
- A. **General Obligation Bonds.** Mayor and Council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this Charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.
  - B. **Revenue Bonds.** Revenue bonds may be issued by Mayor and Council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.
  - C. **Short-Term Loans.** The City may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.
  - D. **Lease-Purchase Contracts.** The City may enter into multi-year lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the City at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.
3. **Accounting and Budgeting.**
- A. **Fiscal Year.** Mayor and Council shall set the fiscal year by resolution. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the City government.
  - B. **Preparation of Budget.** Mayor and Council shall provide an resolution on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvements program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.
  - C. **Submission of Budget to City Council.** On or before a date fixed by Mayor and Council, but not later than thirty (30) days prior to the beginning of each fiscal year. the Mayor shall submit to Mayor and Council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the Mayor containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent. The operating budget and the capital improvements budget provided for in Article VI 3G of this Charter, the budget message, and all supporting documents shall be filed in the office of the City Clerk and shall be open to public inspection.

**D. Action by City Council on Budget.** Mayor and Council may amend the operating budget proposed by the Mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(1) Mayor and Council, by resolution, shall adopt the final operating budget for the ensuing fiscal year not later than the thirty-first day of December each year. If Mayor and Council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as Mayor and Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation resolution adopted pursuant to Article VI 3B of this Charter.

(2) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise encumbered balance of the appropriation or allotment thereof to which it is chargeable.

**E. Tax Levies.** Following adoption of the operating budget, Mayor and Council shall levy by resolution such taxes as are necessary. The taxes and tax rates set by such resolution shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this City.

**F. Changes in Appropriations.** Mayor and Council, by resolution, may make changes in the appropriations contained in the current operating budget at any regular meeting or any special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

**G. Capital Improvements Budget.**

(1) On or before the date fixed by Mayor and Council, but no later than thirty (30) days prior to the beginning of each fiscal year, the Mayor shall submit to Council a proposed capital improvements budget with his or her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. Mayor and Council shall have power to accept, with or without amendments, or reject the proposed program and proposed means of financing. Mayor and Council shall not authorize an expenditure for the constructing of any building, structure, work, or improvement unless the appropriations for such project are included in the capita improvements budget, except to meet a public emergency as provided in Article II 16 of this Charter.

(2) Mayor and Council shall adopt by resolution the final capital improvements budget for the ensuing fiscal year not later than the thirty-first day of December of each year. No appropriation provided in a prior capital improvements budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the Mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by his or her recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by resolution.

**H. Independent Audit.** There shall be an annual independent audit of all City accounts, funds, and financial transactions by a certified public accountant selected by the Mayor and Council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

#### **4. Procurement and Property Management.**

**A. Contracting Procedures.** No contract with the City shall be binding on the City unless pursuant to procedures established by Mayor and Council and:

(1) It is in writing;

(2) It is drawn by or submitted to and reviewed by the City Attorney and, as a matter of

- course, it is signed-off by the City Attorney to indicate such drafting or review; and
- (3) It is made or authorized by Mayor and Council and such approval is entered in the City journal of proceedings pursuant to Article II 12 of this Charter.
- B. Centralized Purchasing.** Mayor and Council shall by resolution prescribe procedures for a system of centralized purchasing for the City.
- C. Sale and Lease of City Property.**
- (1) Mayor and Council may sell and convey any real or personal property owned or held by the City for governmental or other purposes as now or hereafter provided by law.
  - (2) Mayor and Council may quitclaim any rights it may have in property not needed for public purposes upon report by the Mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the City has no readily ascertainable monetary value.
  - (3) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the City, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the City, Mayor and Council may authorize the Mayor to execute and deliver in the name of the City a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the City. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the City has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

## ARTICLE VII. GENERAL PROVISIONS

1. **Bonds for Officials.** The officers and employees of this City, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as Mayor and Council shall from time to time require by ordinance or as may be provided by law.
2. **Prior Ordinances.** All ordinances, resolutions, rules, and regulations that are now in force in the City and are not inconsistent with this Charter are declared valid and of full effect and force until amended or repealed by the City Council.
3. **Existing Personnel and Officers.** Except as specifically provided otherwise by this Charter, all personnel and officers of the City and their rights, privileges, and powers shall continue beyond the time this Charter takes effect for a period of ninety (90) days before or during which the existing City Council shall pass a transition resolution detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.
4. **Pending Matters.** Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be completed by such City agencies, personnel, or offices as may be provided by the City Council.
5. **Definitions and Construction.**
  - A. Section captions in this Charter are informative only and are not to be considered as a part thereof.
  - B. The word "shall" is mandatory and the word "may" is permissive.
  - C. The singular shall include the plural, the masculine shall include the feminine, and vice versa.
6. **Severability.** If any article, section, subsection, paragraph, sentence, or part thereof of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.
7. **Specific Repealer.** An Act providing a new Charter for the City of Oxford in the County of Newton, approved 1914, (Ga. Legislature, 1108), is repealed in its entirety.
8. **Effective Date.** This Charter shall become effective on July 1, 2001.
9. **Repealer.** All laws and parts of laws in conflict with this Act are repealed.





# **CODE OF ORDINANCES**



## **GENERAL PROVISIONS**



# CHAPTER 1: GENERAL PROVISIONS

## Section

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### **Section 1-101                    How Code Designated and Cited**

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of the City of Oxford, Georgia, 2005" and may be so cited.

### **Section 1-102                    Rules of Construction**

In the construction of this Code and of all sections, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Mayor and City Council.

- 1. General Rule.** All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- 2. Gender: Singular and Plural.** Every word in any code provision or section importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.
- 3. Tenses.** The use of any verb in the present tense shall include the future when applicable.
- 4. Joint Authority.** All words purporting to give a joint authority to four (4) or more City officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.
- 5. Delegation of Authority.** Whenever a provision requires the head of a department or other officer of the City to do some act or perform some duty, it shall be construed to authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.
- 6. Computation of Time.** The time within which an act is to be done as provided in any code provision or section or in any order issued pursuant to any section, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or a legal holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- 7. Overlapping Provisions.** Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable.

**Section 1-103                      Definitions**

Words and phrases used in this Code shall have the following meanings, unless otherwise specified.

1. **Advice and Consent.** Whenever the term "advice and consent" of the City Council is used in this Code it shall be construed to mean an affirmative vote of the majority of the entire City Council.
2. **City.** The Words "the City" or "this City" shall mean the City of Oxford, Georgia.
3. **City Council, Council.** The words "City Council" or "the Council" shall mean the City Council of the City of Oxford, Georgia.
4. **County.** The words "the county" or "this county" shall mean Newton County, Georgia.
5. **Court.** The word "court" shall mean the Municipal Court of the City.
6. **Governing Authority, Governing Body.** The words "governing authority" or "governing body" shall mean the Mayor and City Council of the City of Oxford, Georgia.
7. **Judge or Recorder.** The words "judge" or "recorder" shall mean the Judge of the Municipal Court of the City.
8. **Mayor.** The word "Mayor" shall mean the Mayor of the City of Oxford, Georgia.
9. **Mayor and City Council.** The term "Mayor and City Council" shall mean the Mayor and City Council of the City of Oxford, Georgia.
10. **Misdemeanor.** The term "misdemeanor" shall mean a violation of the state criminal law punishable by a fine not in excess of one thousand dollars (\$1,000.00) or confinement in a county or other jail for a term not exceeding twelve (12) months, or by both such fine and imprisonment.
11. **Municipality.** The word "municipality" shall be construed as synonymous with the term "city," "town," or "municipal corporation."
12. **Oath.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" or "sworn."
13. **Ordinance.** The word "ordinance" shall mean a legislative act of the municipal governing body of a general and permanent nature.
14. **Owner.** The word "owner" when applied to a building or to land, shall include any part owner, joint owner, tenant in common, joint tenant by the entirety, of the whole or a part of such building or land.
15. **Person.** The word "person" shall include a corporation, firm, agency, partnership, association, organization, government, and any other group acting as a unit, as well as an individual.
16. **Personal Property.** The term "personal property" shall include every specie of property except real property, as hereinafter defined.
17. **Preceding, Following.** The words "preceding" and "following" shall mean next before and next after, respectively.
18. **Property.** The term "property" means anything of value, including but not limited to real estate, tangible and intangible personal property, contract rights, services, choses in action, and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, and electric or other power.
19. **Real Property.** The words "real property" shall include lands, tenements, and hereditaments.
20. **Reasonable Time or Notice.** Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance or the act required.
21. **Resolution.** The word "resolution" shall mean a legislative act of the municipal governing body of a special or temporary character.
22. **Sidewalk.** The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of the pedestrians, but shall not include any unimproved areas between the curb line and improved walkways.
23. **Signature, Subscription.** The word "signature" or "subscription" shall include a mark intended as such when the person cannot write.
24. **State.** The words "state" or "this state" shall mean the State of Georgia.
25. **Street.** The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approach thereto, within the City.
26. **Tenant or Occupant.** The word "tenant" or "occupant," when applied to a building or to land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.
27. **Week.** The word "week" shall mean seven (7) calendar days.

28. **Writing or Written.** The words "writing" and "written" shall include printing and any other mode of representing words and letters.
29. **Year.** The word "year" shall mean a calendar year.

**Section 1-104                      Section Headings**

The headings of the several sections and subsections of this Code are intended as mere captions to indicate the contents of the section or subsection and shall not be deemed or taken to be titles of such sections, nor as any part of the section or subsection, nor unless so expressly provided, shall they be so deemed when any of such sections or subsections, including the headings, is amended or re-enacted.

**Section 1-105                      Effect of Repeal or Expiration of Code Section or Ordinance**

1. The repeal of a code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
2. When any ordinance repealing a former code section, ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former code section, ordinance, clause, or provision, unless it shall be expressly so provided.

**Section 1-106                      Amending Code**

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the Code and subsequent ordinances omitted are readapted as a new Code by the City Council.
2. Amendments to any of the provisions of this Code may be made by specific reference to the chapter, section number of this Code in the following language: "That Section \_\_\_\_\_ of the Code of Ordinances, City of Oxford, Georgia 2005, is hereby amended to read as follows . . . ." The new provisions may then be set out in full as desired.
3. In the event a new section not heretofore existing in the Code is to be added, the following language may be used. "The Code of Ordinances of the City of Oxford, Georgia 2005, is hereby amended by adding a new section (or subsection chapter) to be numbered \_\_\_\_\_, which section reads as follows. . . ." The new provision shall then be set out in full as desired.
4. All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

**Section 1-107                      Altering Code**

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Mayor and City Council.

**Section 1-108                      Severability**

The sections, paragraphs, sentences, clauses, and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

**Section 1-109                      Penalty Where No Penalty Provided**

1. Whenever in this Code or in any ordinance of the City any act is prohibited or is declared to be unlawful, or whenever in such Code or ordinance the doing of any act is declared to be unlawful, and no specific

penalty is provided therefore, the violation of such provision of this Code or any ordinance shall subject the person committing the violation to a fine not exceeding one thousand dollars (\$1,000.00) and costs or to imprisonment for a term not exceeding six (6) months, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the Judge of the Municipal Court.

2. The infliction of a penalty under the provisions of this Section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the City's Charter or Code.

**Section 1-110                      Ordinances Not Affected by Code**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any ordinance unless specifically set forth in this Code.

No such ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Chapter; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.



# **PART I: ORGANIZATION OF THE GOVERNMENT**



# CHAPTER 2: ELECTIONS

Section

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- 2-102 Authority to Conduct Municipal Elections
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- 2-202 Elector Qualifications
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## ARTICLE I. IN GENERAL

### Section 2-101 Adoption of State Rules and Regulations

The rules and regulations promulgated by the State Election Board which pertain to municipal elections, together with the provisions of the "Georgia Election Code" contained in Title 21 of the Official Code of Georgia Annotated, are hereby adopted as the rules, regulations, and provisions that shall govern the conduct of municipal general and special elections in this City.

**Section 2-102 Authority to Conduct Municipal Elections**

The governing authority of the municipality may conduct the election or they may authorize the county within which that municipality wholly or partially lies to conduct any or all elections. In the event the municipality shall by ordinance authorize such county to conduct elections, such municipality may request such county to perform any or all of the functions enumerated in the contract. Such county shall have authority to conduct elections in any and all counties in which any part of such municipality may lie. (See Election Code, O.C.G.A. § 21-2-1 et. seq.)

*NOTE: County registrars follow O.C.G.A. §§ 21-2-211 through 21-2-214.*

**Section 2-103 Expenses**

Such funds as are necessary for the conduct of elections and for the performance of the duties that are specified by this Chapter shall be budgeted and appropriated annually, and from time to time.

**ARTICLE II. REGISTRATION**

**Section 2-201 Reserve**

**Section 2-202 Elector Qualifications**

Any person desiring to vote in any municipal, general, or special election must:

1. Register as an elector in the manner prescribed by law;
2. Be a citizen of the State of Georgia and of the United States;
3. Be at least eighteen (18) years of age;
4. Be a resident of this City; and
5. Be possessed of all other qualifications prescribed by law:
  - A. No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.
  - B. No person who has been judicially determined to be mentally incompetent may register, remain registered, or vote unless the disability has been removed.
  - C. Any person who possesses the qualifications of an elector except those concerning age shall be permitted to register to vote if such person will acquire such qualifications within six (6) months after the day of registration; provided, however, that such person shall not be permitted to vote in the election until the acquisition of such qualifications.

**Section 2-203 Reserved**

**Section 2-204 Challenge of Registration List**

1. Any elector of the municipality may challenge the right of any other elector of the municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector's polling place or, if such elector cast an absentee ballot, prior to the close of the polls on the day of the election.
2. Upon the filing of such challenge, the City Clerk shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the City Clerk does not find probable cause, the challenge shall be denied. If the City Clerk finds probable cause, the City Clerk shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.
3. If the challenged elector appears at the polling place to vote, such elector shall be given the opportunity to appear before the City Clerk and answer the grounds of the challenge.
4. If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and if the challenge is based on grounds other than the qualifications of the elector to remain on the list of electors, no further action by the City Clerk shall be required.

5. If the challenged elector cast an absentee ballot and it is not practical to conduct a hearing prior to the close of the polls and the challenge is based upon grounds other than the qualifications of the elector to remain on the list of electors, the absentee ballot shall be treated as a challenged ballot pursuant to O.C.G.A. § 21-3-291. No further action by the City Clerk shall be required.
6. If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the City Clerk shall proceed to hear the challenge pursuant to O.C.G.A. § 21-2-229.
7. If the challenged elector cast an absentee ballot and the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the City Clerk shall proceed to conduct a hearing on the challenge on an expedited basis prior to the certification of the consolidated returns of the election by the election superintendent. The election superintendent shall not certify such consolidated returns until such hearing is complete and the City Clerk has rendered his or her decision on the consolidated returns. If the City Clerk upholds the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the City Clerk in the same manner as provided in subsection (e) of O.C.G.A. § 21-2-229.
8. If the challenged elector appears at the polls to vote and it is practical to conduct a hearing on the challenge prior to the close of the polls, the City Clerk shall conduct such hearing and determine the merits of the challenge. If the City Clerk denies the challenge, the elector shall be permitted to vote in the election notwithstanding the fact that the polls may have closed prior to the time the City Clerk renders his or her decision and the elector can actually vote, provided that the elector proceeds to vote immediately after the decision of the City Clerk. If the City Clerk upholds the challenge, the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name shall be removed from the list of electors.
9. If the challenged elector appears at the polls to vote and it is not practical to conduct a hearing prior to the close of the polls or if the City Clerk begins a hearing and subsequently finds that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by having the word "Challenged" and the elector's name written across the back of the elector's ballot notwithstanding the fact that the polls may have closed prior to the time the City Clerk makes such a determination, provided that the elector proceeds to vote immediately after such determination of the City Clerk. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the City Clerk shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the City Clerk. The election superintendent shall not certify such consolidated returns until such hearing is complete and the City Clerk has rendered his or her decision on the challenge. If the City Clerk denies the challenge, the superintendent shall proceed to certify the consolidated returns. If the City Clerk upholds the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the City Clerk in the same manner as provided in subsection (e) of O.C.G.A. § 21-2-229.

**Section 2-205                      Permanency of Registration**

Registration of an elector will remain permanent if the elector votes in at least one (1) election every three (3) years. If such person does not vote in at least one (1) general or special election or primary in a three (3) year period and does not specifically request continuation of his or her registration, then the elector's name will be removed from the registration list and he shall be required to re-register in the manner provided for original registration.

**Section 2-206                      Absentee Registration**

Not more than one hundred and eighty (180) days prior to the date of the general election or runoff in which the elector desires to vote, any absentee elector may make, either by mail, by facsimile transmission, or in person in the Office of the Clerk, an application to the City Clerk of the county of the elector's residence for an official ballot

of the elector's precinct to be voted at such election or runoff. In the case of an elector residing temporarily out of the City or a physically disabled elector residing within the City, the application for the elector's absentee ballot may, upon satisfactory proof of relationship, be made by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the age of eighteen (18) or over. The application shall be in writing and shall contain sufficient information for proper identification of the elector; the permanent or temporary address of the elector to which the absentee ballot shall be mailed; the identity of the election or runoff in which the elector wishes to vote; the reason for requesting the absentee ballot; the name and relationship of the person requesting the ballot if other than the elector. Except in the case of physically disabled electors residing in the City, no absentee ballot shall be mailed to an address other than the permanent mailing address of the elector as recorded on the elector's voter registration record or a temporary out of county address. Relatives applying for absentee ballots for electors must also sign an oath stating that facts in the application are true. If the elector is unable to fill out or sign such elector's own application because of illiteracy or physical disability, the elector shall make such elector's mark, and the person filling in the rest of the application shall sign such person's name below it as a witness; provided, however, that one timely and proper application for an absentee ballot for use in a general election shall be sufficient to require the mailing of the absentee ballot to an eligible absentee elector who lives outside the City in which the election is held and is also a member of the armed forces of the United States, a member of the merchant marine of the United States, or a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member or overseas citizen. Any elector meeting criteria of advanced age or disability specified by rule or regulation of the Secretary of State may request in writing on one application a ballot for a general election as well as for any runoffs resulting therefrom. If not so requested by such person a separate and distinct application shall be required for each election and run-off election. Notwithstanding the foregoing, a separate and distinct application for an absentee ballot shall be required of the presidential preference primary held pursuant to Article 5 of O.C.G.A. § 21-2-381 and for any special election or special primary.

**Section 2-207                      Elector Identification**

1. Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:
  - A. A valid Georgia driver's license;
  - B. A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United State authorized by law to issue personal identification;
  - C. A valid United States passport;
  - D. A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state.
  - E. A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of such employer's business;
  - F. A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia;
  - G. A valid Georgia license to carry a pistol or revolver;
  - H. A valid pilot's licensed issued by the Federal Aviation Administration or other authorized agency of the United States;
  - I. A valid United States military identification card;
  - J. A certified copy of the elector's birth certificate;
  - K. A valid social security card;
  - L. Certified naturalization documentation; or
  - M. A certified copy of court records showing adoption, name, or sex change.

2. If an elector is unable to produce any of the items of identification listed above, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector's voter certificate, swearing or affirming that he or she is the person identified on the elector's voter certificate. Such person shall be allowed to vote without undue delay. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

### ARTICLE III. CANDIDATES

#### Section 2-301 Notice of Candidacy, Name on Ballot

1. **Filing.** Each candidate desiring to have his or her name placed on the ballot for an office to be filled in a municipal election shall file personally, or by his or her agent, notice of his or her candidacy in the manner and accompanied by the documents and information required below.
  - A. Each candidate or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three (3) days and no more than five (5) days. The days of the qualifying period shall be consecutive days. Qualifying periods shall comply with the following:
    - (i) In the case of a general election held in an odd-numbered year, the municipal qualifying period shall commence no earlier than 8:30 a.m. on the second Monday in September immediately preceding the general election and shall end no later than 4:30 p.m. on the following Friday.
    - (2) In the case of a general election held in an even-numbered year, the municipal qualifying period shall commence no earlier than 8:30 a.m. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 p.m. on the following Friday; and
    - (3) In the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than twenty-five (25) days prior to the election.

The hours of qualifying each day shall be from 8:30 a.m. until 4:30 p.m. with one (1) hour allowed for the lunch break; provided, however that municipalities which have normal business hours which cover a lesser period of time shall conduct qualifying during normal business hours for each such municipality. Except in the case of a special election, notice of the opening and closing dates and the hours for candidates to qualify shall be published at least two weeks prior to the opening of the qualifying period.

2. **Designation of Office Sought.** In the event a candidate seeks one (1) of two (2) or more public offices of the City, each having the same title and to be filled at the same election by the vote of the same electors, charter or ordinance provisions shall govern whether such candidate shall designate the specific office he is seeking. If required to designate the specific office, the candidate shall name his or her incumbent or give other appropriate designation. Such designation shall be entered on the ballot and ballot labels in such manner that in the ensuing primary or election such candidate shall only oppose the other candidate or candidates, if any, designating the same specific office.

#### Section 2-302 Notice of Candidacy, Write-in Vote

1. No person elected on a write-in-vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no later than seven (7) days after the close of the municipal qualifying period for municipal elections in the case of a general election. In a municipal general or special election, notice of candidacy and write-in vote shall be filed with the superintendent and published in the legal organ of the municipality holding the election.
2. In addition to the requirements contained in subsection 1 of this Section, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file, with the City Clerk, a copy of the notice as published with an affidavit stating that the notice has been published and including the name of the newspaper and the date of publication, not later than the fifth day after the deadline for filing and publishing such notice. The affidavit may be made by the person giving notice of intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

3. No person shall be eligible as a write-in candidate in a special or general primary, a special or general primary runoff, or in a special or general election runoff.
4. No person shall be eligible as a write-in candidate in a general or special election if such person was a candidate for nomination or election to the same office in the immediately preceding primary.

**Section 2-303                    Qualifying Fees**

1. The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan primary, or general election is to held, and at least thirty five (35) days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Such fee shall be three percent (3%) of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office; provided, however, that for the offices of clerk of the superior court, judge of the probate court, sheriff, tax commissioner, and magistrate, the qualifying fee shall be three percent (3%) of the minimum salary provided by general law for the office, exclusive of cost-of-living increases and longevity increases. If the office is not a salaried position, a reasonable fee shall be set by the governing authority of the municipality, such fee not to exceed three percent (3%) of the total gross income derived from such office by the person holding the office for the preceding year (or more than thirty-five dollars [\$35.00]).
2. Qualification fees paid to the superintendent of a municipality:
  - A. If the person qualified as a candidate of a political body, fifty percent (50%) shall be transmitted to the state executive committee of the appropriate political body and fifty percent (50%) shall be retained by the superintendent of the municipality; and
  - B. If the person qualifies as an independent or nonpartisan candidate, the superintendent of the municipality shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the superintendent of the governing authority of the municipality, to be applied toward the cost of holding the election.

**Section 2-304                    Campaign Financing Disclosure**

Every elected municipal official shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year. Each person who qualifies as a candidate for election as a public officer shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

A public officer shall not, however, be required to file such a financial disclosure statement for the preceding calendar year in a year in which there occurs qualifying for election to succeed such public officer, if such public officer does not qualify for nomination for election to succeed himself or herself or for election to any other public office subject to this Chapter. For purposes of this subsection, a public officer shall not be deemed to hold office in a year in which the public officer holds office for less than fifteen (15) days.

**ARTICLE IV.                    VOTING**

**Section 2-401                    Election Officials**

1. **Appointment.** The following election officials shall be appointed by the Mayor and City Council and shall receive such compensation as is provided by same:
  - A. Municipal Election Superintendent
  - B. Chief Manager
  - C. Two (2) Assistant Managers
  - D. Clerks, as necessary
2. **Qualifications and Powers.** The Municipal Election Superintendent and all poll officers shall meet



such qualifications and exercise all such powers and duties as are provided in Title 21 of the O.C.G.A.

**Section 2-402 Election Districts**

The City of Oxford shall comprise the sole election district.

**Section 2-403 Polling Places**

The polling place within the precinct shall be the Oxford Community Center located at 810 Whatcoat Street.

**Section 2-404 Date of Election**

All general municipal elections to fill municipal offices shall be held on the Tuesday next following the first Monday in November and on such day biennially thereafter.

**Section 2-405 Reserved**

**Section 2-406 Absentee Ballots**

Absentee ballots shall be used in all municipal elections, and such use shall be governed by the provisions of Chapter 21 of the O.C.G.A.

**Section 2-407 Vote Required for Election**

Candidates for nomination for any public municipal office shall be nominated or elected by a plurality of the votes cast to fill such nomination or public office. Plurality shall mean the receiving by one candidate alone of the highest number of votes cast.

Where the Municipal Charter does not provide for nomination or election by plurality and no candidate receives a majority of the votes cast, a run-off election shall be held between the candidates receiving the two highest numbers of votes. In the case of a general election, such runoff shall be held on the twenty-first day after the day of holding the first election, unless such run-off date is postponed by court order. In the case of a special election, such runoff shall be held not earlier than the fourteenth day and not later than the twenty-first day after the holding of the first special election, on a date specified by ordinance or resolution, unless such run-off date is postponed by court order.

**Section 2-408 Contested Elections**

1. **Petition of Contest.** Any person wishing to contest the results of an election shall file a petition with the City Clerk within five (5) days after the results of the election are certified to the Mayor and City Council, which petition shall set forth in writing one (1) or more of the following grounds:
  - A. Malconduct, fraud or irregularity by any election official sufficient to change or place in doubt the results;
  - B. When the defendant is ineligible for the nomination or office in dispute;
  - C. Illegal votes received, or legal votes rejected, sufficient to change or place in doubt the result;
  - D. An error in counting the votes or in declaring the result of an election, if such error would change the result; or
  - E. Any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.
2. **Notice and Hearing.** Upon the filing of the contest petition, a hearing shall be set before the Mayor and City Council and written notice stating the time and place of the hearing and containing a copy of the contest petition shall be given to all affected candidates. The hearing will take place not less than fifteen (15) nor more than thirty (30) days after service of the notice upon the affected candidates, and shall be conducted in an informal manner.

3. **Determination by Mayor and City Council.** The Mayor and City Council shall examine the qualifications of electors concerning their right to vote, order a recount of ballots, examine the registration lists, and perform such acts and conduct such examination as may be deemed necessary to determine the validity of a contest of an election, except that any member of the governing authority included in the contest shall disqualify himself from judging the contest.
4. **Appeal.** The final determination of the Mayor and City Council may be appealed to the Newton County Superior Court in the manner of appeal from a court of probate, except that such appeal shall be made within ten (10) days after determination of the contest by the Mayor and City Council.

# CHAPTER 3: ADMINISTRATION

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**ARTICLE I. IN GENERAL**

**Section 3-101 Exercise of Governmental Authority**

In addition to the other powers which it may have, the governing body of the City shall have the following powers, under this Chapter, relating to the administration of municipal government:

1. The power to establish municipal offices, agencies, and employments;
2. The power to define, regulate, and alter the powers, duties, qualifications, compensation, and tenure of all municipal officers, agents, and employees, provided that the members of the municipal governing body shall not have the right to fix or change their own terms or the terms of their successors, nor to alter their own salaries or compensation, except pursuant to the authority of O.C.G.A. § 36-35-4, nor to alter such duties or responsibilities as are specifically given to a particular elective official by Charter;

3. The power to authorize in any manner prescribed by applicable law; any process, summons, notice, or order on all persons, as defined in O.C.G.A. § 1-3-3 therein named, when the paper to be served originates in or is issued under the authority of the Clerk and Mayor and City Council.
  - A. The paper to be served originates in or is issued under the authority of the Clerk and Mayor and Council.

Where any such paper names one or more persons who reside outside the territorial jurisdiction of the municipal corporation, the several sheriffs, marshals, and constables of the several counties of this state are authorized and directed to serve any such paper and make appropriate return of such service by them, as other process is served and returned, on such named persons residing in their respective jurisdictions, upon receipt of a written request to make such service, for the fees allowed for service of process issued by the superior courts of this state;
4. The power to establish merit systems, retirement systems, and insurance plans for all municipal employees and to establish insurance plans for school employees of independent municipal systems and to provide the method or methods of financing such systems and plans;
5. The power to contract with any state department or agency or any other political subdivision for joint services or the exchange of services; to contract with such agencies or subdivisions for the joint use of facilities or equipment; and to contract with any state agency or political subdivision to perform any service or execute any project for such agency or subdivision in which the municipal corporation has an interest;
6. The power to legislate, regulate, and administer all matters pertaining to absentee voting in municipal elections; but not in conflict with any state laws; and
7. The power to grant franchises to or make contracts with railroads, street railways, or urban transportation companies, electric light or power companies, gas companies, steam-heat companies, telephone and telegraph companies, water companies, and other public utilities for the use and occupancy of the streets of the City, for the purpose of rendering utility services, upon such conditions and for such time as the governing authority of the municipal corporation may deem wise and subject to the Constitution and the general laws of this state.

**Section 3-102 Code of Ethics**

1. **Prohibited Conduct.** Public officials and employees of the City shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such official and employee shall include, but not be limited to, the following:
  - A. Granting or making available to any person any special consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large;
  - B. Requesting, using, or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of himself or any other person, except as otherwise allowed by law;
  - C. Participating in the deliberation of or voting on any matter involving his or her financial or personal interest;
  - D. Engaging in private employment with, or rendering services for, any private person who has business transactions with the City, unless he has made full public disclosure of the nature and extent of such employment or services;
  - E. Appearing as Counsel for any private persons, other than himself, before any public body in the City;
  - F. Accepting any gift, whether in the form of money, thing, favor, loan, or promise, that would not be offered or given to him if he were not an official or employee;
  - G. Disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the City, without prior formal authorization of the Mayor and Council;
  - H. Using or permitting the use of confidential information to advance the financial or personal interest of himself or any other person; or
  - I. Appointing or voting for the appointment of any person related to him by blood or marriage to fill an office, position, employment, or duty, when the salary, wages, pay, or compensation is to be paid out of public funds.
2. **Hearings and Determinations.** Upon the sworn complaint of any person alleging facts which if true

would constitute a violation of this Section, the City Council shall conduct a public hearing at which the accused shall be given an opportunity to be heard, either personally or through Counsel. At the conclusion of said hearing, the City Council shall, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the official or employee in question.

**Section 3-103 Administrative Policy and Procedures**

1. **Officers.** Each officer shall perform all duties required of his or her office by state law, the Charter, and this Code, and such other duties not in conflict therewith as may be required by the Mayor.
2. **Department Heads.** All department heads shall:
  - A. Be immediately responsible to the Mayor for the effective administration of their respective department and all activities assigned thereto;
  - B. Keep informed as to the latest practices in their particular field and implement, with the approval of the Mayor, such new practices as appear to be of benefit to the service and to the public;
  - C. Submit quarterly and annual reports of the activities of their respective department to the Mayor;
  - D. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Mayor;
  - E. Have power, when authorized by the Mayor, to appoint and remove, subject to personnel regulations, all subordinates under him; and
  - F. Be responsible for the proper maintenance of all City property and equipment used in their respective departments.
3. **Departments.** Each department shall cooperate with every other department and shall furnish, upon the direction of the Mayor, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.
4. **Records.** All municipal records, except those which by order of a state court or by law are prohibited from being open to public inspection, shall be open for personal inspection by any citizen of Georgia during the hours of operation of the administrative service herein below prescribed.
5. **Operation of Administrative Service.** All units in the administrative service shall:
  - A. **Office Hours.** Be open between the hours of 7:30 a.m. and 4:00 p.m. on weekdays and shall be closed Saturday, Sunday, and legal holidays.
  - B. **Make Daily Deposit.** Made a daily deposit with the City Treasurer of any monies received directly from the public.
  - C. **Payment of Monies.** Pay out monies belonging to the City only in the manner prescribed herein.

**Section 3-104 Oaths**

1. All officers and employees required by Charter or some other provision of law to take an oath shall, before entering upon the discharge of their respective duties, take and subscribe the following oath before an officer authorized by law to administer oaths:

*“I do solemnly (swear) (affirm) that I will faithfully perform the duties of (Mayor) (councilmember) of this City and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America.”*

**Section 3-105 Bonds**

Except as otherwise provided by law, the Mayor and City Council may require any department head, City official, or employee, before entering upon the discharge of his or her duties to give good and sufficient bond in any amount decided by the Mayor and City Council. Said bond shall be payable to the City of Oxford for the faithful performance of said duties and to secure against corruption, malfeasance, misappropriation, or unlawful expenditures in office. Said surety bonds shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the Mayor and City Council. The premiums thereon shall be paid by the City.

**Section 3-106 Compensation**

Each officer and employee of the City shall receive such compensation as be provided from time to time by resolution.

## **ARTICLE II. THE MAYOR AND CITY COUNCIL GENERALLY**

### **Section 3-201 Election**

Effective January 1, 1993, all municipal offices to be elected in November, 1993, general municipal election and biennially thereafter, shall be for terms of four (4) years unless otherwise provided by local law in accordance with O.C.G.A. § 21-3-64. Terms of office for elections held during 1992 must conform to the requirements of O.C.G.A. § 21-3-62.

### **Section 3-202 Qualifications for Office**

Any person whose principal place of residence is within the corporate limits of the City and who is both a qualified voter of the City and at least eighteen (18) years of age at the time of election shall be eligible for the office of Mayor or City councilmember. Should the Mayor or any member of City Council cease to maintain his or her principal place of residence within the City during his or her term of office, his or her office shall thereby become vacant.

### **Section 3-203 Vacancies**

The office of Mayor or councilmember upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by the Charter or the general laws of the State of Georgia. A vacancy in the office of Mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by the Mayor and Council.

### **Section 3-204 Meetings**

- 1. Open Meetings.** All meetings of the Mayor and Council shall be held in accordance with the provisions of O.C.G.A. § 50-14-1 et seq. The public shall at all times be afforded access to all meetings other than executive sessions.
- 2. Regular Meetings.** The regular meetings of the Mayor and Council shall be held at 7:30 p.m. on the first Monday of each month. All regular meetings shall be held at Oxford Community Center, 810 Whatcoat Street. A notice containing the information described in this Section shall be posted and maintained in a conspicuous place available to the general public at City Hall. No official action may be taken on any issue at a work session which may be called by the Mayor or three (3) councilmembers.
- 3. Special Meetings and Rescheduled Regular Meetings.** A regular meeting may be canceled, rescheduled or moved to a new location by the Mayor for any reason. Other special meetings may be scheduled by the Mayor or at the request of four (4) councilmembers. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least twenty-four (24) hours at the place of the regular meetings. This written notice shall include the purpose of the meeting. In addition, written or oral notice shall be given by the clerk at least twenty-four (24) hours in advance of the meeting to the legal organ of the county and to each member of the council.
- 4. Emergency Meetings.** When emergency circumstances occur, the Mayor and Council may hold a meeting with less than twenty-four (24) hours' notice to the public. When such meetings are to be held, the City Clerk shall provide notice to the legal organ of the county and to each councilmember as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.
- 5. Executive Session.** Executive sessions of the Mayor and Council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. §§ 50-14-2 and 51-14-3. Where a meeting of the Mayor and Council is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the Mayor and Council taken in a public meeting. The minutes of the public meeting

shall reflect the names of the councilmembers present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the City Clerk at the direction of the Mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosures, except that disclosures of such portions of minutes identifying real estate to be acquired by the Mayor and Council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated. Voting on any issue shall not take place during a closed meeting but shall be done, if appropriate, in open session following the executive session.

6. **Agenda and Minutes.** An agenda of the subjects acted on and those members present at a meeting of the Mayor and Council shall be written and made available to the public for inspection within two (2) business days of the adjournment of a meeting of the Mayor and City Council. The minutes of a meeting of the Mayor and Council shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency, but in no case later than immediately following the next regular meeting of the Mayor and Council.

Minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll-call vote, the name of each person voting for or against a proposal shall be recorded and in all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining. Official minutes of the meeting of the City governing authority shall be maintained in the offices of the governing authority. Copies of contracts, maps, or similar material or documents related to actions taken by a governing authority may be included in the minutes or incorporated by reference to an alternate location. Where incorporated by reference, such documents shall be stored in a central location or locations identified by ordinance or resolution of the governing authority.

**Section 3-205                      Reserved**

**Section 3-206                      Rules for the Conduct of Business**

Except as otherwise provided in this Section, Roberts' Rules of Order shall govern the conduct of City Council meetings.

1. **Call to Order.** All meetings of the City Council shall be open to the public. The Mayor, or in his absence, the Mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the City Council meeting to order.
2. **Roll Call.** Before proceeding with the business of the City Council, the City Clerk or his/her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.
3. **Quorum.** A majority of all the members elected to the City Council shall constitute a quorum at any regular or special meeting of the City Council and an affirmative vote of a majority of four (4) shall be sufficient to permit the conduct of all business except that for which a larger vote has been mandated by this Code.
4. **Order of Business.** The business of the City Council shall be taken up for consideration and disposition in the following order:
  - A. Call to order by presiding officer.
  - B. Roll call.
  - C. Approval of minutes of previous meeting.
  - D. Petitions and communications from the public.
  - E. Adjournment.
5. **Reading of Minutes.** Unless a reading of the minutes of a City Council meeting is requested by a member of the City Council, such minutes may be approved without a reading if the City Clerk has previously furnished each member with a copy thereof.



6. **Reports By Committees.** Any business coming before the City Council concerning the subject matter of which any standing or special committee has jurisdiction, may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the Mayor or by the City Council, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the City Council, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the presiding officer.

Each standing committee shall examine the matters within its jurisdiction, and make such reports and recommendations from time to time as may be necessary.

7. **Manner of Addressing Council.** No member, while the City Council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
8. **Limitations on Addressing City Council.** Any person not a member of City Council who desires to address the City Council shall first secure the permission of the presiding officer, and then shall step up in front of the rail, give his or her name and address in an audible tone of voice for the record, and direct his or her remarks to the City Council as a body rather than to any particular member, limiting such remarks to three (3) minutes unless additional time is granted by City Council.
9. **Ordinances, Resolutions, Regulations, Contracts and Inter-local Agreements.** Unless otherwise provided in this Code, all ordinances, resolutions, contracts, and inter-local agreements of the City shall be prepared, approved, introduced, and adopted in the following manner:
- A. **Preparation.** All ordinances shall be prepared by the City Attorney or at the direction of the Mayor or Council.
- B. **Administrative Staff Approval.** All ordinances, resolutions, and contract documents shall, before presentation to the City Council, have been approved as to form and legality by the City Attorney or his or her authorized representative, and shall have been examined by the Mayor or his/her authorized representative where there are substantive matters of administration involved.
- C. **Introduction and Adoption.**
- (1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "the Council of the City of Oxford hereby ordains. . ." and every ordinance shall so begin.
  - (2) An ordinance may be introduced by any member of the City Council and be read at a regular or special meeting of the City Council. Upon introduction of any ordinance, the City Clerk shall, as soon as possible, distribute a copy to the Mayor and to each member of the City Council and shall file a reasonable number of copies in the office of the City Clerk and at such other public places as the City Council may designate.
  - (3) No ordinance shall be put on its final passage on the same day it is introduced.
  - (4) All ordinances shall have two (2) separate readings.
  - (5) No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this Code.
  - (6) An ordinance, resolution, or contract shall be deemed, adopted, or rejected by the City Council in accordance with the rules which the City Council shall establish. Such ordinances adopted by the City Council shall have the full force and effect of law.
- D. **Effective Date.** Except where applicable in 3-206.9E of this Chapter, no ordinance shall take effect until five (5) days after the date of its publication, except a public emergency ordinance necessary for the protection of public health, public safety, public property, or the public peace, may be made effective upon adoption.
- E. **Emergencies.** To meet a public emergency affecting life, health, property, or public peace, the City Council may convene on call of the Mayor or three (3) members of the City Council and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific

terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) members of the City Council shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

10. **Recording Vote.** Whenever any member shall request it the yeas and nays of the members present shall be recorded on the minutes on any question taken.
11. **Questions of Order.** The presiding officer shall decide all questions of order, but any councilmember who is dissatisfied with the decision may appeal to the City Council in the manner provided by Roberts' Rules of Order for appealing from decisions of presiding officers.
12. **Elections.** All elections by the City Council shall be by ballot, and a majority vote of the whole City Council shall be necessary to an election.

### **Section 3-207                    Legislative Authority Generally**

The City Council shall exercise the legislative functions of the City, and may pass any ordinance or resolution that deems best for the government of the City in the manner set forth in this Chapter; provided, that same is not in conflict with the Charter of the City, the Constitution or laws of the State of Georgia, or the Constitution or laws of the United States.

## **ARTICLE III.            THE MAYOR**

### **Section 3-301                    General Authority**

The Mayor shall be the chief executive and administrative officer of the City government, shall enforce the laws of the City, and shall require the faithful performance of all administrative duties.

### **Section 3-302                    Duties**

The Mayor shall have the powers and duties authorized in Article II 21 of the Charter.

### **Section 3-303                    Reserved**

### **Section 3-304                    Mayor Pro Tempore**

By a majority vote, the Mayor and Council shall elect a councilmember to serve as Mayor pro tempore. The Mayor pro tempore shall preside at all meetings of the City Council and shall assume the duties and powers of a Mayor upon the Mayor's disability or absence. (Also see Article II 22 of the Charter.)

### **Section 3-305                    Reserved**

### **Section 3-306                    Removal**

The Mayor may be removed from office for any one or more of the following causes:

1. By an order of the Newton County Superior Court following a hearing on a complaint seeking such removal brought by any resident of the City of Oxford.
2. By recall pursuant to Georgia Law; or
3. Pursuant to the terms of general law.

**Section 3-307 Procedure for Removal**

Removal of any elected officer from office shall be brought about in accordance with O.C.G.A. § 45-11-4 and shall be brought in the Newton County Superior Court.

**Section 3-308 Compensation**

The Mayor shall receive compensation, expenses, and benefits as provided by ordinance and in accordance with Chapter 35, Title 36 of the O.C.G.A.

**Section 3-309 Emergency Power of the Mayor**

1. The Mayor shall have the right to declare an emergency to exist when, in his or her opinion, any one or more of the following conditions exist:
  - A. That there is extreme likelihood of danger of destruction of life or property due to unusual conditions.
  - B. Unusual or extreme weather conditions, making use of City streets or areas difficult or impossible.
  - C. Civil unrest, commotion or uprising is imminent or exists.
  - D. There is a stoppage or loss of electrical power affecting a major portion of the City.
2. After declaration of such emergency, the Mayor, as chief executive, shall have the right to exercise any or all of the following powers:
  - A. The power to use employees of the City of Oxford other than employees of the Police Department to assist in the safety and preservation of life, limb and property of the citizenry of the City of Oxford;
  - B. The power to close streets and sidewalks and to delineate areas within the City wherein an emergency exists;
  - C. The power to impose emergency curfew regulations;
  - D. The power to close business establishments within the affected area;
  - E. The power to close any and all municipally owned buildings and other facilities to the use of the general public; and
  - F. The power to do any and all acts necessary and incidental to the preservation of life, limb and property of the citizenry of the City of Oxford.
3. No emergency power as set forth herein may be effective for more than seventy-two (72) hours after the declaration of an emergency by the Mayor. However, upon declaration of a second or further emergencies to exist the emergency powers as set forth may be extended for up to an additional seventy-two (72) hour.

**ARTICLE IV. THE CITY CLERK/TREASURER**

**Section 3-401 Election**

The City Council shall at its first regular meeting after election and qualification elect/appoint a City Clerk/Treasurer.

**Section 3-402 Term of Office**

The City Clerk/Treasurer shall hold his or her office for one (1) year, subject to removal for cause, and until his or her successor is elected and qualified.

**Section 3-403 Bond**

Before entering upon the duties of his or her office, the City Clerk/Treasurer shall give a good and sufficient bond, payable to the City Council, such bond to be fixed and approved by the City Council.

**Section 3-404                    Duties of City Clerk**

The City Clerk/Treasurer shall have the following duties in his or her capacity as City Clerk:

1. To attend all meetings of the City Council;
2. To keep correct and full minutes of the proceedings of City Council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;
3. To receive all applications or petitions made to the City and to place them before the Mayor and City Council at the meeting of the City Council next succeeding the receipt thereof;
4. To issue all licenses, and keep a record thereof, and all badges and permits authorized by the City Council;
5. To attend all sessions of the Municipal Court;
6. To keep an execution docket, in which he shall enter the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
7. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this Code or other rules, regulations, and ordinances of the City Council;
8. To be the custodian of the City seal and affix its impression on documents whenever required; and
9. To carefully preserve the records and documents belonging to the City which are not assigned to the custody of some other office, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.

**Section 3-405                    Duties of City Treasurer**

The City Clerk/Treasurer shall have the following duties in his or her capacity as City Treasurer:

1. To receive all money due the City Council, including taxes, licenses, fees, and other moneys belonging to the City and pay out the same only upon orders passed by the City Council and signed by the Mayor, or in his or her absence, the Mayor pro tempore;
2. To keep a book of accounts showing all money received on behalf of the City and the source and disposition thereof, which book shall be open for inspection by the public and members of the City Council;
3. To maintain a uniform system of accounts and keep such other records and accounts as may be required by statute or ordinance;
4. To furnish the City Council with quarterly statements detailing all receipts and payments of funds for the quarter; and
5. To enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the City.

**Section 3-406                    Compensation**

The City Council shall provide for the compensation of the City Clerk/Treasurer.

**ARTICLE V.                    RESERVED**

**ARTICLE VI.                    OFFICERS AND EMPLOYEES**

**Section 3-601                    The City Attorney**

1. **Appointment and Qualifications.** The City Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia and has been actively engaged in the practice of law for at least three (3) years preceding his or her appointment.
2. **Oath.** Before entering upon the duties of his or her office, the City Attorney shall take the oath prescribed by this Code for City officers.
3. **Powers and Duties.** The City Attorney shall be the legal advisor and representative of the City and in such capacity shall:

- A. Advise the City Council or its committees or any City officer, when thereto requested, upon all legal questions arising in the conduct of City business;
  - B. Prepare or revise ordinances when so requested by the City Council or any committee thereof, and keep the Code of Ordinances of the City up-to-date and properly indexed;
  - C. Give his or her opinion upon any legal matter or question submitted to him by the City Council, or any of its committees, or by any City officer;
  - D. Attend all meetings of the City Council as directed for the purpose of giving the City Council any legal advice requested by its members;
  - E. Prepare for execution all contracts and instruments to which the City is a party and approve, as to form, all bonds required to be submitted to the City;
  - F. Prepare, when authorized by the City Council, all charges and complaints against, and appear in the Municipal Court in the prosecution of every person charged with a violation of this Code or City Charter, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the City;
  - G. Represent and defend any and all suits and actions at law or equity brought against the City, unless otherwise directed by the City Council;
  - H. Make immediate reports to the Mayor and City Council of the outcome of any litigation in which the City has an interest;
  - I. Make an annual report to the Mayor and City Council of all pending litigation in which the City has an interest and the status thereof;
  - J. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise not involving or requiring payment to exceed an amount as determined by the Mayor and Council.
  - K. Keep complete and accurate records of the following, which records shall forever remain the property of the City:
    - (1) All suits in which the City had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and
    - (2) All written opinions prepared by the City Attorney and all certificates or abstracts of titles furnished by him to the City, or any department or official thereof.
  - L. Render such other legal services as may be required by the Mayor or City Council.
4. **Compensation.** The City Attorney shall submit to the City Council a monthly bill for his or her services, itemizing the type of work performed for the City and the number of hours engaged in each type of work during the month.

**Section 3-602 Chief of Police**

- 1. **Appointment of Chief of Police and Police Officers.** At the first regular meeting of the Mayor and Council in January of each year, the Mayor and Council shall appoint a Chief of Police.
- 2. The Chief of Police and all other police officers shall be under the control of the Mayor and Council; they shall be paid such salaries as may be fixed by the Mayor and Council; and they shall be required to give bond, at the expense of the City, in such amounts as may be from time to time determined by the Mayor and Council, such bonds to be conditioned for the faithful performance of their duties. Extra police officers who are appointed temporarily for emergencies or unusual circumstances shall not be required to give bond.

**Section 3-603 Public Officers and Employees - Labor Practices; Strikes by Public Employees Prohibited**

- 1. As used in this Section, the term:
  - A. **Public Employee.** Any person holding a position by appointment or employment in the government of this state or any person holding a position which provides essential public services without which the public health, safety, welfare, or morals would be without which the public health, safety, welfare, or morals would be endangered, by appointment or employment in the government of a county, municipality, school system, or other political subdivision of this state

- or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
- B. Public Employment.** The appointment or employment in the government of this state or the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
  - C. Strike.** The failure to report for duty, the willful absence from one's position, the stoppage or deliberate slowing down of work, or the withholding in whole or in part of the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing change in the conditions, compensation, rights, privileges, or obligations of public employment; provided, however, that nothing in this Article shall limit or impair the right of any public employee to express or communicate a complaint or opinion on any matter related to the conditions of public employment so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.
- 2. No public employee shall promote, encourage, or participate in any strike. Provided, however, that no right to collective bargaining currently recognized by law is abridged by this act.
  - 3. No person exercising any authority, supervision, or direction over any public employee shall have the power to authorize, approve, or consent to a strike by one or more public employees; and such person shall not authorize, approve, or consent to such strike.
  - 4. Any public employee who violates Code § 45-19-2 shall be deemed to have terminated his or her employment; shall forfeit his or her civil service status, job rights, seniority, and emoluments, if any; and subsequent to such violation shall not be eligible for appointment or reappointment or employment or preemployment in public employment for a period of three (3) years after such violation except upon the following conditions:
    - A.** His or her direct or indirect compensation shall in no event exceed that received by him or her immediately prior to the time of such violation;
    - B.** His or her direct or indirect compensation shall not be increased for three (3) years after such subsequent appointment or reappointment or employment or preemployment; and
    - C.** He or she shall be on probation for period of five (5) years following such appointment or reappointment or employment or preemployment, during which period he or she shall serve without tenure and at the pleasure of the appointing or employing officer of body.
  - 5. Any person who is not a public employee and who shall knowingly incite, agitate, influence, coerce, persuade, or picket to urge a public employee to strike shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed one (1) year, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or both.

## ARTICLE VII. CITY OF OXFORD PERSONNEL POLICIES AND PROCEDURES

### Section 3-701 Introduction

- 1. **Purpose.** To summarize the overall objectives of the City's Personnel Policies and Procedures. The Mayor and Council of the City of Oxford in order to provide a fair, equitable, and productive work environment have established the City's Personnel Management System for the City employees. The system and these policies have been enabled by an ordinance adopted by the Mayor and Council of the City of Oxford. The policies contained herein are enacted in order to further the following goals:
  - A.** To provide a uniform system of personnel administration throughout the City government;
  - B.** To ensure that recruitment, selection, placement, promotion, retention, and separation of employees are not only based upon individual employees' qualifications and/or job performance, but are also in compliance with all applicable federal, state, and local laws;
  - C.** To assist City management in the development and implementation of sound management practices and procedures and to make effective, consistent use of human resources throughout the City;
  - D.** To promote better communication and understanding between City management, department heads, supervisors, and employees;
  - E.** To ensure, protect, and clarify the rights and responsibilities of City employees;

2. **General Policy.** In order to properly administer City human resources, it is the Mayor and Council's prerogative to:
- A. Determine the organization of the City government;
  - B. Determine the purpose of each of its departments, divisions, and other units;
  - C. Exercise control and judgment over City operations;
  - D. Set standards for services to be offered to the public;
  - E. Hire, examine, classify, promote, train, transfer, assign, and/or schedule City employees;
  - F. Discipline covered employees as necessary, up to and including termination;
  - G. Alter the composition and/or size of the work force, including the option of reducing the work force and relieving employees from duty due to lack of work, funds, or for other reasons within the discretion of the City;
  - H. Determine how operations are to be conducted, including the right to contract and subcontract existing and future work activities;
  - I. Determine the number of employees to be employed by the City within budgetary constraints;
  - J. Establish or modify the wage and salary administration and/or classification and compensation policies including the number, types, and pay grades of positions or employees assigned to a department, division, unit, organization, or project;
  - K. Establish and/or modify job responsibilities as applicable;
  - L. Determine and exercise other such prerogatives as may be necessary for the proper administration of the City's human resources.

*(Approved and Adopted 8/5/02)*

### **Section 3-702                      Definitions**

For the purpose of these policies and procedures, the following terms shall have the meanings respectively ascribed to them below, unless another meaning is specifically indicated.

1. **Appeal.** The right of an applicant or employee to appear before the City Council to be heard on matters of discrimination, unfair practices or other grievances of such person in the manner prescribed in these policies and procedures.
2. **Classified Service.** The classified service consists of all positions included in the classification and pay plan with the exception of those positions specifically excluded by the Mayor and City Council.
3. **Classification and Pay Plan.** The system of assigning jobs to classes and to appropriate pay grades based on the similarities of positions.
4. **Continuous Service.** Continuous service is employment that is uninterrupted except for authorized leaves of absence, suspension or separation due to a reduction in work force.
5. **Demotion.** Demotion means a change in the rank of an employee from a position in one class to a position in another class having a lower minimum starting salary and less discretion and/or responsibility.
6. **Department Head.** The position with overall administrative responsibility for a department.
7. **Dismissal.** The termination of a regular employee for just cause.
8. **Eligible.** A person who has made a passing score on any examination required under these regulations and who has qualified to be employed by the City.
9. **Employee.** A person appointed to a position in the City government for which he or she is compensated on a full-time or part-time basis.
10. **Grievance.** Any dispute concerning the interpretation or application of these personnel policies and procedures or any decision relative to any disciplinary action, dismissal, demotion or charge of discrimination.
11. **Lay-off.** The separation of an employee from the classified service due to lack of work, lack of funds, abolishment of the position, or for other material changes in duties or organization.
12. **Performance increase.** An increase in pay based on an employee's job performance.
13. **Overtime.** Time worked in excess of the regular work schedule for the position in accordance with the Fair Labor Standards Act.
14. **Part-time Employee.** An employee who works on a continuing basis, but for fewer than thirty hours a week. (Amended 12/3/2007)
15. **Performance Evaluation.** A method of evaluating each employee on a periodic basis as to his or her performance on the job.

16. **Probationary Employee.** An employee serving the first ninety (90) days of his or her appointment, promotion, re-employment, or reinstatement to any position in the classified service. A probationary employee is not a regular employee until completion of the ninety (90) day probationary period.
17. **Promotion.** A change in rank of an employee from a position in one class to a position in another class having a higher minimum salary and carrying a greater scope of discretion and responsibility.
18. **Promotion List.** A list of persons who have been found qualified for appointment to a higher position. They may be qualified either by a written examination or other evaluation techniques.
19. **Provisional Employee.** An employee appointed to a position without competition pending the establishment of an eligibility list. Such employee may serve for a limited time only and must compete with other applicants to qualify for a probationary appointment (if applicable).
20. **Public Hearing.** A meeting of the Mayor and City Council, open to the public, at which any interested party may appear and be heard.
21. **Regular Employee.** An employee who has completed the probationary period.
22. **Reprimand.** A reprimand is a formal means of communicating to an employee that a problem exists and that it must be corrected.
23. **Resignation.** The termination of an employee at the employee's request.
24. **Salary Increase.** An increase in salary within the salary range prescribed for the class by the classification and pay plan.
25. **Suspension.** An enforced leave of absence for either a disciplinary purpose or a pending investigation of charges against an employee.

### Section 3-703                      Position Classification and Pay Plan

1. **Establishment.** The City Clerk shall be responsible for developing, maintaining and administering a position classification and pay plan covering all employees in the classified service of the City of Oxford, Georgia. Such plan shall be approved and amended by recommendation of the Mayor and City Council, and shall constitute the official approved system of grouping positions into appropriate classes and pay scales.
2. **Definitions.** For the purpose of this Section, the following words shall have the meanings respectively ascribed to them below.
  - A. **To Allocate a Position.** Assigning the position to an appropriate class on the basis of the similarity of work performed and level of responsibility inherent in the position.
  - B. **A Class.** A group of positions (or one [1] position) that:
    - (1) Has similar duties and responsibilities;
    - (2) Requires like qualifications; and
    - (3) Can be equitably compensated by the same salary range.
  - C. **The Class Title.** The official designation or name of the class as stated in the job description. It shall be used on all personnel records and actions. Different working or office titles may be used for purposes of internal administration.
  - D. **A Position.** A group of currently assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.
  - E. **Reclassification.** The assignment of an existing position from one class to a different class due to a significant change in duties or responsibilities.
3. **Allocation of Positions.**
  - A. **Initial Allocation.** The City Clerk shall be responsible for the initial allocation of the position of every employee of the City to one of the classes in the plan.
  - B. **New Positions.** When a new position is established and approved by the Mayor and City Council, the department head involved shall complete a position description covering the duties and responsibilities of such new position. The City Clerk shall allocate the position to one of the classes in the classification plan, unless a suitable class does not exist, in which case the City Clerk shall recommend that the Mayor and City Council establish a new class. Upon the recommendation and approval of such new class by the Mayor and City Council, the City Clerk shall allocate the new position to it.
  - C. **Allocation Appeals.** If an employee has reason to believe that his or her position has been improperly allocated, such employee may, with the knowledge of the department head, request the City Clerk to review the allocation of such position. Any such request must be submitted in



writing and contain a statement of justification. If not resolved to the employee's satisfaction, the employee may appeal to the City Council in the manner provided in Section 3-712.

4. **Maintenance of Plan.**
  - A. **Vacancies.** Each time a vacancy occurs, the department head shall submit a description of the vacant position to the City Clerk for a review of the allocation of the position. The City Clerk may waive this requirement for cases in which he/she has determined that no material changes have occurred.
  - B. **Departmental Reorganization.** Each time a department or division under the jurisdiction of a department head is significantly reorganized, such department head shall submit to the City Clerk new position descriptions for all affected positions.
  - C. **Changes in Duties of Position.** The City Clerk may require departments or employees to submit position descriptions on a periodic basis or at any time he or she has reason to believe that there has been a change in the duties and responsibilities of one (1) or more positions.
  - D. **New and Abolished Positions.** Each time a new position is established, a position description shall be written and incorporated into the existing plan. Likewise, an abolished position shall be deleted from the classification plan.
5. **Interpretation of Job Descriptions.** The job descriptions are descriptive and not restrictive. The use of a particular description as to duties, qualifications or other factors shall not be held to exclude others of similar kind or quality.
6. **Official Copy of the Plan.** The City Clerk shall be responsible for maintaining an official copy of the Position Classification and Pay Plan. The official copy shall include a list of class titles and job descriptions, plus all amendments. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.
7. **Amendments to the Plan.** When there is a need for the establishment of new positions or the abolition of current positions, the City Clerk shall submit findings and recommendations to the Mayor and City Council, which shall take such action as deemed appropriate.

All changes in the position classification and pay plan shall be in the form of amendments to the plan approved by the Mayor and City Council.

#### Section 3-704                      Rate of Pay

1. **New Appointees.** New employees shall be paid the minimum rate of pay for the class to which they are assigned, subject to the following exceptions which require the approval of the City Clerk and/or the Mayor and City Council.
  - A. If an appointee to a particular position does not meet the minimum qualifications stated in the job description or if certain classes of work require a formalized training period which is of unusual duration, and the needs of the City can best be met by placing an individual in a training capacity, the City Clerk may designate such position as a "trainee" position. Appointment to a "trainee" position shall be at a salary range below the minimum rate established for the classification at a rate not more than ten percent (10%) below the minimum rate.
  - B. If an appointee exceeds the minimum qualifications for the position, such employee may be started at a rate up to four (4) steps above the starting salary for the classification. Written approval of the City Clerk is required in such instances.
  - C. If an employee to be appointed possesses special qualifications, or extenuating circumstances exist, the department head may recommend to the City Clerk a rate higher than four (4) steps above the starting salary for the classification. In such cases, the Mayor and City Council must grant final approval.
2. **Promotion.**
  - A. An employee shall be promoted when:
    - (1) The employee is transferred to a position classified in a higher pay range.
    - (2) The employee's position is reclassified to a classification having a higher pay range.
  - B. Promotions may occur within a department or between departments.
  - C. **Pay Upon Promotion.** At the time an employee is promoted to a previously established position in a classification with a higher pay range, a salary increase may be granted:
    - (1) Up to ten percent (10%) above the employee's current salary; or
    - (2) Up to the minimum of the new classification, whichever is greater.

**3. Demotion.**

- A.** An employee shall be demoted when:
  - (1) The employee is placed in a different classification having a lower pay range.
  - (2) The employee's position is reclassified to a classification having a lower pay range.
- B.** When an employee receives a demotion of the type stated in (1) (a) above, such employee's pay may remain unchanged or may be reduced at the discretion of the Mayor and City Council.

In the case of an employee's position being reallocated to a lower classification, an employee's salary shall not be reduced. The employee shall be permitted to continue at the present rate of pay, but shall not be entitled to a salary increase when the current salary exceeds the maximum for the new assigned range.

**4. Reinstated Employees.** A reinstated employee shall be paid at a salary rate within the approved salary range for the position to which the employee is reinstated. The rate of salary at appointment shall be in accordance with Section 3-704.1A and C above.

**5. Part-time and Temporary Employment.** Pay for part-time and temporary employment in a position shall be equivalent to the hourly rate of pay for full-time employment in similar positions.

**6. Overtime.**

- A.** Overtime is work beyond the normal hours of any scheduled work week as authorized by the department head, subject to the approval of the City Clerk. Compensation for overtime will be in accordance with the provisions of the Fair Labor Standards Act as amended.
- B. On-call Overtime.** Certain employees, particularly in Utilities and Police departments, may be expected to respond after work hours to deal with emergency situations. When an on-call employee works such overtime hours, the employee shall record the hours worked (including travel time). For each on-call response, the employee shall receive a minimum of two (2) hours of overtime pay at the rate of one and a half (1 ½) times regular pay. Time worked over two (2) hours must be reported, and will be compensated at the overtime rate. (Amended 12/3/2007)

**7. Increases in Salaries.** Increases in pay for City employees shall be governed by the following principles:

- A.** Any employee shall be initially employed for a probationary period of ninety (90) days.
- B.** The pay plan consists of twenty-six (26) pay grades. The Mayor and City Council may add or delete pay grades as deemed necessary.
- C.** Each pay grade shall have a pay range with an entry rate and steps placed two and one-half percent (2½%) intervals.
- D.** After an employee reaches the maximum rate within a pay grade, such employee may only be entitled to across-the-board salary adjustments and merit payments in bonus form.
- E.** Each department head shall file an annual performance evaluation report on each employee within that department. This report shall become a permanent part of each employee's personnel file.
- F.** In order for an employee to receive a performance increase, the following are required:
  - (1) Performance evaluation for current fiscal year;
  - (2) Recommendation by the department head; and
  - (3) Recommendation by the City Clerk.
- G.** In order to move to a higher pay grade, an employee must apply for a new position within a higher pay grade or be an incumbent in a position which has been reclassified to a higher pay grade.
- H.** Annually, the Mayor and City Council will consider increasing the salaries within all pay grades on an equal percentage basis. During budget hearings, the Mayor and City Council shall determine what percentage increase, if any, will be allotted for increases to employee salaries. The percentage for cost-of-living pay increases will change the entry rate, steps, and maximum rate for each pay grade of the salary schedule.
- I.** Performance increases may be granted upon the recommendation of the department head, administrative approval of the City Clerk, and budgetary approval of the Mayor and City Council. Employees shall be eligible for performance increases annually until the maximum pay rate for the classification has been reached.
- J.** Employees below the top step of their grade, whose work is exceptional, may be granted a special performance increase to the next step after serving at least three (3) months in the

current step, upon the approval of the City Clerk and Mayor and Council. Only one (1) special performance increase per twelve (12) month period may be granted. A special performance increase does not disqualify the employee from being considered for a yearly step increase.

**Section 3-705 Applications and Examinations Review**

1. **Announcement of Vacant Positions.** Except as otherwise provided below, all vacancies in the classified service shall be publicized by posting announcements in the office of the City Clerk or on the official bulletin board or in other places and by such other means as the City Clerk deems advisable. The announcements shall specify the titles and salary ranges of the vacant positions, qualification requirements, manner of making application and other pertinent information, and shall specify the date, time, and place of examinations (if required) for the positions. Applications will be accepted for at least ten (10) days following the announcement by the City Clerk.
2. **Application Forms.** All applicants for positions in the classified service of the City of Oxford shall submit an application with the City Clerk. All applicants shall provide proof of citizenship as required by federal law. Such forms shall require information concerning training, experience, and other pertinent information, and shall be signed by the applicant. No person shall be employed by the City unless and until such person has made application with the City Clerk.
3. **Employment Requirements.** All positions in the classified service shall be open only to persons who meet such requirements as are listed on the public announcement of the examination. Such requirements may include but are not limited to the following factors: experience, education and training.
4. **Receipt and Duration of Applications.** Applications from all persons desiring employment with the City shall be accepted during regular business hours and placed on file. Applicants must complete a new application for each announced position vacancy.
5. **Rejection of Applications.** The City Clerk may reject an application which indicates that the applicant is deficient in any or all of the requirements as specified in the public announcement of the vacancy. An applicant may also be rejected for fraud or deception in the completion of the application, or if his or her past record of employment is determined to be unsatisfactory by the City Clerk.
6. **Open Competitive Appointments.** Positions to be filled by recruitment from outside the classified service shall be filled through a competitive process open to the public. This process may include, but shall not be limited to, ratings of training and experience; job-related tests; or any combination of these as determined by the City Clerk. Factors such as education, job-related qualifications, and experience may be taken into account in making employment decisions. The City Clerk may require the applicant to submit proof of education and military service or any other such documentation as is deemed necessary.
7. **Promotional Appointments.** Promotional appointments shall be open to all employees who meet the training and experience requirements included in the position description or who have an equivalent combination of experience and training which provides the required knowledge, skills and abilities.
8. **Review by Personnel Committee.** All applications, before approval or rejection, shall be referred to the Personnel Committee of the Mayor and Council. The Personnel Committee shall review the Clerk's recommendations and hear any other facts requested by the Committee. The Personnel Committee shall then advise the Clerk of their decision in writing. If any party is aggrieved by the Committee's decision, they may appeal the decision to the Mayor and Council.

**Section 3-706 Appointments**

1. **Initial Appointments.** All employees of the City shall be appointed upon the recommendation of the appropriate department head and approval of the City Clerk and Personnel Committee.
2. **Types of Appointments.** When initially hired, persons employed by the Mayor and City Council shall be given one of the following types of appointment by the City Clerk.
  - A. **Probationary.** A probationary appointment is an appointment to a position in the classified service. An employee serving a probationary period may be discharged or returned to his or her previous position at the discretion of the department head and shall not have the right to utilize the grievance and appeal procedure set forth in this policy.
  - B. **Provisional.** A provisional appointment may be made only after applications for the position have been taken and no qualified applicant has been found.

- (1) When there is need to fill a vacancy and no qualified applicant is available, a provisional appointment may be made.
  - (2) No provisional appointment shall be continued for more than three (3) months from the date of appointment, unless, due to extenuating circumstances, an extension is approved by the Mayor and City Council.
  - (3) An employee may not attain "regular employee" status while serving on provisional appointment.
- C. Temporary.** Temporary appointments may be made to fill positions which are authorized and established for a specified period of time, when the work of a department requires the services of one (1) or more employees on a seasonal or intermittent basis, or in cases of emergency. Temporary appointments shall not exceed one-hundred and twenty (120) calendar days; however, extensions to such appointments may be granted by the Mayor and City Council.
- D. Regular Appointments.** A classified employee given an initial probationary appointment shall be given a regular appointment upon completion of the probationary period.

### Section 3-707 Probationary Period

1. **Objective.** The probationary period shall be ninety (90) days in duration and no employee shall have a property interest in his or her position during the probationary period. During an employee's probationary period, the employee may be released or returned to his or her previous position without notice.
2. **Duration.** The probationary period shall be ninety (90) days in duration.
3. **Promotional Appointments.** The probationary period shall be used in connection with promotional appointments in the same manner as it is used for initial appointments. If a person is removed during the probationary period following a promotion, such person shall be entitled to general reemployment rights in his or her former class.
4. **Interruption of Probationary Period.** If an employee is laid off during a probationary period and such person is subsequently reappointed in the same department, he or she may be given credit for the portion of the probationary period completed before the lay-off.
5. **Demotion During Probationary Period.** A department head may demote an employee during the probationary period. A written report of such demotion must be filed with the City Clerk within three (3) days after the effective date of the demotion.
6. **Probationary Period Reports.** Prior to the expiration of the employee's probationary period, the department head shall notify the City Clerk in writing of whether or not the employee has completed the probationary period. Failure to send such a notice within five (5) working days of the expiration date of the probationary period shall be construed as completion of the probationary period.

### Section 3-708 Promotions and Transfers

1. **Policy.** It shall be the policy of the City to fill vacancies in the classified service, as far as practicable, by promotion. To this end, closed examinations may be held at the call and under the direction of the City Clerk.
2. **Political or Partisan Endorsement Prohibited.** Promotions to positions in the classified service shall be based upon merit and fitness for promotion only. No consideration shall be given to political or partisan endorsement.
3. **Promotional Examinations.** The City Clerk shall conduct competitive promotional examinations in accordance with these regulations. In competitive promotional examinations, the City Clerk shall admit to the examination all employees who meet the published qualification requirements.
4. **Intra-departmental Transfers.** The appropriate department head may, at any time, transfer an employee in the classified service under his or her jurisdiction from one position to another in the same class in the same department. An intra-departmental transfer of an employee to a position in another class shall be made only with the approval of the City Clerk and only between classes within the same pay range. The City Clerk shall be notified of such changes in assignment.
5. **Inter-departmental Transfers.** A transfer of an employee from one department to another shall require the approval of both department heads concerned and the City Clerk. Requests for such transfer shall show how the employee concerned meets the qualification requirements of the class to which the

transfer is proposed.

6. **Pay Grade After Transfer.** An employee who is transferred shall continue at the same rate of pay unless otherwise provided.
7. All such transfers or promotions shall be submitted to the Personnel Committee and acted upon as set forth in paragraph 8 of Section 3-705.

### Section 3-709 Employee Performance Evaluation

1. **Objective.** The purpose of the employee performance evaluation shall be primarily to inform employees of how well they are performing their work and how they can improve their work performance. Such performance evaluation may also be used in determining merit raises or bonuses, as a basis for training, promotion, demotion, transfer or dismissal, and for such other purposes as set forth in these policies.
2. **Period of Evaluation.** All employees except temporary workers shall be evaluated annually. An employee shall not be eligible for a merit pay raise until the performance evaluation form has been completely processed. Employees shall also be evaluated at the time of separation.
3. **Evaluations.** Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the department head. An employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the employees under his or her supervision who have not been evaluated within the previous six (6) month period.
4. **Review with Employees.** The evaluator shall discuss each performance evaluation with the employee being evaluated. If an employee disagrees with statement(s) in an evaluation, such employee may submit, within ten (10) days following the conference with his or her supervisor, a written statement which shall be attached to the evaluation form and forwarded to the City Clerk.
5. **Performance Evaluations Confidential.** Performance evaluations shall be confidential and shall be made available only to the employee evaluated, the employee's department head, the City Clerk, the Personnel Committee and the Mayor and City Council.

### Section 3-710 Separations

1. **Types of Separation from the Classified Service.** Separations and/or terminations from positions in the classified service shall be designated as one of the following:
  - A. Resignation.
  - B. Abandonment of job.
  - C. Lay-off or reduction in force.
  - D. Inability to perform the essential functions of the position even with reasonable accommodation.
  - E. Loss of a job requirement necessary to perform the essential functions of the position.
  - F. Dismissal or discharge.
  - G. Retirement.
  - H. Death.
2. **Resignation.** An employee shall submit to the department head written notice of resignation at least fourteen (14) days in advance of the date of resignation. Immediately upon receipt of such notice of resignation, the department head shall forward the same to the City Clerk. Failure to comply with this rule shall be entered on the service record of the employee.
3. **Abandonment of Job.** An employee not on authorized leave of absence who fails to report for work for three (3) consecutive days may be terminated from the service of the City for job abandonment in accordance with Section 3-711.3D.

Any employee terminated for job abandonment shall have the right of appeal to the City Council in the manner set forth in Section 3-712 of these policies and procedures.

4. **Lay-off or Reduction in Force.** Any involuntary separation not related to an employee's conduct shall constitute a lay-off or reduction in force.
  - A. **Reasons For.** Any employee may be laid off because of shortage of funds or work, abolishment of the position, material changes in the duties or organization, or related reasons beyond the employer's or the employee's control which do not reflect dissatisfaction with the service of the employee. The duties previously performed by any laid-off employee may be reassigned to other employees holding positions in appropriate classes.

- B. Notice to Department Head.** Whenever the lay-off of any employee shall become necessary, the Mayor and City Council shall notify the department head at least thirty (30) calendar days in advance of the intended action, of the necessity for such lay-off and the reasons therefore. The department head shall thereupon furnish to the City Clerk the names and job titles of the employees to be laid off and the order in which such lay-off shall be effected.
- C. Order of Lay-off.** Should it become necessary to reduce the number of employees within a given class in any department, such employees shall be laid off on the basis of the following two (2) factors to be weighted equally: length of service in class and length of service with the City. If an employee believes that an error has been made in determining lay-off order, he or she may request an administrative review by the City Clerk.
- D. Special Cases.** Should a department head determine that the retention of a certain employee is essential to the effective operation of the department because of the fact that such employee possesses special skills or ability, and should the department head wish to retain such employee in preference to another with a higher rating, then the department head shall submit a written request to the City Clerk. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the department. With the approval of the Mayor and City Council, the individual may be retained.
- E. Notice to Employees.** Regular employees to be laid off shall be notified in writing by the City Clerk at least fourteen (14) calendar days prior to the effective date of the lay-off.
- F. Demotions.** Any regular employee scheduled to be laid off shall have the right to be demoted to a lower classification, provided that a vacancy exists and such employee is qualified to fill the position in the lower classification.
- G. Reemployment List.** Former employees who were separated from the City service by lay-off and desire to be considered for reemployment with the City will be placed on the reemployment list. Such persons may remain on the reemployment list for a period not to exceed one (1) year.

Former employees will be listed by seniority in terms of service as defined in Section 3-710.4C, and will be offered reemployment for the first vacancy that becomes available in the same classification in which they were employed at the time separation. All employees appointed to a position in this manner will serve the stated probationary period for that position; if said employee does not complete the probationary period he or she will be separated from the City service without the right of appeal.

A person on the reemployment list may voluntarily accept a position at a lower classification level than his or her former position.

If a person placed on the reemployment list does not accept the first offer for reemployment in a position having the same classification as the one held at the time of separation, he or she will be removed from the reemployment list. Such persons will no longer have guarantee of reemployment rights when a vacancy occurs, but may be considered for reemployment on the same basis as other applicants.

- 5. Inability to Perform.** If an employee suffers from a physical or mental disability which prevents him or her from performing the essential functions of the position, even with reasonable accommodation, the employee is subject to termination for inability to perform the job. The employee will cooperate with the employer to determine the limitations imposed by the disability and to design accommodation for the essential functions of the job. Termination due to an inability to perform essential functions shall be subject to an appeal pursuant to Section 3-712, Grievance and Appeal Procedure.
- 6. Loss of Job Requirements.** Any employee who is unable to perform the essential functions of his or her job adequately because of loss of a necessary license or other necessary requirement shall be separated by lay-off from employment in that position until such license or requirement is re-obtained. The license or requirement should be reacquired within a reasonable length of time or the employee will be dismissed.
- 7. Dismissals.** Dismissals shall constitute discharges or separations for just cause, and shall be governed by the provisions of Section 3-711 of these Policies and Procedures as hereinafter set forth.
- 8. Retirement.** The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements of age and length of service under the laws governing any applicable

pension fund of which such employee may be a member.

9. **Death.** Separation shall be effective as of the date of the death of the employee. All compensation, including annual leave pay, due to such employee, as of the effective date of separation, shall be paid to the beneficiary of the employee, the surviving spouse of such employee, or to the estate of such employee, as may be determined by law or by the applicable executed documents in the personnel folder of such employee.
10. **Pre-termination Hearing.** The pre-termination hearing procedures outlined in Section 3-711 apply to abandonment of job, inability to perform the essential functions of the position, loss of a job requirement necessary to perform the essential functions of the position, and dismissal or discharge as defined in this Section of these policies and procedures.

## Section 3-711                      Disciplinary Actions

1. **Intent.** Effective supervision and good employee relations should reduce to a minimum those instances necessitating disciplinary action. The establishment of rules and regulations and the imposition of disciplinary action for a violation thereof are not intended to restrict the rights of any employee, but are for the purpose of insuring the rights of all and for securing cooperation and orderliness throughout the classified service. The severity of the disciplinary action imposed should be related to the gravity of the offense, the employee's record of disciplinary action, and the disciplinary action imposed in similar cases. Any disciplinary action imposed shall be for just cause. The City will not allow discrimination against any employee because of race, color, religion, sex, age, national origin, disability, or political affiliation.
2. **Conduct Subject to Disciplinary Action.** The following actions shall constitute just cause for disciplinary action but the imposition of disciplinary action shall not be limited to the offenses set forth:
  - A. The conviction of a felony, or of a misdemeanor involving moral turpitude.
  - B. Excessive absenteeism.
  - C. Absence without leave, or failure to report after the expiration of a leave of absence.
  - D. Excessive tardiness.
  - E. Abuse of sick leave.
  - F. Insubordination or serious breach of proper discipline.
  - G. Inefficiency or incompetency.
  - H. Abuse or theft of City property.
  - I. The borrowing of City equipment for personal use without prior official permission.
  - J. The loss of a job requirement, such as the loss of a necessary license, which prevents the adequate performance of the essential functions of the position.
  - K. The willful making of false statements to supervisors, officials, the public, boards, commissions, or agencies.
  - L. The violation of City ordinances, administrative regulations, departmental rules, or these rules and regulations.
  - M. The consumption, sale, or possession of alcoholic beverages and/or illegal substances while at work, or being intoxicated on the job, or being otherwise affected on the job because of the prior use of some illegal substance.
  - N. The discovery of a false statement in an application.
  - O. Acceptance of gratuities in conflict with state law or City ordinance.
  - P. Political activity in conflict with Section 3-719 of these Policies and Procedures.
  - Q. Engaging in offensive conduct or using offensive language toward the public, supervisory personnel, or fellow employees.
  - R. Harassment on the basis of race, color, sex, religion, national origin, citizenship, age, or disability.
3. **Types of Disciplinary Action.** A department head, subject to the employee's right of appeal as provided in Section 3-712, shall have the following alternatives when disciplining an employee.
  - A. **Reprimands.**
    - (1) **Oral Reprimand.** An oral reprimand is a progressive disciplinary measure which may be issued for an incident, action, or behavior which does not warrant more severe disciplinary action. In the oral reprimand, the supervisor will verbally and privately explain to the employee that he or she is being reprimanded, describe the problem, and indicate what must be done to correct the problem.

- (2) **Written Reprimand.** Where the incident, action, or behavior of the employee is such as not to initially warrant a more severe type of disciplinary action, a written reprimand may be issued for first or second offenses, including but not limited to unauthorized absence from duty (for less than three [3] days), abuse of sick leave privileges, frequent unexcused tardiness, inattention to duty, insubordination, improper conduct, or loss or destruction of City property. Written reprimands shall be issued by the department head to the affected employee, and a copy of same shall be forwarded to the City Clerk and filed in the personnel folder of such employee.

**B. Suspension.**

- (1) A department head may suspend without pay any employee who under his or her supervision and who is non-exempt from the Fair Labor Standards Act for a period of not less than one (1) nor more than ten (10) working days.

A department head may suspend without pay any employee who is under his or her supervision and who is exempt from the Fair Labor Standards Act for a period of not less than one (1) nor more than two (2) whole work weeks, providing that the period of suspension coincides with the employee's official work week.

- (2) A written statement specifically setting forth the reasons for such action and the length of time of such suspension shall be furnished by the department head to the affected employee, and a copy of same shall be sent to the City Clerk and filed in the personnel folder of such employee within one (1) working day of the effective date of the action.
- (3) An employee may be suspended for a period longer than ten (10) working days upon the express approval of the Mayor. A written statement shall be furnished by the City Clerk to the affected employee within one (1) working day of the Mayor's decision advising the employee of the length of the suspension.
- (4) When an employee has been accused of serious misconduct or criminal behavior, the employee may be suspended with pay for a period of five (5) days, during which the City Clerk will conduct an investigation to determine whether the pending charges will affect the employee's job performance or whether the conduct which resulted in the arrest is the basis for disciplinary action and shall advise the Mayor of his or her findings. Where the Mayor determines that an employee's return to work would not be in the best interest of the City, the employee will be given notice of his or her proposed indefinite suspension without pay, including the reasons for the suspension, and the employee will be given an opportunity to respond to the Mayor concerning those reasons. After the employee has had an opportunity to respond, the Mayor will issue a decision on the indefinite suspension.

**C. Demotion.**

- (1) For just cause, a department head may reduce the salary of a regular employee within the range provided in the pay plan or demote the employee to a lower-graded position. The department head shall take such action after consultation with the City Clerk, and approval by the Mayor.
- (2) A written statement specifically setting forth the reasons for any such action shall be furnished by the department head to the affected employee, and a copy of same shall be forwarded to the City Clerk and filed in the personnel folder of such employee within one (1) working day of the effective date of the action.

**D. Dismissal.**

- (1) When a regular employee is charged with misconduct that serves as just cause for dismissal, the department head shall place the employee on a three (3) day, paid administrative suspension with a recommendation for dismissal.
- (2) A written statement specifically setting forth the reasons for suspension with a recommendation for dismissal shall be furnished by the person proposing the dismissal to the affected employee, and a copy of the same shall be furnished to the City Clerk within one (1) working day of the effective date of the action.
- (3) The City Clerk shall ensure that a written notice of the charges has been furnished to the affected employee and shall conduct an investigation as to the charges and make the findings available immediately to the Mayor.
- (4) Within three (3) working days of the affected employee being notified of the charges, the



Mayor shall hold a conference at which the employee shall be authorized to present information which is pertinent to the charges on his or her behalf.

- (5) The Mayor shall render a decision on the proposal for dismissal based on all of the relevant information.
- (6) The City Clerk shall advise the employee of his or her right to appeal the decision under the grievance procedure.

**E. Notification of Right of Appeal.** Any written notification submitted to a regular employee who is being subjected to disciplinary action shall set forth the right of the employee to appeal such action to the City Council in the manner set forth in Section 3-712. Oral and written reprimands are not grievable actions.

## Section 3-712                      Grievance and Appeals Procedures Hearing

### 1. Intent.

**A.** City employee grievances should receive prompt consideration and equitable resolution. Wherever possible, grievances should be resolved or adjusted informally, and both supervisors and employees shall be expected to make every effort to do so. With respect to those grievances which cannot be so resolved, employees shall be entitled to process the grievances as hereinafter provided.

**B.** These procedures governing the processing of grievances and providing the right of appeal are established for the purpose of eliminating or correcting justifiable complaints or dissatisfaction of regular employees or certain complaints of probationary employees and applicants (see Section 3-712.2; insuring that all employees shall be afforded fair, equitable and expeditious review of their grievances without fear, coercion or discrimination; and providing a systematic and orderly method for resolving complaints and differences between employees and supervisory or management personnel.

**2. Procedure for Grievance Resolution.** Any regular employee in the classified service who has been demoted, suspended, dismissed, or subjected to any other type of disciplinary action (except oral or written reprimand), or who is aggrieved as a result of the interpretation and application of these rules and regulations, and any applicant or employee (regular or probationary) who has been subjected to any alleged discriminatory action that is prohibited by federal law, shall have the right to utilize the grievance and appeal procedure hereinafter set forth.

**A.** A formal grievance shall not be initiated unless and until the employee has discussed the grievance with the department head and City Clerk, or in the case of an applicant, as set forth in Section 3-705. Such discussion shall be held within ten (10) working days after the occurrence or within ten (10) working days after the employee becomes aware of the occurrence of a grievable matter.

**B.** Should the employee not be satisfied with the decision of the department head or City Clerk, the employee, within five (5) working days, shall state the grievance in writing and file a standard grievance form with the City Clerk, setting forth the reasons for the appeal. The City Clerk shall make appropriate inquiries, consider all facts surrounding the action, and make every effort to resolve the grievance to the satisfaction of the department head and the employee. If not resolved, the City Clerk shall forward the entire file and investigation to the Mayor for a decision on merits.

**3. Appeals.** Should no decision resulting in the settlement of the grievance be reached within ten (10) working days after the filing of the written grievance, the employee or applicant, within five (5) working days, may appeal to the City Council. Such appeal shall be submitted through the City Clerk and shall be accompanied by all of the facts and information concerned with the grievance as well as any written responses of the department head.

**4. Hearing.** The City Council shall, within ten (10) working days after the receipt of an appeal, hold a hearing upon same and consider the action complained of in the grievance.

**A.** Whenever possible, the hearing shall be scheduled during normal working hours and employees, supervisors, applicants and their representatives and witnesses shall have the right to appear before the Council for the purpose of presenting facts, information, and relevant evidence. All hearings conducted by the City Council shall be in accordance with Title 50, Chapter 14 Official Code of Georgia Annotated.

**B.** At the hearing before the City Council, technical rules of evidence shall not apply. All testimony

before the Council shall be under oath or affirmation. Any member of the Council shall have the power to administer oaths and call witnesses and may compel the production of relevant books, records, and documents.

- C. A copy of the decision of the City Council shall be given to the affected employee and the department head of same, or to the applicant, within three (3) working days following the completion of the hearing.
- 5. **Failure to Follow Procedures.** The failure of supervisory employees to follow the steps outlined above shall result in conferring upon the employee the right automatically to proceed to the next step in the grievance procedure. The failure of the employee to follow the steps outlined above may result in the dismissal of the grievance at any step.
- 6. **Notification.** In those cases where dismissal of an employee is involved, the City Clerk shall immediately notify the affected employee that, if requested, a hearing before the City Council will be set up and held within ten (10) working days of the action taken. At all such hearings, the department head shall be required to appear and explain the reasons for the dismissal.
- 7. No punitive, discriminatory, or adverse action shall be taken against any employee or applicant on account of the filing of a grievance or an appeal.

**Section 3-713 Employee Development**

- 1. **In-Service Training.** The City Clerk shall be responsible for fostering and promoting in-service training of employees for the purpose of improving the quality of service and to assist employees in preparing themselves for advancement.

Supervisors of the several City department shall encourage necessary and recommended in-service training for employees of their departments, and shall recommend to the City Clerk the scheduling of such training as a component of employees' responsibilities.

Reports shall be made to Mayor and Council of training accomplishments of employees.

(Amended 12/3/2007)

- 2. **Reimbursement of Training Expenses.** Employees shall receive their regular pay while on training assignments approved by Supervisor and City Clerk. The City will pay approved training expenses such as tuition, fees, textbooks, room and board, and other necessary costs. Employees are responsible for submitting statements of expenses to City Clerk for payment.

Travel expenses on public transportation or by private vehicle incurred during approved training or while on other City business will be paid at rates established by the City Clerk in accordance with government standards. For reimbursement, employees must submit to the City Clerk a statement of expenses including travel, meals, lodging, and other appropriate costs incurred, with appropriate receipts. A maximum of forty-five dollars (\$45.00) per day for meal expenses will be reimbursed.

(Amended 12/3/2007)

**Section 3-714 Records and Reports**

- 1. **Personnel Transactions.** All appointments, separations, and other personnel transactions shall be recorded on forms provided by the City Clerk. A separate file folder shall be prepared and maintained for each employee and shall contain the original or a copy of all pertinent documents.
- 2. **Public Inspection.** Information relative to employees and former employees shall be available for public inspection at reasonable times and in accordance with Title 50, Chapter 18 Official Code of Georgia Annotated.
- 3. **Destruction of Records.** Employee service records shall be kept in accordance with state and federal regulations after termination of employment. Such records may be kept in their original form or in any other duplicate form the City Clerk deems appropriate. All other records, including correspondence, applications, and examinations may be destroyed after two (2) years.

4. **Attendance Records.** Regular attendance reports shall be prepared and submitted by each department head in the form designated by the City Clerk.

### Section 3-715 Payroll

1. **Initial Appointments.** Upon the appointment of any employee to the classified service, the City Clerk shall submit to the Mayor and City Council such information as is necessary to certify the employment status, title or position, and salary or wage of such employee.
2. **Payroll Adjustments.**
  - A. Each department head shall be responsible for immediately notifying the City Clerk of any occurrences or actions taken which require an adjustment in the salary or wage of any employee or employees under the supervision of such department head.
  - B. Upon the receipt of such notice, or upon the taking of any action by the Mayor and City Council that requires an adjustment in the salary or wage of any employee or employees, the City Clerk shall make such payroll adjustments for such employee or employees as may be required.
3. **Recovery of Salaries Improperly Paid.** Officers and employees may be held liable for the return of salaries improperly, accidentally or illegally paid to employees.
4. **Voluntary Deductions.** Upon the request in writing of any employee, the City shall be authorized to provide for automatic payroll deductions for such employee, in such amount as the employee shall specify, for the purpose of contributing to personal savings plans, pensions or other personal financial investment plans.

### Section 3-716 Attendance and Leave

1. **Hours of Work.** The established work week and the hours of work shall, insofar as practicable, be uniform within occupational groups and shall be determined in accordance with the needs of the City and the reasonable needs of the public who may be required to do business with various City departments. The work schedule for each department shall be established by the department head with the advice and approval of the Mayor and City Council.
2. **Attendance.** Each department head shall be responsible for the attendance of all persons in his or her department. The City Clerk shall keep complete attendance and other records on each employee, including annual leave, sick leave, overtime, and others, as provided in Section 3-714.
3. **Holidays.** All full-time employees shall be eligible for holiday leave for the following days and other days as designated by specific action of the Mayor and City Council:

New Year's Day	Thanksgiving Day
MLK, Jr. Day	Day after
Memorial Day	Thanksgiving Day
Independence Day	Christmas Eve
Labor Day	Christmas Day

- A. Whenever a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When the holiday falls on a Sunday, the following Monday shall be designated as the official holiday for that year. An employee who is not on approved leave and fails to report on his or her scheduled work day before or after a holiday shall not be paid for the holiday.
  - B. Holidays which occur during annual or sick leave shall not be charged against annual or sick leave. Full-time employees shall be paid for holidays based on the number of hours they normally work each day, exclusive of overtime. Temporary employees will not be paid for holidays not worked.
  - C. Any essential employee scheduled to work on an official City holiday shall be paid at one and one-half times the regular rate for each hour worked during the actual holiday or may take a subsequent day off in lieu of the holiday worked.
4. **Annual (Vacation) Leave.**
  - A. **General.** Vacations are for the purpose of rejuvenating both physical and mental faculties and all employees are urged to avail themselves of vacation periods.
  - B. **Eligibility.** All full-time employees in the classified service shall be entitled to earn and accrue

annual leave. Regular part-time employees shall be entitled to annual leave in proportion to the number of hours worked. Temporary employees shall not be eligible for annual leave.

- C. **Rate of Leave Accrual.** Full-time employees begin to accrue annual leave immediately upon employment. Employees under temporary, provisional, or emergency appointments, and employees not deemed to be in the classified service, will not be granted annual leave under these policies.

Annual leave shall be accrued according to the following schedule:

Number of Normal Hours per Work Day	Number of Leave Hours Accrued per Month	Number of Years of Continuous Employment
8 hours	8 hours	1 month - 4 years
12 hours	9 hours	1 month - 4 years
8 hours	10 hours	5 year - 14 years
12 hours	11 hours	5 year - 14 years
8 hours	12 hours	15 years -24 years
12 hours	14 hours	15 years -24 years
8 hours	16 hours	25 years & over
12 hours	18 hours	25 years & over

(Amended 12/3/2007)

- D. **Notice of Leave.** A request for annual leave shall be submitted to the employee's immediate supervisor. Annual leave may be taken only after approval by the appropriate department head so that, insofar as practicable, the department can function without the hiring of additional temporary help. Annual leave shall be authorized in units of days or hours only.
- E. **Maximum Allowable Accumulation.** Unused annual leave not exceeding eighty (80) hours may be carried into the next calendar year. It is the intent of these rules to have employees take their annual leave yearly. Therefore, no payment shall be made for non-use of annual leave except as provided in paragraph 6 below unless approved by the Mayor and City Council. (Amended 12/3/2007)
- F. **Payment for Unused Leave.** When an employee is separated from the service, such employee shall be paid for all unused annual leave {up to one hundred and sixty (160) hours} unless he or she fails to give proper notice of resignation as provided in Section 3-710.

5. **Sick Leave.**

- A. **General.** Sick leave shall be allowed to an eligible employee:
  - (1) In the case of actual sickness or disability of the employee or for medical, dental or eye examination or treatment for which arrangements cannot be made outside of working hours; and
  - (2) When the employee is required to care for a sick or injured spouse, child, or member of the immediate family. The employee shall report the illness prior to his or her scheduled work time if possible. If not, the employee shall see that the illness is reported within 30 minutes after the time he or she is scheduled to have reported for work.
- B. **Eligibility.** Those employees entitled to earn annual leave shall also be eligible to earn sick leave.
- C. **Rate of Leave Accrual.** Full-time employees begin to accrue sick leave immediately upon employment at the rate of one (1) day per month.
- D. **Certification by Physician.** A medical certificate signed by a licensed physician may be required by a department head to substantiate a request for sick leave.

- E. **Maximum Allowable Accumulation.** A maximum of three hundred and forty-six (346) hours of sick leave may be accumulated.
  - F. **No Payment of Unused Sick Leave.** When an employee is separated from the service, no payment shall be made for any unused sick leave.
6. **Other Types of Leave.**
- A. **Military Leave.**
    - (1) Any regular employee who leaves the classified service to join the military forces of the United States during time of war or other national emergency, or is inducted by Selective Service, may, upon written request, prior to induction into the military, be placed on military leave without pay, such leave to extend through a date ninety (90) days after which such service terminates. Such employee shall be entitled to be restored to the vacated position, or a comparable position, provided the employee makes application to the City Clerk within ninety (90) days of the date of discharge under honorable conditions, and is physically and mentally capable of performing the essential functions of the position with or without reasonable accommodation.
    - (2) The returning employee shall be entitled to any increases in salary (including cost-of-living increases) or any advancement in grade which would normally be accorded to the incumbent of the position, with the exception of any increases or advancement in grade which would normally be dependent on meritorious performance of the duties of the position.
    - (3) In the event a position vacated by a person entering the military service as stated above no longer exists at the time he or she qualifies to return to work, such person shall be entitled to be re-employed in another position of the same status, class and pay in the classified service, provided such re-employment does not necessitate the laying off of another employee.
    - (4) Any regular employee who is a member of the National Guard or an organized military reserve of the United States will be allowed leave of absence with pay not to exceed eighteen (18) calendar days (or in compliance with state law) during any calendar year to attend training camps upon presentation of orders concerning such training. Such leave shall not be charged to annual leave.
  - B. **Funeral Leave.** Funeral leave of three (3) working days annually will be granted with pay for employees absent from duty due to the event of death in the immediate family. Immediate family shall mean spouse, child, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, grandchildren, or any relative who is domiciled in the employee's household.
  - C. **Workers' Compensation.** An employee who is temporarily disabled because of an injury or illness sustained directly in the performance of his or her work may be covered by the provisions of the State Workers' Compensation Act.
  - D. **Temporary Disabilities Not Covered by Workers' Compensation.** An employee who becomes temporarily disabled shall be allowed to exhaust his or her accrued sick and vacation leave. After all sick and vacation leave have been used, further extension of leave (either with or without pay) must be specifically authorized by the Mayor and City Council upon recommendation of the department head and the City Clerk.
  - E. **Civil Leave.** An employee shall be given necessary time off, without loss of pay, when performing jury duty, or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the employee's Department Director.
  - F. **Maternity Leave.**
    - (1) Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or any combination of sick leave, annual leave, and leave without pay.
    - (2) The employee desiring maternity leave should report the pregnancy to the department head. Such notification shall include a written statement from the attending physician specifying the approximate date of birth.
    - (3) An employee will be permitted to continue work, with reasonable accommodation, so long as the conditions of the pregnancy do not adversely impair work performance or health.
    - (4) An employee shall be granted leave without pay for maternity purposes in accordance with Section 3-716.6.

- G. Leave of Absence Without Pay.** A department head, with the approval of the City Clerk, may grant a regular employee a leave of absence without pay for a period not to exceed six (6) months. Leave of absence without pay for a period exceeding six (6) months and not more than one (1) year may be granted with the approval of the Mayor and City Council. All departments are required to adhere to the following regulations.
- (1) Leave without pay shall be granted only when it will not adversely affect the interests of the City service.
  - (2) Failure of an employee to return to work at the expiration of approved leave shall be considered as absence without leave and grounds for disciplinary action.
  - (3) Any employee who has been granted leave of absence and who wishes to return before the leave period has expired shall be required to give his or her department head at least a one week notice. Upon receipt of such written notice, the employee shall be permitted to return to work.
  - (4) No sick leave or annual leave will be earned by an employee for the time that such employee is on leave without pay.
  - (5) An employee may elect to have health insurance continue to be provided, with the employee paying the total amount of the premium.
  - (6) An employee shall return from leave without pay to the same salary grade as at the time of commencement of leave.
  - (7) An employee who obtains either part-time or full-time employment elsewhere while on an authorized leave of absence without pay is required to notify his or her department head in writing within three (3) days of accepting such employment.
  - (8) An employee returning from a leave of absence without pay shall be entitled to employment in the same department in the same or equivalent class wherein employed when said leave commenced.
- H. Family and Medical Leave.** Family and medical leave shall be granted in accordance with the Family and Medical Leave Act of 1993 (P.L. 103-3).
- I. Absence Without Leave.** An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and shall be cause for disciplinary action.
- J. Administrative Leave.** An employee may be placed on administrative leave with pay at the discretion of the department head and approval of the City Clerk when such action is deemed to be in the best interest of the City.
- K. Notification to City Clerk.** When an employee has taken leave of any kind or is absent without leave, his or her department head shall notify the City Clerk in writing within the same pay period in which the leave is taken or the absence without leave occurs. Such notification may be by notation on a time card or attendance sheet or by memo, giving specific information covering type of leave, dates, hours, and other pertinent data.

### **Section 3-717                      Nepotism**

The policy of the City of Oxford is that no department head, Mayor or member of the City Council, or City Clerk shall appoint or employ to any regular classified position in the City any person who is a member of the immediate or extended family of such officer. The employment of relatives is prohibited by the City.

For this nepotism policy, "relatives" are defined as spouse, mother, father, stepmother, stepfather, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half brother, half sister, grandchild, grandparent, and grandparents of spouse.

This Section does not apply to persons employed by the City prior to the adoption of these policies and procedures.

(Amended 12/3/2007)

**Section 3-718 Equal Opportunity and Non-Discrimination**

1. **Policy.** All applicants for positions and employees of the City shall be assured of fair and equitable treatment in all aspects of personnel administration, including training, promotion, and disciplinary action, without regard to political affiliation, race, color, national origin, sex, age, disability, or religious creed and with proper regard for their privacy and constitutional rights as citizens.
2. **Publicity.** The City Clerk shall see that information about job opportunities and the equal employment policy of the City is readily available to all citizens of the City and especially to all potential job applicants.
3. **Appeals Based on Alleged Discrimination.** Any applicant or employee who believes that he or she has been discriminated against shall have the right to counsel with the City Clerk and to avail himself or herself of the Grievance Procedure outlined in Section 3-712.
4. **Affirmative Action Plan.** The Mayor and City Council may adopt an affirmative action plan to formulate actions to correct employment practices which have, or potentially could have, a negative impact upon minority groups or females.

**Section 3-719 Political Activities**

No employee in the classified service shall engage in political activities at the work place or during business hours.

**Section 3-720 Policy Changes**

These policies shall reflect, and be superseded by, any changes mandated by state or federal legislation. The Personnel Committee shall make annual evaluation of Personnel Policies and make report to the Mayor and Council of their findings.

**Section 3-721 Dress Code**

Every employee has some contact with the public and, therefore, represents the City in his or her appearance as well as their actions. The properly attired and groomed individual helps to create a favorable image for the City. Moreover, the individual who is concerned about their appearance is perceived by the public as showing a greater concern about the quality of their work.

It is the policy of the City of Oxford that every employee shall maintain the highest standards of personal cleanliness and grooming. Employees will present a neat, professional, business-like appearance at all times during regular working hours.

1. Each Supervisor may specify certain additional requirements regarding appropriate dress and personal appearance. While the Supervisor may add to this Directive, they may not require less than this Directive states unless there is a specific reason for an employee not to be well-groomed. It is the Supervisor's responsibility to see that this Directive is followed.
2. The following attire is not considered appropriate at any time for City employees not engaged in outside, manual labor;
  - A. Tattered jeans;
  - B. T-shirts, tank tops, shorts; and,
  - C. Flip-flops (Shoes).
3. For any official public presentation, either to City Council or other groups, a more formal attire is appropriate such as; assigned City uniform, shirt with tie for men and the equivalent for women.

**Section 3-722 Family and Medical Leave**

1. In accordance with the Family and Medical Leave Act, effective August 5, 1993, the City of Oxford will grant family and medical leave to eligible employees for up to an aggregate of twelve (12) work weeks per twelve- period for any one of the following reasons:
  - A. The birth of a child and to care for such child, or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the twelve (12) period following the child's birth or placement with the employee);

- B. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition; or
  - C. The employee's own serious health condition that makes the employee unable to perform the essential job functions of his or her position.
2. **Definitions.**
- A. **Twelve-Month Period.** A rolling twelve (12) month period measured backward from the date leave is taken.
  - B. **Immediate Family Member.** Includes spouse, child, or parent. Step relationships are included; in-laws and unmarried domestic partners are not included.
  - C. **Child.** A child either under eighteen (18) years of age, or eighteen (18) years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.
  - D. **Serious Health Condition.** Illness, injury impairment, or a physical or mental condition that involves:
    - (1) Inpatient care; or
    - (2) Any period of incapacity requiring absence from work for more than five (5) consecutive calendar days and that involves continuing treatment by a healthcare provider; or
    - (3) Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than five (5) consecutive calendar days; or
    - (4) Prenatal care by a health care provider.
  - E. The following conditions are generally not considered to be serious health conditions unless complications arise: the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraine, routine dental or orthodontia problems and periodontal disease are not considered serious health conditions. In addition to these conditions, an absence caused by an employee's abuse of a substance, rather than for treatment for the problem, does not qualify for FMLA. leave and is not considered a serious illness.
  - F. **Continuing Treatment.**
    - (1) Two (2) or more visits to a health care provider; or
    - (2) Two (2) or more treatments by a health care practitioner on referral from, or under the direction of a health care provider; or
    - (3) A single visit to a health care provider that results in a regimen of continuing treatment; or
    - (4) In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of but not necessarily being actively treated by, a health care provider.
  - G. **Health Care Provider.** Any health care provider who is recognized by the City's group health insurance plan.
3. **Responsibilities.**
- A. The Supervisor is responsible for informing subordinate employees of this policy through the distribution of this directive.
  - B. An employee is responsible for complying with the policies and procedures outlined in this procedural directive.
4. **Eligibility.** To be eligible for family/medical leave an employee must:
- A. Have worked for the City of Oxford for at least twelve (12) months; and
  - B. Have worked at least one thousand two hundred and fifty (1,250) hours over the previous twelve (12) month period. Hours worked do not include paid time off such as annual leave, personal leave, and compensatory time off.
  - C. If both the husband and wife are employed by the City, the maximum amount of FMLA. leave both spouses will be eligible for is an aggregate of twelve (12) work weeks if the leave is taken for:
    - (1) The birth of a child;
    - (2) The placement of a child for adoption or foster care; or
    - (3) Care for a sick parent.



**5. Intermittent or Reduced Leave.**

- A.** An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when medically necessary.
  - (1) Medically Necessary. There must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
  - (2) The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.
- B.** An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with the City Clerk's prior approval.
- C.** For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro rata basis. A weekly average of the hours worked over the twelve work weeks prior to the beginning of the leave should be used for calculating the employee's normal workweek.

**6. Substitution of Sick Leave and Vacation.**

- A.** For a serious health condition of the employee, the City requires the use of the appropriate type of sick leave in accordance with the City's Personnel Manual.
  - (1) Upon the exhaustion of applicable types of sick leave (sick leave, major medical leave or long term leave), the employee will be required to use his or her accrued personal leave, annual leave, compensatory time or holiday leave in lieu of unpaid FULA leave
  - (2) If an employee has less than twelve (12) work weeks of accrued paid leave, the remaining time will be considered leave without pay.
- B.** Any leave taken under the provision of Sections 3-722.1A or 1B above, will be paid leave in accordance with the City's personnel policies
  - (1) Upon the exhaustion of applicable types of sick leave (sick leave, major medical leave or long term leave), the employee will be required to use his or her personal leave, annual leave, compensatory time or holiday leave in lieu of unpaid FMLA. leave.
  - (2) If an employee has less than twelve (12) work weeks of accrued paid leave, the remaining time will be considered leave without pay.
- C.** Both paid and unpaid leave will be counted toward the maximum twelve (12) work weeks entitlement. This means that an employee will not be entitled to twelve (12) work weeks of unpaid leave in addition to any paid leave taken under the FMLA.
- D.** Any leave granted under the provisions of this directive will be counted against the City's one hundred and eighty (180) day absence policy, in accordance with Section 3-716.6G of the City's Personnel Manual.

**7. Notice Requirement.**

- A.** An employee is required to give thirty (30) calendar days notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form (See Attachment B) should be completed by the employee and returned to the employee's department head. The Supervisor shall forward a copy to the City's Office as soon as he/she receive this request.
- B.** In unexpected or unforeseeable situations, it is expected that an employee will provide much notice as is practicable, usually verbal notice within one (1) or two (2) business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" form. (See attached.)
- C.** If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable excuse for the delay, the leave may be denied until thirty (30) days after the employee provides notice.
- D.** For absences due to an illness or injury of five (5) or more consecutive calendar days due to a situation outlined in Section 3-722.1 above, an employee will be required to apply for leave under the provisions of Section 3-716 of this Chapter. The period of time in excess of this five (5) day period will be designated as FMLA. leave by the City.
- E.** The City Clerk will determine the type of FMLA. leave as outlined in Section 3.722.1, the employee qualifies for in the event the request for leave is not requested in a timely manner.
- F.** The City will determine and designate "up front" before any FMLA. leave starts whether any leave to be taken counts towards an employee's FMLA. leave entitlement. Only where leave has already begun and the City did not have sufficient information to determine the absence qualified

under FMLA will the leave be retroactively designated as FMLA leave.

- G. Failure to submit the appropriate paperwork as required by this directive could cause the use of sick leave or major medical leave to be suspended.

**8. Medical Certification.**

- A. For leave taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form (See Attachment) in addition to the Request for Family/Medical Leave and return these documents to their Supervisor. The department shall forward a copy to the City Clerk's Office. Medical certification must be provided by the employee within fifteen (15) days after requested, or as soon as is reasonably possible.
- B. The City may require a second or third opinion, at its own expense, periodic reports on the employee's status and intent to return to work, and fitness-for-duty report to return to work.
- C. Prior to being allowed to return to work because of recovery from a serious health condition, the treating physician will certify in writing based on the job description that the employee can return to duty.

**9. Effect on Benefits.**

- A. An employee granted leave under this policy will continue to be covered under the City of Oxford employee health/dental insurance, life insurance plan, and other applicable programs under the same conditions as coverage would have been provided if he/she had been continuously employed during the leave period. This means that the City will continue to pay the costs of such benefits as when the employee was in active pay status. In the case of family health coverage, the employee will be responsible for payment of the employee's premium share as outlined below.
- B. Employee contributions for family health coverage will be required either through payroll deduction (See Attachment A) or by direct payment to the City of Oxford. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.
- C. If an employee's contribution is more than thirty (30) days late, the City of Oxford may terminate the employee's insurance coverage.
- D. If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City for delinquent payments upon his or her return from leave.
- E. If the employee fails to return from unpaid family/medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member, or (2) circumstances beyond the employee's control (certification required within thirty (30) days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the premiums paid on behalf of that employee (also known as the employer contribution) during the period of leave.
- F. Nothing in this Section will be construed to entitle any restored employee to:
  - (1) The accrual of any employment benefits during any period of leave; and,
  - (2) Any right benefit or position of employment other than a right, benefit, or position to which the employee would have been entitled had the employee not taken leave.

**10. Job Protection.**

- A. If the employee is not determined to be a "key employee," as defined by the Family Medical Leave Act, and returns to work within twelve (12) work weeks following a family/medical leave, he/she will be reinstated to his or her former position or an equivalent position with equivalent pay, benefits, status and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- C. If the employee fails to return within twelve (12) work weeks following a family/medical leave, the employee will be reinstated to his or her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

**Section 3-723 Sexual Harassment**

1. Sexual harassment is defined by the Equal Employment Opportunity Commission (E.E.O.C.) as follows:
  - A. Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."
  - B. It will be considered sexual harassment if an employee influences, offers to influence, or threatens the career, pay, and/or the job of another person, male or female, in exchange for sexual favors. It will also be considered sexual harassment if an employee engages in deliberate or repeated offensive comments, gestures or physical contact of a sexual nature in a work or work related environment or causes a hostile or offensive working environment. Sexual harassment on the job is unlawful whether it involves co-worker harassment or harassment by a supervisor.
2. The E.E.O.C. has determined that:
  - A. An employer can be held liable for sexual harassment of its agent and supervisory employees;
  - B. An employer can be held liable for the harassment of employees by their coworkers;
  - C. An employer can be held liable for the harassment of employees by non-employees; and
  - D. This policy and the definition described above pertains to all officers and employees of the City of Oxford, including officials, regular and temporary employees, and individuals working under contract for the City. Sexual harassment of any type is forbidden and will not be tolerated in any circumstances.
3. **Responsibilities.**
  - A. A sexual harassment case is considered reported when an employee notifies the City Clerk as outlined in Section 3-723.4 below or notifies the Equal Employment Opportunity Commission (E.E.O.C.) of the complaint
  - B. Every Supervisor is responsible for creating and maintaining a positive and productive work environment. As part of this responsibility, supervisors will eliminate any sexual harassment they become aware of and will immediately report any inappropriate behavior reported or observed to the City Clerk. Failure on the part of a supervisor to report to the City Clerk any inappropriate behavior either reported or observed will subject the supervisor to possible disciplinary action, up to and including termination.
  - C. The City Clerk will be responsible for informing employees of this policy, through distribution of this directive, as well as through group training presentations to Supervisors. The Supervisors will be responsible for providing training to their employees on this directive. The Human Resources Office (City Clerk) will ensure that each employee acknowledges in writing receipt of this procedural directive. A copy of this acknowledgment will be maintained in the employee's official personnel file.
  - D. The City Clerk is responsible for accepting and investigating complaints of alleged sexual harassment. If the complaint is against the City Clerk or members of the Council, the report shall go directly to the Mayor. If the complaint is against the Mayor the complaint will go to the Chairperson of the Personnel Committee. No retaliation will be taken against any employee who reports a case of sexual harassment
4. **Procedures.**
  - A. Employees who believe they have been sexually harassed by an employee or representative of the City of Oxford on the job or employees who are aware of this type of harassment of others must provide a written or verbal complaint directly to the City Clerk as soon as possible. Supervisors must immediately refer all harassment complaints to the City Clerk.
  - B. A sexual harassment complaint may be reported by an individual or a group and should include the following information:
    - (1) Name(s) of the individual(s) involved;
    - (2) Names of any witnesses;
    - (3) When the event took place; and

(4) The nature of the harassment.

These complaints will be made directly to the City Clerk. Because of the seriousness of these charges, the normal chain of command will not be utilized.

- C. Upon review of the complaint by the City Clerk, the City Clerk may request that a thorough, and objective investigation of the harassment allegations be conducted by the Personnel Committee. The investigating officers will submit a completed written report on their findings to the City Clerk within ten (10) working days of the initial request.
- D. Upon completion of the investigation, a determination regarding the alleged harassment will be made and communicated to the employee(s) who complained and the accused harasser(s). The City Clerk will determine the appropriate remedial action, if any, to be taken against an employee if a complaint of sexual harassment is substantiated. Appropriate disciplinary action will be in accordance with established procedures and could include termination of employment with the City.
- E. All files of sexual harassment charges, whether found to be justified or not, will be maintained by the City Clerk's office, in a separate and secure file, and disposal of such files will be in accordance with the City's record retention schedule.

### Section 3-724 Code of Conduct

- 1. **Employees' Code of Conduct.** The employees of the City of Oxford are hereby enjoined to act in ways which will uphold the trust that citizens place in them as employees, and more specifically strive to be:
  - A. Honest and above board in all our conversations, writings, and actions;
  - B. Fair and even-handed in dealing with citizens and fellow employees;
  - C. Committed to the highest standards of excellence and quality of service;
  - D. A wise user of City resources so as to do as much as we can with what we are provided;
  - E. Courteous and helpful, thus polishing the image of our City with whomever we come in contact;
  - F. An embodiment of the Ephebic Oath taken by young men of ancient Athens: *"We will never bring disgrace to this, our City, by any act of dishonesty or cowardice; ... and thus in all ways, we will strive to transmit this City not only, not less, but greater, better, and more beautiful than it was transmitted to us."*

This Code dictates actions that will make us special. By adhering to these six (6) tenets, we will win the full faith and confidence of all of our citizens.

Although the standards set forth increase the responsibilities of the Department Heads in supervising their subordinates, the standards are not intended to define the limit of departmental responsibility in this area, nor do they limit the circumstances under which a department may act to remove, demote, reassign, or otherwise discipline any employee whose conduct is unacceptable.

- 2. **Specific Personal Conduct: Conflicts of Interest, Gifts, Entertainments, and Favors.**
  - A. City employees are prohibited from accepting gifts, gratuities, favors, entertainments, loans, or anything else of monetary value arising out of their duties as City employees, from any person who has or will obtain contractual or other business with the City, as well as those who conduct operations that are regulated by the City.
  - B. Exceptions to this policy are awards presented for meritorious public contributions or achievements given through charitable, religious, professional, or non-profit social or recreational organizations.
- 3. **Outside Employment.** All requests for outside employment must be approved in writing by the appropriate Department Head and City Clerk. City employment shall be considered the primary employment of all full-time City employees. Outside work cannot be performed on the City's time and must not interfere at any time with an employee's ability to perform his or her work with maximum effectiveness and efficiency. The City Clerk will notify the Mayor in writing, not later than two (2) workdays after approval. Failure to comply with this directive will not be condoned and will be grounds for immediate termination.
- 4. **Conflicts of Interest.**
  - A. All City employees are prohibited from having direct or indirect financial interests or transactions

that result from information obtained through City employment or because of their City title and position.

- B. All City employees are prohibited from using information obtained directly or indirectly through their employment to further their private interests if such information has not been made available to the general public.

**5. Use of City Property.**

- A. All City employees are prohibited from directly or indirectly using City property for any use other than officially sanctioned City business or activities. Department Heads, with the approval of the City Clerk, may place personnel who are determined strategic to specific departmental emergency functions on "on call". An employee designated in this category may use City vehicles when recommended by their Department Head and City Clerk, to the Mayor and Council for Approval. This includes authorized appropriations for transportation between the employee's place of residence and their workplace or department.
- B. Employees will be held accountable to the Mayor and Council for improper or negligent use of City-owned equipment, to include vehicles, and materials or willful damage to City property. Department Heads are held accountable for damage to City property assigned to their departments.
- C. City vehicles and equipment are for City business only. Personal use of City vehicles is prohibited except when such use is incidental to City business. Only persons authorized or on City business are allowed as passengers in City vehicles. City equipment and vehicles are to be operated by persons properly trained and licensed, as required by law. (Amended 12/3/2007)

**6. Alcohol and Drug Policy.** The City of Oxford has developed a policy to maintain a drug-free workplace and comply with the requirements of the Drug-Free Workplace Act of 1988.

- A. The following substances are covered by this policy:
  - (1) Alcoholic beverages of any kind,
  - (2) Controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, and stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law.
  - (3) **Exceptions.**
    - (a) Drugs prescribed by a physician, dentist, or other person licensed by the state or federal government to prescribe or dispense controlled substances or drugs used in accordance with their instructions are not subject to the restrictions of this policy.
    - (b) However, employees are prohibited from using substances, drugs, or medication (including over-the-counter medications) that cause drowsiness or other side effects that may impair an employee's capability to perform his or her job properly and safely. Each employee is obligated to inform, his or her immediate supervisor, or department head in the absence of the supervisor, of the use of any medications that may cause drowsiness or other side effects and impair the employee's ability to perform essential job functions.
- B. **Use Prohibited on City Premises.** The following activities are prohibited while an employee is on City premises or otherwise engaged in City business:
  - (1) The manufacture, possession use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug.
  - (2) The possession or consumption of alcoholic beverages.
  - (3) Being under the influence of alcohol, illegal drugs, or substances in any manner during official City business, whether or not consumed on City premises and whether or not consumed outside of working hours.
  - (4) Performing City duties while under the influence of alcohol or controlled and/or illegal substances or drugs regardless of whether the employee is on or off the premises of the City.
  - (5) An employee who engages in such behavior will be subject to disciplinary action, up to and including immediate termination, or, as a condition of continued employment, may be required to participate in and successfully complete drug or alcohol-abuse counseling or a rehabilitation program if necessary.
- C. **Off-premise Use.**
  - (1) The following actions, even when not occurring on City premises, while performing City business, or during working hours, are considered to endanger the City's reputation for

honesty, integrity, and safety:

(a) Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs.

(b) Any other actions involving alcohol or controlled or illegal drugs or substances that, in the opinion of management, endanger the City's reputation for honesty, integrity, and safety.

(2) An employee who engages in these activities may be subject to disciplinary action, up to and including immediate termination.

(3) Employees who are convicted of controlled substances-related violations under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges, must inform the City in writing within five (5) days of the conviction or plea. Failure to do so will result in disciplinary action, including termination from employment.

**D. Counseling.** The City understands the importance of providing information concerning the locations of available drug counseling, rehabilitation, and the Employee Assistance Program. Accordingly, any employee who wishes to receive information about counseling, rehabilitation, and the City's Employee Assistance may request the information from the City Clerk.

**E. Testing.**

(1) Upon recommendation of the Supervisor and concurrence of the City Clerk, the City shall require employees to undergo appropriate tests designed to detect the presence of alcohol or drugs (i.e., blood test or urinalysis) where it has reason to believe that an employee may be under the influence of or impaired by alcohol or drugs.

(2) The City may also require such tests whenever necessary to protect the safety and health of its employees. For example, all employees involved in accidents occurring during the performance of City business or on City property that result in injuries requiring medical treatment to themselves or others or damage to property shall be subject to undergoing a drug test at the City's expense.

(3) After an offer of employment has been extended to a City job applicant, post-offer drug testing (at the City's expense) will be required. Failure to successfully pass such testing will be grounds for withdrawing the offer of employment.

(4) Consent to submit to such tests as the City may require, constitutes a condition of employment. Refusal to consent to a test when such test is required will result in disciplinary action, up to and including termination.

(5) All drug and alcohol testing will be conducted in accordance with applicable federal, state, and local directives

**7. Smoking Policy.** The Mayor and City Council have adopted a policy that no smoking will be allowed in any buildings or structures owned or operated by the City. Employees smoking or possessing a burning tobacco weed or other plant product or any lighted or burning pipe, cigar, cigarette of any kind or smoking equipment or device in a building, structure owned by the City will be subject to disciplinary action up to and including termination.

## **Section 3-725 Risk Management & Loss Prevention**

The City of Oxford recognizes that municipal government, with its full range of services, can be a high risk operation. The City is dedicated to effectively managing those risks and will attempt to prevent losses and create a safer workplace for employees in every City department. The Mayor, Council, and City Clerk strongly support a City-wide safety and loss control program.

**1. Procedures.**

**A. City Clerk.** The City Clerk is responsible for administering the City's overall risk management/loss prevention program.

**B. The Mayor and Council.** The Mayor and Council are responsible for developing a program of accident and loss prevention and will coordinate an employee Safety Committee as described in the policy entitled "Safety and Accident Reporting."

**C. Department Heads.** City department heads are charged with the responsibility for implementing and monitoring the program in their respective departments and will be held accountable for the preventable losses which occur in their departments.

**D. The Role of Employees.** Every City employee has a responsibility to:

- (1) Exercise due care in the course of his or her work to prevent injuries to themselves, fellow workers, and the general public as well as to prevent damage to the City and private property;
- (2) Maintain an alert and business-like demeanor at all times while in the workplace and/or during the performance of City duties;
- (3) Report all accidents, regardless of how trivial, to his or her immediate supervisor or department head as soon as the accident or injury occurs or is observed;
- (4) Avoid engaging in horseplay or practical jokes while in the workplace or on City business;
- (5) Maintain work areas which are clean and orderly;
- (6) Report all unsafe conditions immediately to his or her immediate supervisor or department head;
- (7) Obey all safety roles and regulations, if any doubt exists about the safety of a particular job activity, he or she shall immediately stop and get instructions or assistance from the immediate supervisor or his or her designee before continuing work;
- (8) Wear prescribed protective clothing and use designated safety equipment;
- (9) Operate only machinery or equipment for which he or she is trained and authorised to use;
- (10) Use the proper tools and equipment for the specific job to be performed;
- (11) Learn to lift and handle materials properly so as to avoid back and other injuries;
- (12) Dress safely and sensibly in a manner which is appropriate to the nature of work to be performed;
- (13) Take an active part in the City safety program;
- (14) Inform his or her supervisor when taking medication might impair physical or mental alertness or affect his or her ability to safely perform the job;
- (15) Cooperate in all loss and safety violation investigations.

**ARTICLE VIII. GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM - DEFINED BENEFIT PLAN ADOPTION AGREEMENT FOR THE CITY OF OXFORD**

“See Appendix 1. for full text of plan.”

**ARTICLE IX. RESERVED**

**ARTICLE X. COMMITTEES**

**Section 3-1001 Council Committees**

1. It being the determination of the Mayor and Council that to facilitate the operation of the City government, there shall be established Council Committees, presently; named by the Mayor:
  - A. Finance/Public Relations
  - B. Building/Equipment/Grounds/Trees/Streets/Storm Water/Cemetery
  - C. Internal Oversight/Coordination - Planning and Zoning
  - D. Personnel - All Operations
  - E. Public Safety - Code Enforcement
  - F. Utilities/Public Works/Solid Waste
  - G. Executive
2. The Committees shall consist of three (3) members: the Mayor and two (2) councilmembers appointed by the Mayor. All actions of the committees, before becoming official, shall require two (2) affirmative votes by members of the committee then presented to the Mayor and Council for ratification.
3. There shall be established an Executive Committee, consisting of the Mayor and two (2) councilmembers named by the Mayor. The Executive Committee shall assist and advise the Mayor on situations when an emergency arises in the operation of the City as set forth in Section 3-309 hereof, to monitor conflicts which may arise in the operation of the City and assist in the resolution of such problems, to give support and help to the council committees or citizens, and to assist in bringing about a unified operation of the City government and operations. The operation of this Committee shall in no way conflict with the duties of the Mayor Pro Tem.

## ARTICLE XI. LOCAL GOVERNMENT AUTHORITIES

### Section 3-1101 Registration of Local Government Authorities

1. This Code Section shall be known and may be cited as the "Local Government Authorities Registration Act."
2. The General Assembly finds that there is a need for the state to create and maintain a record of all local government authorities. Such a record can best be maintained through annual registration of all local government authorities.
3. The purpose of this Code Section is to prescribe a registration process for all local government authorities authorized to operate in the State of Georgia by general statute, local law, or local constitutional amendment.
4. As used in this Code Section, the term:
  - A. **Debt.** Includes all long-term or short-term credit obligations including, but not limited to, mortgages, bonds, loans, notes, interest bearing warrants, and advances. For the purposes of this Code Section, debt shall also include lease-purchase obligations.
  - B. **Local Government Authority.** Includes without limitation instrumentalities of one or more local governments created to fulfill a specialized public purpose or any other legally created organization that has authority to issue debt for a public purpose independent of a county or municipality, not to include state authorities. Local government authorities include joint authorities, regional authorities, hospital authorities, housing authorities, residential care facilities for the elderly authorities, resource recovery development authorities, solid waste management authorities, downtown development authorities, airport authorities, industrial, payroll and other development authorities, transit authorities, water and sewer authorities, parking authorities, recreation authorities, stadium and coliseum authorities, building authorities, public service authorities, or any other local government authority regardless of name. Such local government authorities may have been created by local constitutional amendment, general statute, or local law.
5. All local government authorities authorized to operate in the State of Georgia must register annually with the Department of Community Affairs.
6. Any local government authority which fails to register with the Department of Community Affairs shall not incur any debt or credit obligations until such time as it meets the registration requirement. Failure to register shall not have any adverse affect on any outstanding debt or credit obligation.
7. The Department of Community Affairs shall establish registration and reporting procedures for local government authorities. Such procedures shall include, but are not limited to, information on the authority's legal name, function, date and means of creation, contact person, address, and telephone number.
8. The Department of Community Affairs shall establish reasonable fees for the work related to administration and enforcement of this Code Section; provided, however, no fee shall be charged or allowed for the annual registration as required in this Code Section.
9. The Department of Community Affairs shall maintain a certified list of registered local government authorities, available on request. The department shall forward annually to the judge of the probate court in any affected county the registration information for all authorities operating in that county.
10. Local government authorities shall initially register on or before January 1, 1996, and shall register on or before January 1 of each year thereafter.

## ARTICLE XII. MUNICIPAL PROPERTY

### Section 3-1201 Motor Vehicles

Every motor vehicle which is owned or leased by any county, municipality, regional development center, county or independent school system commission, board, or public authority or which has been purchased or leased by any public official or public employee with public funds shall have affixed to the front door on each side of such vehicle a clearly visible decal or seal containing the name of or otherwise identifying such governmental entity. The requirements of O.C.G.A. § 36-89-1 shall not apply to: (1) any vehicle used for law enforcement or prosecution purposes; or (2) any vehicle owned or leased by a county or municipality expressly excepted from the provisions of



O.C.G.A. § 36-89-1 by a resolution or ordinance adopted by the governing authority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subject held no more than fourteen (14) days prior to the adoption of the ordinance or resolution.



# CHAPTER 4: REVENUE AND FINANCE

Section

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## ARTICLE I. TAXES

### Section 4-101 Ad Valorem Tax

1. **Rate of Levy.** There is hereby set and levied to meet the ordinary current expenses of the City of Oxford an annual ad valorem tax as determined by the Mayor and City Council upon all real and personal property within the City. There is also hereby set and levied, for the payment of principal and interest on general obligation bonds, an annual ad valorem tax as determined by the Mayor and City Council upon all real and personal property within the City. Such levies shall be shown separately on all tax bills.
2. **Assessment and Fair Market Value.** All property subject to municipal ad valorem taxation shall be assessed at forty percent (40%) of its fair market value. The basis for fair market value shall be one hundred percent (100%) of the fair market value determined for the property by the county for county ad valorem tax purposes.
3. **Appeal of Assessment.** Any taxpayer may appeal from an assessment by the county Board of Tax Assessors to the county Board of Equalization as to matters of taxability, uniformity of assessment, and value. The taxpayer or the county Board of Tax Assessors may appeal to the Newton County Superior Court from a decision of the county Board of Equalization. All such appeals shall be made in the manner provided in O.C.G.A. § 48-5-311.
4. **When Taxes Due and Payable.** Ad valorem taxes shall become due as follows: Taxes are due in two (2) installments; the first installment is due on September 20 and the second installment is due December 20. Taxes for each installment become delinquent one (1) day following the installment due date, September 21 and December 21 respectively. Any taxes not paid within ninety (90) days of the due date shall bear an interest rate of five percent (5%). Taxes delinquent beyond ninety (90) days shall bear an interest rate of one percent (1%) per month from the date the tax is due in addition to a penalty of ten percent (10%) of the amount not paid on or before the time prescribed by law. Tax bills showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and penalties shall be sent to all taxpayers at least thirty (30) days prior to the due date, but failure to send a tax bill shall not invalidate any tax. (See O.C.G.A. § 48-2-44).
5. **Failure to Pay Tax.** The City shall forthwith issue an execution against any person who has defaulted in the payment of any ad valorem tax to be paid. The execution thus issued shall be a lien on all the property of such person, both real and personal, and shall be placed in the hands of the City Officer responsible for collection by levy and sale.

The City Clerk or other person authorized to collect the taxes due to the municipality may attach the property of the delinquent taxpayer on any ground provided by O.C.G.A. § 18-3-1 or on the ground that the taxpayer is liquidating his or her property in an effort to avoid payment of the tax. The City Clerk may use garnishment to collect the tax pursuant to O.C.G.A. § 48-3-1 et seq., or may levy upon all property and rights to property belonging to the taxpayer not otherwise exempt, for the payment of the amount due, together with any interest on the amount, any penalty for non-payment, and such further amount as shall be sufficient for the fees, costs, and expenses of the levy. Judicial sales shall be conducted pursuant to O.C.G.A. § 48-2-55.

The finance officer or other person authorized to collect taxes shall enter on the execution the name of the person garnished and shall return the execution to the court. The subsequent proceedings on the garnishment shall be the same as on garnishments in cases when judgment has been obtained.

6. **Against Whom Charged.** Taxes are to be charged against the owner of the property, if known, or against the specific property itself if the owner is not known. Life tenants and those who enjoy the use of the property are chargeable with the tax thereon.
7. **Exempted Property.** The following property shall be exempt from ad valorem taxation:
  - A. All public property;
  - B. All places of religious worship and places of burial;
  - C. All property owned by religious groups and used only for single family residences when no income is derived from the property;
  - D. All public charities;
  - E. All nonprofit hospitals; and
  - F. All buildings used as a college, university, or other seminary of learning.

*NOTE: See O.C.G.A. § 48-5-41 for a complete list of exempted property. See O.C.G.A. §§ 48-5-354 through 48-5-356 for additional special exempt municipal property.*

**Section 4-102            Reserved**

**Section 4-103            Reserved**

**Section 4-104            Reserved**

**Section 4-105            Reserved**

**Section 4-106            Reserved**

**Section 4-107            Reserved**

**Section 4-108            Gross Direct Premiums Tax**

- 1. Rate of Levy on Life, Accident, and Sickness Insurers.** There is hereby set and levied for the year 1984 and for each calendar year thereafter upon each company authorized to write life, accident, and sickness insurance and which is doing business within the municipal corporate limits an annual tax equal to one percent (1%) of the annual gross direct premiums received during the preceding calendar year from policies insuring persons residing within the corporate limits of the municipality.

The term "gross direct premiums" as used in this Section shall have the same meaning as that used in O.C.G.A. § 33-8-4. The tax levied by this subsection is in addition to any license fee imposed by this Code.

- 2. Rate of Levy on All Other Insurers.** There is hereby set and levied for the calendar year 1984 and for each calendar year thereafter, upon each insurance company not taxed under the provisions of the preceding subsection 1 and which is doing business within the municipal corporate limits, an annual tax equal to two and one-half percent (2-½%) of the annual gross direct premiums received during the preceding calendar year from policies insuring persons residing within the municipal corporate limits. The tax levied by this subsection is in addition to any license fee imposed by this Code.
- 3. Due Date and Required Report.** The gross direct premiums tax levied herein shall be due and payable upon the effective date of this Code and then on the first day of January in each calendar year. Payment shall be made to the City Clerk/Treasurer and shall be accompanied by a report showing the names and addresses of the agents representing the insurance company in the City, the classes of insurance written, the premiums received for each class, and such other reasonable information as may be required. The required report shall be made on forms prescribed by the City Clerk/Treasurer and made out over affidavit of an officer of the company. Payments shall be deemed delinquent if not received by the due date.
- 4. False Information.** It is hereby declared to be a violation of this Section for any person, firm, corporation, or agents thereof to knowingly give false or incomplete information on any report herein required to be filed.
- 5. Confidentiality of Information.** All reports required to be filed under this Section shall be confidential and the information contained therein shall be used solely by the officers of the City responsible for the administration of this Section.
- 6. Enforcement.** The taxes levied by this Section may be enforced by execution in the same manner as other taxes of this municipality.

**Section 4-109            Reserved**

**Section 4-110            Reserved**

**Section 4-111 Public Utility Franchise Tax**

1. **Rate of Levy.** There is hereby set and levied on each electric light and power company, gas company, telephone and telegraph company, water company, and any other public utility making use of the streets, alleys, or other public ways or places in the City of Oxford for the purpose of rendering utility services, a franchise tax in the amount of five percent (5%) of the annual gross revenue received from residential commercial, and industrial sales.
2. **Due Date and Required Report.** The public utility franchise tax shall be paid on or before the twentieth day of the month following the calendar month in which the utility was provided and the sale was made, and payment by a report showing the volume of gross sales by service classification (residential, commercial, industrial) for said preceding month.

**Section 4-112 Local Option Sales Tax**

The City Council is authorized to levy a local option sales tax in accordance with O.C.G.A. § 48-8-82.

**Section 4-113 Reserved**

**Section 4-114 Municipal Tax Sales**

1. **Time, Place, and Manner of Sale.** The time, place, and manner of the sale of property, both real and personal, for taxes due this municipality shall be the same as that provided by law for sheriffs' sales for state and county taxes.
2. **Sale by Parcels.** When not impracticable, all property sold for municipal taxes shall be so offered for sale that the smallest amount that will bring the amount of taxes and costs shall alone be sold.
3. **Purchase by City.** The City Clerk/Treasurer shall attend all sales of property for taxes due the City and in the event no one person bids for the property put up to be sold as much as the tax due thereon, the City Clerk/Treasurer shall place a bid for such property for the City and, if the bid is accepted, take custody of the deed for the City. No property so purchased by the City shall ever be sold by the City except at a public sale thereof to the highest bidder.
4. **Redemption of Property Sold for Taxes.** Any person whose property is sold in obedience to an execution issued for the collection of municipal taxes shall have such rights of redemption of said property as are set forth in Chapter 4, Title 48 of the O.C.G.A. and any other provisions of law not inconsistent therewith.

**Section 4-115 Occupation Tax Ordinance**

1. **Occupation Tax Required; Occupation Tax Required for Business Dealings with the City.**
  - A. For the year 1995 and succeeding years thereafter, each person engaged in any business, trade, profession or occupation in the City of Oxford, Georgia, whether with a location in the City of Oxford, or in the case of an out-of-state business with no location in Georgia exerting substantial efforts within the state pursuant to O.C.G.A. § 48-13-7 (shall pay an occupation tax for said business, trade, profession or occupation; which tax and any applicable registration shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in the City of Oxford, Georgia. If the taxpayer has no permanent business location in the City of Oxford, Georgia, such business tax registration shall be shown to the Police Chief or his/her other officers or to any police officer of said City of Oxford, Georgia upon his or his or her request.
2. **Construction of Terms; Definitions.** Wherever the term "City of Oxford" is used herein, such term shall be construed to mean "City of Oxford, Georgia;" wherever the term "City" is used herein, it shall be construed to mean "City of Oxford, Georgia."

As used in this Section, the following are defined:

- A. **Administrative Fee.** A component of an occupational tax which approximates the reasonable cost of handling and processing the occupation tax.

- B. **Location of Office.** Shall not include a temporary work site which serves a single customer or project.
  - C. **Occupation Tax.** A tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue-raising purposes.
  - D. **Regulatory Fees.** Payments, whether designated as license fees, permit fees or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the City. A regulatory fee may not include an administrative fee. Development impact fees as defined by paragraph 8 of O.C.G.A. § 36-71-2, or other costs or conditions of zoning or land development are not regulatory fees.
  - E. **Dominant Line.** The type of business within a multiple-line business that the greatest amount of income is derived from.
  - F. **Person.** Wherever used in this Section shall be held to include sole proprietors, corporations, partnerships, or any other form of business organization.
  - G. **Practitioner of Profession or Occupation.** One who by state law requires state licensure regulating such profession or occupation.
  - H. **Practitioners of Professions and Occupations.** Shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.
3. **Administrative and Regulatory Fee Structure; Occupation Tax Structure.**
- A. A non-prorated, non-refundable administrative fee of five dollars (\$5.00) shall be required on all business occupation tax accounts for the initial start up, renewal or re-opening of those accounts.
  - B. A regulatory fee will be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee does not include an administrative fee.
  - C. The regulatory fee schedule for persons in occupations and professions is set forth by the Mayor and Council.
4. **Occupation Tax Levied; Restrictions.**
- A. An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within the corporate limits of the City of Oxford, Georgia, or upon the applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based upon the following criteria: The number of employees of the business or practitioner.
  - B. **Occupation Tax Schedule: Number of Employees.**

<u>Number of Employees</u>	<u>Tax Rate</u>
1 - 10	\$ 20.00
11 - 20	40.00
21 - 30	60.00
31 - 40	80.00
41 - 50	100.00
more than 50	200.00

5. **Paying Occupation Tax of Business with No Location in Georgia.** Registration and the assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state of Georgia if the business' largest dollar volume of business in Georgia is in the City of Oxford, Georgia and the business or practitioner.
- A. Has one or more employees or agents who exert substantial efforts within the jurisdiction of the City of Oxford, Georgia for the purpose of soliciting business or serving customers or clients; or
  - B. Owns personal or real property which generates income and which is located within the jurisdiction of the City of Oxford, Georgia.
6. **Each Line of Business to Be Identified on Business Registration.** The Business registration of each business operated in the City shall identify the dominant line of business that the business conducts.



7. **The Number of Businesses Considered Operating in City.** Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of occupation tax.
8. **Professional as Classified in O.C.G.A. § 48-13-9(c), Paragraphs 1 Through 18.** The occupation tax based on number of employees.
9. **Practitioners Exclusively Practicing for the Government.** Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipally or county of the state, instrumentalities of the United States, the state or a municipality or county of the state, shall not be required to obtain a license or pay an occupation tax for that practice.
10. **Purpose and Scope of Tax.** The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax that only applies to those businesses and occupations which are covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law ordinance.
11. **When Tax Due and Payable; Effect of Transacting Business When Tax Delinquent.**
  - A. Each such occupation tax shall be for the calendar year 1995 and succeeding calendar years thereafter unless otherwise specifically provided. Said registration and occupation tax shall be payable January 1 of each year and shall be delinquent if not paid by March 1 of each year, be subject to penalties for delinquency as prescribed in this Chapter. On any new profession, trade or calling begun in the City of Oxford, Georgia in 1995 or succeeding years thereafter, the registration and tax shall be delinquent if not obtained immediately upon beginning business and a ten percent (10%) penalty imposed. The tax registration herein provided for shall be issued by the Clerk of the City of Oxford, Georgia and if any person, firm or corporation whose duty it is to obtain a registration shall after said registration or occupation tax becomes delinquent, transact or offer to transact, in the City of Oxford, Georgia any of the kind of profession, trade or calling in this Section specified without having first obtained said registration such offender shall, upon the conviction of the City Judge be punished by a fine not to exceed five hundred dollars (\$500.00), or imprisonment not to exceed thirty (30) days either or both in the discretion of the Judge as set forth in Section 1-109. In addition to the above remedies, the Police Chief may proceed to collect in the same manner as provided by law for tax executions.
  - B. **Revocation.** The Mayor of the City shall have the right to revoke any license issued whenever a person doing business under such license shall violate any law or ordinance of the United States, or the State of Georgia or the City of Oxford in pursuance of such business conducted under such license or when it shall be proven before the Mayor that the health, morals, interest and convenience of the public demand the revocation of license, of the person, firm or corporation holding such license was issued, and said Mayor shall report this revocation of such license to the next regular meeting of the City Council for their ratification or rejection and should the action of the Mayor be sustained by the Council, then the said license shall be permanently revoked, otherwise it shall be restored and remain in full force.
  - C. **Transfer of Licenses.** Licenses, with the exception of Taxicab and Taxi Drivers permit licenses, shall be transferable to any other person, firm, or corporation doing the same business at the same place or places of business, upon the written approval of such transfer, by the Mayor of this City, who shall have full discretion to approve or disapprove such transfer.
  - D. **Negligence of Payment.** If any person or party, subject to any license fee or tax herein, fail or neglect to pay same, the said clerk may issue execution therefore as an additional remedy, and collection hereof shall be made in the same manner as provided for other taxes, regardless of provisions herein for other penalties.
12. **Exemption on Grounds That Business Operated for Charitable Purpose.** No business on which a business registration or occupation tax is levied by this Section shall be exempt from said registration or tax on the ground that such business is operated for a charitable purpose, unless fifty percent (50%) or more of the entire proceeds from said business are devoted to such purpose.
13. **Evidence of State Registration Required If Applicable; State Registration to Be Displayed.**
  - A. Each person who is licensed by the Secretary of State pursuant to Title 43 of the Official Code of Georgia Annotated shall provide evidence of proper and current state licenses before the City registration may be issued.
  - B. Each person who is licensed by the state shall post the state license in a conspicuous place in

the licensee's place of business and shall keep the license there at all times while the license remains valid.

- C. Applications for Free Permits.** Even though a person may be exempt under state or other law from paying a license tax, or fee; nevertheless such person must apply to said Clerk for a free permit to engage in or carry on any business, occupation, or use herein provided for and submit proper and lawful credentials, exempting applicant from paying said City license tax or license fee; and such applicant must comply with the City rules and regulations pertaining to or governing such business occupation, or use; otherwise such person, or applicant shall be subject to penalties herein provided.
- 14. Evidence of Qualification Required if Applicable.**
- A.** Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a City business registration, show evidence of such qualification.
- B. Prohibition of Distribution of Handbills.** It shall be unlawful for any person or persons to distribute handbills of any type from door to door within the limits of the City of Oxford.
- 15. Liability of Officers and Agents? Registration Required; Failure to Obtain.** All persons subject to the occupation tax levy pursuant to this Section shall be required to obtain the necessary registration for said business as described in this Section, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a registration. Every person commencing business in the City of Oxford, Georgia after January 1 of each year shall likewise obtain the registration herein provided for before commencing the same; and any person transacting, or offering to transact in the City of Oxford, Georgia any of the kinds of business, trade, profession or occupation without first having so obtained said registration, shall be subject to penalties provided thereof.
- 16. When Registration and Tax Due and Payable; Effect of Transacting Business When Tax Delinquent.**
- A.** Each such registration shall be for the calendar year in which the registration was obtained unless otherwise specifically provided. There is hereby imposed a penalty upon each business which fails to apply for and obtain an appropriate business registration and pay all tax and fees as provided herein before March 1 of each year, on the second day of March of each year hereafter. Every person commencing business in the City of Oxford, Georgia after January 1 of each year shall obtain the registration required before commencing such business. Any person transacting or offering to transact in the City of Oxford, Georgia any business, trade, profession or occupation without first having obtained said registration shall be subject to the penalties provided in Section 1-109. Said penalties shall be in addition to all other penalties, civil and criminal herein provided; and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied.
- B.** The registration herein provided for shall be issued by the Clerk of the City of Oxford and if any person, firm or corporation whose duty it is to obtain a registration shall, after said occupation tax becomes delinquent, transact, in the City of Oxford any of the kind of business, trade, profession or occupation without having first obtained said registration, such offender shall be subject to the penalties provide thereof.
- 17. Penalty of Article Violation.** Any person violating any provisions of this Section shall upon conviction before the City Judge be fined in an amount not exceeding five hundred dollars (\$500.00) or imprisoned not exceeding thirty (30) days either or both, in the discretion of the City Judge.
- 18. Clerk City of Oxford, Georgia; Subpoena and Arresting Powers.** The City of Oxford and its duly designated officer and inspectors or its successors shall be classified as deputy marshal-business inspector with full subpoena and arresting powers in conjunction with any violation pertaining to the Business Tax Ordinance for 1995 and succeeding years thereafter.
- 19. Businesses Not Covered by this Article.** The following businesses are not covered by the provisions of this Article but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the State of Georgia or by act of local law.
- A.** Those businesses regulated by the Georgia Public Service Commission.

- B. Those electrical service businesses organized under Chapter 3 of title 46 of the Official Code of Georgia Annotated.
  - C. Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
  - D. Cooperative marketing associations governed by O.C.G.A. § 2-10-105.
  - E. Insurance companies governed by O.C.G.A. § 33-8-8, et seq.
  - F. Motor common carriers governed by O.C.G.A. § 46-7-15.
  - G. Those businesses governed by O.C.G.A. § 48-5-355.
  - H. Agricultural products and livestock raised in the state of Georgia governed by O.C.G.A. § 48-5-356.
  - I. Depository financial institutions governed by O.C.G.A. § 48-6-93
  - J. Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.
- 20. When Occupation Tax Due and Payable; Payment Options.** The amount of occupation tax shall be payable to the said City Office of the Treasurer, on January 1 each year and delinquent if not paid on or before March 1 each year.
- 21. Returns Confidential.** Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent or clerk of the City of Oxford, Georgia or any other person to divulge or make known in any manner the amount of: gross receipts or any particulars set forth or disclosed in any occupation tax return required under this Section. All contents of said return shall be confidential and open only to the officials, employees, agents or clerks of the City using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the City shall be classed as "employees." Nothing herein shall be construed to prohibit the publication by the City Officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof, or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia or of the United States, and other local governments.
- 22. Inspections of Books and Records.** In any case the Police Chief through his or her officers, agents, employees or representatives, may inspect the books of the business for which the returns are made. The revenue collection officer shall have the right to inspect the books or records for the business of which the return was made in the City of Oxford, Georgia, and upon demand of the Police Chief such books or records shall be submitted for inspection by a representative of the City of Oxford, Georgia within thirty (30) days. Failure of submission of such books or records within thirty (30) days shall be grounds for revocation of the tax registration currently existing to do business in the City of Oxford, Georgia. Adequate records shall be kept in the City of Oxford, Georgia, for examination by the Police Chief at his or her discretion. If after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of twenty-five percent (25%) of deficiency plus interest at the rate of twelve percent (12%) on said deficiency until paid.
- 23. Execution for Delinquent Occupation Tax.** In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the Police Chief of the City of Oxford, Georgia, upon any tax or installment of said tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the persons, partnership or corporation liable for said tax, which said execution shall bear interest at the rate of twelve percent (12%) annum from the date when such tax or installment becomes delinquent, and the lien shall cover the property in the City of Oxford of the person, partnership or corporation liable for said tax, all as provided by the ordinances and Charter of said City and the laws of Georgia. The lien of said occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the City Police of said City upon the property of defendant located in said City, and sufficient property shall be advertised and sold to pay the amount of said execution, with interest and costs. All other proceedings in relation thereto judgement it may seem necessary to determine whether the registration held is the proper one for the business sought to be transacted thereunder.
- 24. Provisions to Remain in Full Force and Effect until Changed by Council.** This Section shall remain in full force and effect until changed by amendment adopted by the Council. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

- 25. **Requirement of Public Hearing Before Tax Increase.** After January 1, 1996 , the governing Mayor and Council shall conduct at least one public hearing before adopting any ordinance or resolution which will increase the rate of occupation tax as set forth in this Section.
- 26. **Option to Establish Exemption or Reduction in Occupation Tax.** The Council may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupations tax shall not be arbitrary or capricious and the reasons shall be set forth in the minutes of the City of Oxford.
- 27. **Conflicts Between Specific and General Provisions.** Where there is an apparent conflict in this Section between specific and general provisions, it is the intention hereof that the specific shall control.

*(Adopted 12/5/94)*

**Section 4-116                      Reserved**

**ARTICLE II.                      MUNICIPAL BONDS**

**Section 4-201                      Preliminary Review by Finance Committee**

Prior to any issue of bonds by the City, the proposal for such issue shall be referred to the standing finance committee, which committee shall give careful consideration to the proposal and submit a recommendation to the City Council for approval or disapproval, with applicable reasons therefor.

**Section 4-202                      Bond Ordinances**

- 1. **Contents of Bond Ordinances.** Any bond ordinance introduced for adoption as provided in this Section shall contain in substance the following:
  - A. An authorization for the issuance of obligations, stating in brief and general terms sufficient for reasonable identification the purpose or purposes for which the obligations are to be issued, a statement of the estimated maximum amount of bonds or notes to be issued, and the estimated cost of such purpose or purposes, but related improvements of properties may be treated as one improvement or property;
  - B. A determination of the period of usefulness of the purpose according to its reasonable life computed from the date of the bonds or, if issued for several purposes, a determination of the average period of usefulness, taking into consideration the respective amounts of obligations authorized for the said several purposes;
  - C. A determination that the obligations authorized by the bond ordinance will be within the debt limitations prescribed by state law; and
  - D. A statement of the aggregate cost of the improvement or property sought to be financed, which cost may include the following:
    - (1) Interest on obligations until the end of the fiscal year in which the obligations are issued or until six (6) months after the completion of construction or acquisition;
    - (2) Architect's fees, accounting, engineering, and inspection costs;
    - (3) Costs of issuing and selling obligations;
    - (4) Legal expenses;
    - (5) Preliminary planning expenses;
    - (6) Test and survey expenses; and
    - (7) A reasonable proportion of the compensation and expenses of municipal employees in connection with the construction or acquisition of said improvement or property.
- 2. **Procedure for Adoption of Bond Ordinances.**
  - A. **Introduction.** All bond ordinances shall be introduced in writing at a regular meeting of the Mayor and City Council, and at such meeting shall receive a first reading, which may be by title.
  - B. **Publication, Hearing, and Adoption.** Any bond ordinance introduced as hereinabove provided shall be published after first reading, together with notice of the date, time, and place set for further consideration and final passage. Such publication shall be at least ten (10) days after

introduction and first reading and at least seven (7) days prior to the date for further consideration. At the time and place so advertised, or at any time and place to which such meeting or further consideration shall from time to time be adjourned, such bond ordinance may be read by its title, if:

- (1) At least one (1) week prior to such date or further consideration, there shall have been posted, on a bulletin board or other place upon which public notices are customarily posted in the municipality:
  - (a) A copy of such bond ordinance, and
  - (b) A notice that copies of such bond ordinance will be made available during such week and up to and including the date of such meeting or further consideration to the members of the general public of the municipality who shall request such copies, naming the place at which such copies will be so made available; and
- (2) Such copies of said bond ordinance shall have been made available accordingly, but otherwise such bond ordinance shall be read in full. All persons interested shall then be given an opportunity to be heard, and the Mayor and City Council shall proceed to amend the bond ordinance and thereupon finally adopt or reject it, with or without amendments.

**C. Final Adoption and Publication.** A bond ordinance shall be finally adopted by the recorded affirmative votes of at least two-thirds (2/3) of the full membership of the municipal governing authority.

3. **Effective Date of Bond Ordinances.** Unless otherwise provided for, such resolution or resolutions shall take effect immediately and shall not be laid over or published or posted.

**Section 4-203                      Bond Sales**

1. **Private Sale--when Authorized.** All bonds shall be sold at public sale upon sealed proposals, except that bonds may be sold at private sale:

- A. Without any previous public offering:
  - (1) if constituting all or part of an authorized issue of twenty thousand dollars (\$20,000.00) or less, or
  - (2) if sold to any board, body, agency, commission, instrumentality, district, authority, or political subdivision of any local unit, the state, or the federal government; or
- B. If no legally acceptable bid is received at advertised public offering, such bonds or any of them may be sold within thirty (30) days after the advertised date for public bidding; provided, however, that no bonds shall bear interest at any rate of interest which is higher than the rate or maximum rate specified in the notice of sale, or contain substantially different provisions from those specified in said notice.

Any purchaser of bonds at private sale, other than a public body, shall deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company in an amount equal to five percent (5%) (of the amount of bonds purchased and such amount shall be applied as in the case of a deposit made at public sale. Any private sale of bonds as permitted hereunder shall be made or confirmed by resolution of the Mayor and City Council adopted by not less than a two-thirds vote of the full membership thereof, which such resolution shall set forth the date, maturities, interest rate, and price of the bonds and the name of the purchaser.

2. **Publication of Notice of Bond Sale.** A public sale of bonds shall be advertised at least once and at least seven (7) days prior thereto in a newspaper of general circulation in the municipality and in a publication carrying municipal bond notices and devoted primarily to financial news or the subject of state and municipal bonds and published in the State of Georgia.

3. **Contents of Notice of Bond Sales.** A notice of public sale of bonds shall set forth:

- A. The principal amount, date, denomination, and maturities of the bonds offered for sale;
- B. The rate or rates of interest or maximum rate or rates of interest to be borne by the bonds;
- C. The terms and conditions of such public sale; and
- D. Such other provisions as may be determined by the Mayor and City Council.

4. **Procedure for Public Sale of Bonds.**
  - A. All bidders shall be required to deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company, equal to not less than two percent (2%) of the bonds to secure the municipality in part from any loss resulting from the failure of the bidder to comply with the terms of his or her bid, or as liquidated damages for such failure.
  - B. All bids for bonds shall be publicly opened and announced at the advertised time and place of sale. Such bids as comply with the terms of the notice of sale shall be considered, and any bid not complying with the terms of such notice may be rejected. All bids received may be rejected.
  - C. Bonds of two (2) or more issues may be sold on the basis of combined maturities, or the maturities of each issue offered for sale.
  - D. Bonds may be offered for sale at a single rate of interest, or bidders may be requested to name a single rate of interest, but no proposal shall be considered which offers to pay less than the principal amount of bonds offered for sale or which names a rate of interest higher than the lowest rate of interest stated in any legally acceptable proposal. As between proposals naming the same lowest rate of interest, the proposal offering to accept the least amount of bonds shall be accepted, the bonds to be accepted shall be those first maturing, and as between such proposals, the proposal offering to pay the greatest premium bid for the bonds shall in no event exceed one thousand dollars (\$1,000.00) for the principal amount of bonds offered for sale. In order to effect the foregoing, a sufficient number of the last maturing bonds shall be of the denomination one thousand dollars (\$1,000.00) or less.
  - E. Bonds may be offered for sale at different rates of interest of the same issue or different rates of interest for different issues, or parts thereof, or bidders may be requested to name any such rates of interest. No proposal shall be considered which offers to pay an amount less than the principal amount of bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the local unit under any legally acceptable proposal. Such net interest cost shall be computed in each instance by adding to the total principal amount of bonds bid for the total interest cost to maturity in accordance with such bid, and by deduction therefrom of the amount of premium bid, if any.
  - F. Additional terms or conditions of sale may be established by the Mayor and City Council.
5. **Sale of Bonds at One Time or in Installments.** Any issue of bonds may be sold at one time or in installments at different times. The maturities of an installment of bonds offered for sale, when combined with all maturities of the issue previously sold, shall be such as to comply with requirements as to maturities of a single issue of bonds. Any unsold part of an issue or installment may be sold notwithstanding that the maturities thereof, when considered alone, do not comply with such requirements.
6. **Power of Sale.** The City Clerk/Treasurer is hereby authorized and empowered to sell and award bonds in accordance with the advertised terms of public sale. Such officer shall report in writing to the Mayor and City Council at the next meeting thereof following such sale, which report shall indicate the principal amount, interest rate, and maturities of the bonds sold, the price obtained, and the name of each purchaser.
7. **Attorney's Fees.** Any qualified and practicing attorney at law who renders services in connection with the issuance and sale of bonds for this municipality shall be compensated for such services in an amount not exceeding one-tenth of one percent ( $\frac{1}{10}\%$ ) of the amount of the bonds issued or proposed to be issued, provided that said fee shall not be less than as determined by Mayor and Council with respect to any one bond issue.
8. **Application of Proceeds.** The proceeds of the sale of municipal bonds shall be applied only to the purposes for which such obligations are authorized. If, for any reason, any part of such proceeds are not necessary for such purposes, such part shall be used to pay any outstanding obligations or to finance the cost of any other purpose of purposes which may be deemed proper by the Mayor and City Council.
9. **Prohibited Agreements.** In the issuance or sale of bond obligations, it shall be unlawful for the Mayor and City Council or any member thereof or any official:
  - A. To pay or agree to pay, directly or indirectly, any bonus, commission, fee, or other compensation or consideration for the issuance or for the sale of such obligations, and any amount so paid may be recovered for the municipality;
  - B. To make any agreement with any purchaser or bidder, or his or her representative, regarding the

deposit or disposition of any monies received or to be received from such sale and every such agreement shall be void;

- C. To make any agreements pertaining to the sale of bond obligations which contains provisions as to any other matter, and such sale and any such agreement shall be void;
- D. To make any agreement or "service contract" with respect to publication of notice of sale and printing of bonds or notes, the providing of a legal opinion or for any of such services, whether or not accompanied by an offer to bid for or purchase such obligations. Any such agreement or contract shall be void, and any amount so paid may be recovered for the municipality; except, however, agreements made directly with a newspaper, bond printer, or an attorney licensed to practice law in the state in which he has his or her office.

A municipal bond dealer, banker, or financial expert may be engaged or employed as financial advisor to provide financial services in connection with the sale of bond obligations, including the preparation of a bidding circular or prospectus, but no such financial advisor shall purchase any such obligations at any public or private sale, but any such purchase shall not affect the validity of the obligations and the municipality shall recover any compensation and profit to such financial advisor resulting therefrom.

**Section 4-204 Bond Records**

A complete description of each bond issued by the City shall be kept by the City Clerk/Treasurer in a suitable book, which book shall be open to public inspection during regular business hours.

**Section 4-205 Registration of Bonds**

1. **Application for Registration.** Any holder of a bond issued by the City may register such bond as to principal and interest, or as to principal only, by making written application for such registration to the City Clerk/Treasurer and presenting the bond desired to be registered. Each application shall state (a) the number of bonds presented, (b) the issue, (c) the date, (d) the amount, (e) the date due, and (f) to what extent the bonds are to be registered; and each application shall be signed by the applicant who, if holding the bonds in any capacity other than for himself, shall sign the application in the name of the party for whose benefit he holds the bonds, state the capacity in which he signs, and attach proof of such capacity.
2. **Bond Register.** A bond register shall be kept on file in the office of the City Clerk/Treasurer in which, upon written application and presentation of the bond by the holder thereof as herein above provided, shall be entered a description of each bond so presented. Such description shall state (a) the bond number, (b) the nature of the issue, (c) the face amount, (d) the date issued, (e) the date of maturity, (f) the rate and due dates of interest, (g) whether the bond is registered as to principal and interest or as to principal only, (h) the name and mailing address of the bond holder, (I) the name of the person registering the bond, and (j) the capacity in which such person registered the bond. All bonds registered in compliance with this Section shall be non-negotiable to the extent registered.
3. **Statement of Registration and Form.** Upon registration of any bonds as herein above provided, the City Clerk/Treasurer shall stamp, print, or write upon each bond so registered a statement of the registration in the following form, inserting in the blanks the matter applicable to each transaction:

Registered by \_\_\_\_\_ . Non-negotiable. Principal [ and interest ] to be  
 paid only to \_\_\_\_\_ located at  
 \_\_\_\_\_ . This \_\_\_\_\_ day of \_\_\_\_\_,  
 20\_\_\_\_.

City of \_\_\_\_\_

\_\_\_\_\_  
City Clerk/Treasurer

4. **Procedure for Transfer After Registration.** In order to transfer any bond which may have been registered under the provisions of this Section, the holder thereof shall present the same to the City Clerk/Treasurer and shall authorize such transfer in writing, giving the name of the transferee, the number of the bond, of what issue, and the dates of issue and maturity. Such authority shall be signed

and acknowledged in the presence of a notary public or some other officer authorized by law to administer oaths, and such notary public or other officer shall certify, in writing and under seal of his or her office, that such authority was signed and acknowledged in this presence. In addition to giving such written authority, the holder shall enter a statement of the transfer on the face of each bond, properly dated and signed. Thereupon the City Clerk/Treasurer shall enter the transfer of each bond opposite the original entry of registration in the bond register, giving the name of the transferee and date of the transfer, and shall enter the same on each bond over his or her official signature. The transferee may thereafter, in the manner herein prescribed, also transfer such bond.

**Section 4-206                      Lost, Destroyed, or Defaced Bonds**

Lost, destroyed, or defaced bonds may be reissued in the form and tenor of the original obligations upon the Mayor and City Council being supplied to its satisfaction with the following:

1. Proof of ownership;
2. Proof of loss, destruction, or defacing of the obligations;
3. Adequate surety bond; and
4. Payment of the cost of preparation of the new obligations.

All such new obligations shall be issued pursuant to resolution of the Mayor and City Council setting forth the written request of the holder or owner, or his or her authorized attorney or legal representative, of the lost, destroyed, or defaced obligations and the date, maturity, interest rate, denomination, and numbers of such obligations, and the amount and term of the surety bond.

**Section 4-207                      Disposition of Bonds and Coupons**

Whenever the City Clerk/Treasurer pays any bond or coupon of the City, he shall forthwith stamp, print, or write upon such bond or coupon the word "PAID" and shall notify the standing finance committee that he has in hand such canceled paper, whereupon the finance committee shall take possession of the same after giving the City Clerk/Treasurer a receipt for the bonds and coupons. Such bonds and coupons shall thereafter be destroyed by the finance committee in the presence of the City Clerk/Treasurer, who shall then make an entry to that effect on the receipt given him.

**Section 4-208                      Sinking Fund**

1. **Establishment.** All taxes collected for the payment of principal and interest on City general obligation bonds shall be kept by the City Clerk/Treasurer as a separate fund to be known as the "sinking fund." Under no circumstances shall funds be paid out by the City Clerk/Treasurer for any other purpose than for the payment of the interest and principal on the bonds for which it was collected or for the purpose of investment as provided by law and City ordinance.
2. **Certification of Amount.** Prior to adoption of the annual budget, the amount to be included in the sinking fund for the prospective fiscal year shall be certified by the municipal auditor as an amount sufficient to pay all principal and interest coming due in such fiscal year, and the sinking fund as certified shall be included in the annual budget.
3. **Investment of Sinking Fund.** It shall be and it is hereby made the duty of the City Clerk/Treasurer, to promptly make arrangements for the investment of the sinking fund in the manner provided by law and, upon approval of such arrangements by the City Council, promptly to make such investment.

**ARTICLE III.                      BUDGET**

**Section 4-301                      Fiscal Year**

The City shall operate on a fiscal year which shall begin on the first day of January and end on the last day of December.



**Section 4-302 Requirement of Annual Balanced Budget**

The municipality shall operate under an annual balanced budget adopted by ordinance or resolution and administered in accordance with Chapter 81, Title 36 of the O.C.G.A. A budget ordinance or resolution is balanced when the sum of estimated net revenues and appropriated fund balances is equal to appropriations.

Each unit of local government shall adopt and operate under a project-length balanced budget for each capital projects fund in use by the government. The project-length balanced budget shall be adopted by ordinance or resolution in the year that the project initially begins and shall be administered in accordance with this Article. The project-length balanced budget shall appropriate total expenditures for the duration of the capital project.

**Section 4-303 Adoption of Budget Ordinances or Resolutions**

The municipality shall adopt and utilize a Budget Ordinance or Resolution.

**Section 4-304 Reserved**

**Section 4-305 Procedures for Adoption of Budget**

1. By the date established by the governing authority, in such manner and form as may be necessary to effect this Article, and consistent with the City's accounting system, the Mayor shall prepare a proposed budget for the City for the ensuing fiscal year.
2. The proposed budget shall be an estimate of the financial requirements of each department or agency, by fund, for the budget year and shall be in such form and detail, with such supporting information and justifications, as may be prescribed by the Mayor and City Council. The budget document, at a minimum, shall provide a statement of the amount budgeted for anticipated revenues by category and the amount budgeted for expenditures by category for the current year, including budget amendments, and the anticipated revenues and proposed expenditures for the proposed budget year.
3. No later than thirty (30) days prior to the beginning of the fiscal year, the proposed budget shall be submitted to the Mayor and City Council for review prior to enactment of the Budget Ordinance or Resolution.
4. On the day that the budget is submitted to the Mayor and City Council, a copy of the budget shall be placed in a public location which is convenient to the residents of the City. The Mayor and City Council shall make every effort to provide convenient access to the residents during reasonable business hours so as to accord every opportunity to the public to review the budget prior to adoption. A copy of the budget shall also be made available, upon request, to the news media.
5. At the time of submission of the budget to the Mayor and City Council, a statement advising the residents of the City of the availability of the budget shall be published in a newspaper of general circulation in the City. The notice shall be published during the week in which the proposed budget is submitted to the governing authority. The statement shall also advise residents that the public hearing will be held at which time any persons wishing to be heard on the budget may appear. The statement shall be a prominently displayed advertisement or news article and shall not be placed in that section of the newspaper where legal notices appear.  
(b)The Mayor and Council shall give notice of the time and place of the required budget hearing at least one (1) week before the budget hearing is held.
6. At least one (1) week prior to adoption of the Budget Ordinance or Resolution, the Mayor and City Council shall conduct a public hearing, at which time any persons wishing to be heard on the budget may appear.
7. Nothing in this Section shall be deemed to preclude the conduct of further budget hearings if the Mayor and City Council deem such hearings necessary and complies with the requirements of subsection 5.

**Section 4-306 Form and Content of Budget**

The municipal budget shall be prefaced by a clear general summary of its contents and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income expenditures of the preceding fiscal year. Separate items shall be included for at least the following:

1. Administration, operation, and maintenance expenses of each department or office of the City, including a breakdown for salaries and wages for each such unit;
2. Interest and debt redemption charges;
3. Proposed capital expenditures, detailed by departments and offices when practicable;
4. Cash deficits of the preceding year;
5. Contingent expenses in an amount not more than three percent (3%) of the total amount of administration, operation, and maintenance expenses; and
6. Such reserves as may be deemed advisable by the City Council.

The total of proposed expenditures shall not exceed the total of anticipated revenue.

*NOTE: See O.C.G.A. § 36-81-3 regarding "Uniform Chart of Accounts."*

**Section 4-307 Adoption**

After the conclusion of the hearing and no later than December 31 of the fiscal year the Mayor and City Council shall adopt a Budget Ordinance or Resolution making appropriations for the fiscal year in such sums as the Mayor and City Council may deem sufficient, whether greater or less than the sums presented in the proposed budget. The Budget Ordinance or Resolution shall be adopted at a public meeting which shall be advertised in accordance with the procedures set forth in Section 4-305.5 at least one (1) week prior to the meeting.

The budget may be prepared in any form that the Mayor and City Council deems most efficient in enabling it to make the fiscal policy decisions embodied in the budget, but such budget shall show anticipated revenues and appropriations by fund.

**Section 4-308 Reserved**

**Section 4-309 Budget Message**

When introduced to the City Council for approval, the municipal budget shall be accompanied by a budget message which shall explain the budget both in fiscal terms and in terms of the work programs. The budget message shall outline the proposed financial policies of the City for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and the revenues, together with the reasons for such change; summarize the City's debt position; and include such other material as will provide a complete synopsis of the financial condition of the City.

**Section 4-310 Amendments**

1. The City Council may amend the budget during or after the public hearing, except that no proposed amendment shall be effective without such a hearing if it shall:
  - A. Add a new item of appropriation in an amount in excess of one percent (1%) of the total amount of appropriations as stated in the initially approved budget; or
  - B. Increase or decrease any item of appropriation by more than ten percent (10%); or
  - C. Increase the amount needed to be raised by taxes by more than five percent (5%).
2. Notice of hearing on any amendment shall be advertised at least three (3) days before the date set therefor. Any such amendment must be published in full in the same manner as an original publication and must be read in full at the hearing and before adoption. (See O.C.G.A. § 36-81-3(d)).

**Section 4-311 Audits Required**

1. **Annual Audit.** The Mayor and City Council of each unit of local government having a population in excess of one thousand five hundred (1,500) persons according to the latest estimate of population by the United States Bureau of the Census or its successor agency or expenditures of three hundred thousand dollars (\$300,000.00) or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.
2. **Biennial Audit.** The governing authority of each local unit of government not included in paragraph

(1) of this subsection shall provide for and cause to be made the audit required pursuant to paragraph (1) not less often than once every two (2) fiscal years. Audits performed pursuant to this paragraph shall be for both fiscal years.

3. **Report of Receipts and Disbursements.** The Mayor and City Council of each local unit of government having expenditures of less than one hundred seventy five thousand dollars (\$175,000.00) in that government's most recently ended fiscal year may elect to prepare, in lieu of the biennial audit otherwise required under paragraph (2) of this subsection, an annual financial report of receipts and disbursements for that fiscal year upon such forms and in such manner as shall be prescribed by the state auditor, and that financial report shall constitute an annual audit report for purposes of and within the meaning of the requirements of Section 4-312 of this Code.
4. **Audits Performed Before Years End.** At the option of the Mayor and City Council, an audit may be made at a lesser interval than one (1) year.

### **Section 4-312                    Conduct of Audits**

The audits of the City shall be conducted in accordance with generally accepted auditing standards. Each audit shall also contain a statement of any agreement or arrangement under which the City has assumed any actual or potential liability for the obligations of any governmental or private agency, authority, or instrumentality. Such statement shall include the purpose of the agreement or arrangement, shall identify the agency, authority, or instrumentality upon whose obligations the City is or may become liable, and shall state the amount of actual liability and the maximum amount of potential liability of the City under the agreement or arrangement. To the extent that the state auditor is able to provide comparable auditing services, the governing body may contract with the state auditor.

### **Section 4-313                    Contents of Audit Reports**

Whenever an audit of the financial affairs of a county or municipal corporation or of an officer, board, department, unit, or other political subdivision of a county or municipal corporation is made pursuant to a requirement or to an authorization otherwise provided by law, the audit report shall include the auditor's unqualified opinion upon the presentation of the financial position and the result of the operations of the governmental unit or office which is audited. If the auditor is unable to express an unqualified opinion, he or she shall so state and shall further detail the reasons for qualification or disclaimer of opinion. All such audits shall be conducted in conformity with generally accepted government auditing standards.

### **Section 4-314                    Forwarding Audits to State Auditor**

Each annual audit report of a local unit of government shall be completed and a copy of the report forwarded to the state auditor within one hundred eighty (180) days after the close of the unit's fiscal year. In addition to the audit report, the local unit of government shall forward to the state auditor, within thirty (30) days after the audit report due date, written comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, the written comments should include a statement describing the reason it is not. In the case of units provided for in Section 4-311.1, the audit reports for both fiscal periods shall be submitted within one hundred eighty (180) days after the close of each second fiscal year and the written comments shall be submitted within thirty (30) days after the audit report due date.

### **Section 4-315                    Public Inspection of Audits**

A copy of the report and of any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at City Hall. Those cities not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

### **Section 4-316                    Annual Report, Submitted to the Department of Community Affairs**

The City shall submit an annual report of local government finances to the Department of Community Affairs. The report shall include the revenues, expenditures, assets, and debts of all funds and agencies of the City, and other such information as may be reasonably requested by the department. Each local independent authority shall submit an annual report of indebtedness to the Department of Community Affairs. Such report shall include the revenues,

expenditures, assets, and debts of all funds of the local independent authority and shall describe any actions taken by such local independent authority to incur indebtedness. The local government finance report and the local independent authority indebtedness report shall be filed on forms promulgated by the department and shall be submitted within the requested time periods established by the department.

**Section 4-317 Capital Program**

A five (5) year capital program may be submitted to the City Council at the same time that the budget and budget message are introduced for approval. Such capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken for the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing, and recommended time schedules for each such improvements; and
4. The estimated annual cost of operation and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

**Section 4-318 Transfer of Appropriations**

The Mayor may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance among programs within a department or office, and the City Council may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department or office to another, except that no appropriation for debt service or capital improvements may be reduced or transferred during any fiscal year, and under no circumstances may the expenditures exceed the total of the budget.

**Section 4-319 Emergency Appropriations**

Notwithstanding any other provision of this Article, the City Council may make emergency appropriations after the adoption of a budget, for a purpose which was not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein. Such an appropriation shall be made only to meet a public emergency affecting life, health, safety, property, or the public peace, and shall be made only out of actual unappropriated revenues or surplus. If there is no surplus, then temporary borrowing in notes may be made, provided that any such borrowed amounts are included as an appropriation in the next succeeding year's budget.

**Section 4-320 Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the next succeeding year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

*NOTE: Each annual budget should be able to exist for twenty-four (24) months, so that any bills arriving after the close of the fiscal year can be paid out of such budget.*

**Section 4-321 Uniform Chart of Accounts**

The municipality shall adopt and use the Uniform Chart of Accounts developed by the Georgia Department of Community Affairs.

**ARTICLE IV. CAPITAL ASSETS POLICY**

**Section 4-401 Fixed Asset Criteria**

A fixed asset is defined as a financial resource meeting all of the following criteria:

1. It is tangible in nature.
2. It has a useful life of greater than one (1) year.
3. It is not a repair part or supply item.
4. It has a value equal to, or greater than, the capitalization threshold of five thousand dollars (\$5,000.00.)

Keeping an accurate record of the City's fixed assets is important for a myriad of reasons. Some of the most important reasons that the City needs to keep a good record of fixed assets are: for financial statement information, for insurable values, for control and accountability, for maintenance scheduling and cost analysis, for estimating and accounting for depreciation, for preparation of capital and operating budgets, and for debt management.

#### **Section 4-402            General Policy**

1. Each department head is ultimately responsible for the proper recording, acquisition, transfer, and disposal of all assets within their department. City property may not be acquired, transferred, or disposed of without first providing proper documentation. A fixed asset information form must accompany each step.
2. **Recording of Fixed Assets.** Unless otherwise approved by the City Clerk, all recordable fixed assets must be recorded within thirty (30) calendar days after receipt and acceptance of the asset.

A fixed asset form must be attached to the purchase order before submitting request for payment.

Assets will be capitalized at acquisition cost, including expenses incurred in preparing the asset for use.

Donated assets shall be recorded at fair market value as determined by the department head. Fair market value may be defined as, but is not limited to, an average of documented prices for equivalent items from three separate vendors.

The City will recognize acquisition costs based on individual unit prices. Assets should not be grouped. For example, in acquiring equipment, if three personal computers (PC) were acquired simultaneously at two thousand (\$2,000.00) each, this would not be an asset of six thousand (\$6,000.00) consisting of three (3) PC's. Instead, it would be three (3) separate acquisitions of two thousand dollars (\$2,000.00). Each PC would be recorded as a separate controllable item.

For equipment purchases, title is considered to pass at the date the equipment is received. Similarly, for donated assets, title is considered to pass when the asset is available for the agency's use and when the agency assumes responsibility for maintaining the asset.

Constructed assets are transferred from the construction in progress account to the related building, improvements other than buildings, or equipment accounts when they become operational. Constructed buildings, for example, are assumed to be operational when an authorization to occupy the building is issued, regardless of whether or not final payments have been made on all the construction contracts.

3. **Acquisition of Fixed Assets.** There are various methods by which assets can be acquired. The asset acquisition method determines the basis for valuing the asset. Fixed assets may be acquired in the following ways:
  - A. New purchases;
  - B. Donations;
  - C. Transfers from other City departments;
  - D. City surplus;
  - E. Internal/external construction;
  - F. Lease purchases;
  - G. Trade-in.
  - H. Forfeiture or condemnation
4. **Lease Purchases.** Assets may be lease-purchased through installment purchases (an agreement in which title passes to the Department) or through lease financing arrangements (an agreement in which title may or may not pass).

- Departments considering a lease purchase for greater than ten thousand dollars (\$10,000.00) and other than from an established, City-approved contract, must have approval of the Mayor and Council.
5. **Transfer of Fixed Assets.** An asset transfer between departments usually represents the sale of an item by one department to another and may be treated as a new purchase. A transfer between related departments under the same control (Police and Fire, for example) may, if desired, be treated as a transfer rather than a sale. That is, the asset is recorded under the new department with original acquired data and funding amount.
  6. **Sale of Fixed Assets.** Sale of fixed assets by a department must be to the highest, responsible bidder and must be conducted by sealed bid or by auction. The sale must be publicized in accordance with state laws.
  7. **Disposal of Fixed Assets.** When an asset is disposed of, its value is removed from the financial balances reported and from inventory reports; however, the asset record, including disposal information, remains on the master file for three (3) years, in the City Clerk's Office, after which time it is purged from the system according to general accepted accounting principles. This preserves an audit trail for disposed items, and facilitates departmental comparisons between actual or historical useful life information with useful life guidelines. Such comparisons permit a more precise definition of an asset's useful life than those provided by the Internal Revenue Service (IRS) or other guidelines initially used.

A disposal action is appropriate only when certain conditions occur resulting in an asset no longer being in the possession of the agency. Assets no longer in use, which remain in the possession of the department, are considered surplus property and not a disposal.

Fixed assets may be disposed of in any one of six (6) ways:

- A. Sale or trade-in;
- B. Abandonment/retirement;
- C. Lost or stolen;
- D. Transfer;
- E. Cannibalization (taking parts and employing them for like uses within the department, such as is; often the practice in computer or vehicle maintenance);
- F. Casualty loss.

Only when the asset is no longer in possession of the department, due to one (1) of the six (6) reasons listed above, is disposal action appropriate.

Assets are "abandoned" or "retired" when there is no longer any use for them in the department, they are of no use to any other City department, they cannot be repaired, transferred, cannibalized, sold, or traded-in. Thus meaning that, there is no safe and appropriate use for the abandoned goods to the City or for others.

Stolen items must be reported to the Oxford Police Department and a police report filed. A copy of this report must accompany the disposal record.

Casualty losses must be documented within twenty-four (24) hours of loss and reported to the City's Administrative Office immediately for follow-up with the City's insurance carrier.

Cannibalized items are considered surplus and are disposed of by noting cannibalization on the disposal record. Ideally, this method will allow departments to look at cannibalized items on the disposal report and assess what surplus parts may be available. Departments will send documentation of items cannibalized to the City Clerk's Office, and all remaining costs and accumulated depreciation will be removed from appropriate asset accounts in the general fixed asset fund.

All assets no longer in the possession of the department, due to one (1) of these six (6) qualifying conditions and after submission of all appropriate documentation to the City Clerk's Office, will be removed from the master departmental asset file and considered disposed.

Department management is responsible for reviewing disposal reports, evaluating causes and trends leading to disposals, and implementing procedures to more effectively manage and control disposals when the dispositions represent problems, inefficiencies, and/or the incurrence of unnecessary cost.

The Sanitation and Facilities Administration Department will not take City property for disposal without the accompaniment of proper documentation.

8. **Physical Inventory.** An annual physical inventory of all fixed assets will be performed each January by the department heads. The inventory will be conducted with the least amount of interruption possible to the department's daily operation. A full report of the results of the inventory will be sent, within thirty (30) days of completion, to the City Clerk's Office for acceptance.

## ARTICLE V. CENTRALIZED PURCHASING

### Section 4-501 Intent

The purpose of this policy is to provide guidance for the procurement of goods and services in compliance with procurement provisions of the City and the State of Georgia. The goal of this policy is to establish, foster, and maintain the following principles:

1. To consider the best interest of the City in all transactions;
2. To purchase without prejudice, seeking to obtain the maximum value for each dollar expenditure with maximum quality standards;
3. To subscribe to and work for honesty and truth in buying.

### Section 4-502 Vendors

The City will make every effort to obtain high quality goods and services at the best possible price. All procurement procedures will be conducted in a fair and impartial manner with avoidance of any impropriety. All qualified vendors have access to City business. No bidder will be arbitrarily or capriciously excluded. It is the intent of the City that competition be sought to the greatest practical degree. The conditions of the contract shall be made clear in advance of the competition. Specifications shall reflect the needs of the City.

1. **Solicitation of Vendors and Submission of Bids.** When a purchase for a single good is expected to exceed five thousand dollars (\$5,000.00), competition is required to the extent that it exists. Each department must attempt to obtain a minimum of three (3) written bids from different sources. If three sources are not possible, the seeker of the bid must attempt to obtain as many vendors as possible. Each department head shall document the competitive bidding process with records of the vendor and bids received. *(Amended 11/6/06)*
2. **Interest of City Officials in Expenditure of Public Funds.** No official of the City of Oxford will be interested directly or indirectly in any transaction with, sale to:, work for, or contract of the City or any department of government or service involving the expenditure of public funds in violation of the City's "Ethics Ordinance." The City shall not use a vendor who is a member of the immediate family of the Mayor or Council, City Attorney, department head, personnel officer, or payroll clerk. The City shall not use a vendor for services in an operating department who is a member of the immediate family of an employee of that operating department.
3. **Request for Proposal.** It is suggested that, whenever appropriate, a Request For Proposal (RFP) process be used for procuring products and services. The RFP should specify the service, evaluation criteria, and terms and conditions required by the City. Large purchases should be advertised in the legal organ and other venues as time and advertising funds allow.
4. **Award of Bids.** Bids are awarded to the lowest responsive and responsible bidder. A responsive bid is one that conforms in all material respects to the need of the City . Responsible means a bidder who has the capability to perform the requirements.
5. **Local Bidder Preference.** If all other relevant factors are met, each department is authorized to negotiate with and select a local vendor if the local vendor's bid is within ten percent (10%) of the lowest offer. A business license from Newton County, or one of its municipalities, is required to be considered as a local vendor. *(Amended 11/6/06)*
6. **Equal Opportunity.** The City of Oxford will provide an equal opportunity for all businesses to participate in City contracts regardless of sex, race, color, religion, or national origin, political affiliation, age, handicapped status, sexual orientation, sexual preference, or transgender status. The City will actively seek to ensure that minority-owned and operated firms have the opportunity to participate in the purchasing process, including, bidding, negotiations and contract awards. The City will not knowingly conduct business with contractors that discriminate or permit discrimination against persons because of sex, race, color, religion, national origin, political affiliation, age handicapped status, sexual

orientation, sexual preference, or transgender status.

7. **Ineligible Vendors.** Any person, firm, or corporation who is in arrears to the City for taxes, or otherwise, will not be qualified to bid on any purchase until their lien to the City has been cleared. No requisition will be approved for such vendors.
8. **State Contracts.** The City is authorized to use state contracts in lieu of issuing bids to vendors or buying locally when it is to the economic advantage of the City or deemed appropriate by the Mayor and Council. The state contract price may be used to establish the maximum price for a good or service.
9. **Back-up Policy and Emergency Purchases.** The City should strive to decrease dependency on single-source vendors in order to achieve maximum efficiency in its purchases. In order to achieve the City's fiscal independence, it is strongly suggested that each department have back-up vendors for each recurring and/or large purchase.

In cases of emergency, a contract may be awarded without competitive bidding, by (i.e., informal quotes). An emergency is defined as a threat to life or property, or an unforeseen situation that curtails or greatly diminishes an essential service as determined by the Mayor and Council. In the event of an emergency, the City Clerk shall be contacted.

#### **Section 4-503 Purchase Order (P.O.) or Contractor Agreement**

The following is the established City procedure for use of purchase orders or contractor agreements:

1. An item or service is required and sufficient funds exist in the approved budget to cover the cost of the item or service;
2. Purchase orders or contractor proposals may be initiated by the Mayor, a City Councilmember, or a department head;
3. Purchase orders, or contractor agreements are to be prepared by a designated City Hall employee and forwarded to the authorized person(s) under the established guidelines of the approval procedure given in Section 4-504 below.
4. Following approval, the purchase order, or contractor agreement will be forwarded to the vendor or contractor by the designated employee.
5. The department head receiving the goods or services is responsible for confirming that the purchase or work accurately reflect the goods or services ordered.
6. After confirmation that goods are accurately received, or contractors work is complete, invoices, purchase orders and packing slips, or contracts are submitted to City Hall for payment.
7. The City Clerk, or his/her designee prepares payment for all approved invoices or contracts.
8. Invoices and contracts are maintained according to record retention laws.

*(Amended 11/6/06)*

#### **Section 4-504 Approval Procedure**

1. **One Thousand Dollars (\$1,000.00) or Less.** The Mayor, City Councilmember, or a department head shall have the authority to purchase individual goods or services costing less than one thousand dollars (\$1,000.00) each as long as costs remain within the approved budget. To the extent that an emergency condition exists, the department head shall inform the Mayor and Council and make the appropriate notation on the purchase order or contract.
2. **One Thousand One Dollars to Five Thousand Dollars (\$1,001.00 to \$5,000.00).** The Mayor, City Councilmember, or a department head shall have the authority to solicit a minimum of three (3) competitive prices for goods or services. The Finance Committee shall review the bids and make a recommendation to the Mayor and Council for approval.
3. **Five Thousand One Dollars (\$5,001.00) and Over.** The Mayor, City Councilmember, or a department head shall have the authority to solicit a minimum of three (3) competitive written bids. The Mayor and City Council shall have the authority to approve/disapprove the purchase of goods or services.

Invoices will be reviewed and signed by the Mayor, or a member of the Finance Committee prior to payment.



**Exemptions:** Routine operational expenses or prior approved expense items, are exempt from this Ordinance. The City Clerk shall monitor operational expenses and report to the Mayor and Council any and all invoices that may be considered to be in question. Routine operational expenses include: payroll, membership dues, employees retirement and health insurance, uniform expense, electric and water purchases, landfill tipping fees, natural gas, communication expenses, and long-term debt payments.

*(Amended 11/6/06)*

**Section 4-505 Issue of Checks**

The Mayor, the City Clerk, or the Deputy Clerk shall be the authorized signers and issuers of check(s), provided the accompanying invoice has been approved by the guidelines specified in Section 4-504. *(Amended 11/6/06)*

**Section 4-506 Petty Cash**

Petty cash is used to make small cash disbursements for those purchases that must be made quickly and without prior notice on a contingency basis.

Petty cash is incurred as an expense for each department. The petty cash account must be replenished by the General Fund Cash Account and allocations made to the appropriate departments.

The following is the City's policy on petty cash distributions:

1. **Under Fifty Dollars (\$50.00).** Cash is distributed at the department level with the City Clerk's or designee approval.
2. A receipt must be submitted for reimbursement.

*(Amended 11/6/06)*

**Section 4-507 City Credit Card**

The Mayor and Council shall authorize issuance of city credit cards. The credit card is to be used for City business only to purchase goods, services, or for specific expenditures incurred under approved conditions. The cardholder is the only person authorized use of the credit card.

The credit card holder is responsible for documentation and safekeeping of the credit card during the employee's issuance. A receipt for each transaction must be obtained by the employee when a purchase is made using the City credit card. This receipt shall be dated and a description of the service or item purchased and account codes shall be written on the back of every receipt. Each month, the credit card holder must submit on a timely basis documentation of credit card purchases. Late submittal of credit card documentation may result in credit card privileges being cancelled.

*(Amended 11/6/06)*

**ARTICLE VI. REVENUES**

**Section 4-601 Characteristics**

The City shall strive for the following characteristics in its revenue structure:

1. **Simplicity.** The City shall strive to maintain a simple revenue structure in order to reduce compliance costs for the taxpayer and/or service recipient. A corresponding decrease in the City's cost of collection and a reduction in avoidance to pay should result.
2. **Equity.** The City shall make every effort to maintain equity in its revenue system. The City shall seek to minimize subsidization between entities, funds, service, customer classes, and utilities.
3. **Adequacy.** The City shall require that a balance in the revenue system be achieved. The revenue structure's base shall have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

4. **Administration.** The benefits of a revenue source shall exceed the cost of levying and collecting that revenue. The price of collection shall be reviewed periodically for effectiveness as a part of the indirect cost of service analysis.
5. **Diversification and Stability.** The City shall maintain a diversified and stable revenue structure to shelter it from short-term fluctuations in any single revenue source. The revenue mix shall combine elastic and inelastic revenue sources to minimize the effect of economic downturns.
6. **Conservative Estimates.** Revenues will be estimated realistically and prudently. Revenues of a volatile nature will be estimated conservatively. Conservative revenue estimates based on prior year collections may be used for revenue projections.
7. **Aggressive Collection Policy.** The City shall follow an aggressive policy of collection revenues. As a last resort, real property will be sold to satisfy non-payment of property taxes.

**Section 4-602                    Issues**

The following considerations and issues will guide the City in its revenue policies concerning specific sources of funds:

1. **Non-recurring Revenues.** One-time or non-recurring revenues shall not be used to finance current ongoing operations. Non-recurring revenues should be used only for non-recurring expenditures and will not be used for budget balancing purposes.
2. **Property Tax Revenues.** All real and business personal property located within the City shall be valued at forty percent (40%) of the fair market value for any given year based on the current appraisal supplied to the City by The Newton County Board of Tax Assessors.
3. **User-based Fees and Service Charges.** For services associated with a user fee or charge, the direct and indirect costs of that service shall be offset by a fee where possible. There will be an annual review of fees and charges to ensure that the fees provide adequate coverage of cost. The Mayor and Council shall set schedules of fees and charges.
4. **Intergovernmental Revenues (Federal/State/Local).** These revenue sources will be expended only for the intended purpose of grant aid. It must be clearly understood that operational requirements set up as a result of a grant or aid could be discontinued once the term and conditions of the project have terminated.
5. **Revenue Monitoring.** Revenues received shall be compared to budgeted revenues. Significant variances will be investigated by the Mayor and Council or designee.

**ARTICLE VII.            INVESTMENTS**

**Section 4-701                    Scope**

This investment policy applies to all funds under the City of Oxford's control; excluding the City's pension funds, which are invested at the direction of the City of Oxford Employees' Retirement System.

**Section 4-702                    Objectives**

The following investment objectives shall be met with this policy:

1. **Safety.** Preservation of principal shall always be the foremost objective in any investment transaction involving City funds. Those investing funds on the City's behalf must first ensure that capital losses are avoided by limiting credit and interest risk. Credit risk is the risk of loss due to the failure of the security issues or backer. Interest risk is the risk that market value portfolios will fall due to an increase in general interest rates.
2. **Liquidity.** The second objective shall be the maintenance of sufficient liquidity within the investment portfolio. The City's investment portfolio shall be structured such that securities mature at the time when cash is needed to meet anticipated demands (static liquidity). Additionally, since all possible cash demands cannot be anticipated, the portfolio should maintain some securities with active secondary or resale markets (dynamic liquidity).
3. **Return on Investment.** The third objective shall be the realization of competitive investment rates, relative to the risk being assumed. However, yield on the City's investment portfolio is of secondary importance compared to the safety and liquidity objectives described above.

**Section 4-703 Delegation of Authority**

The overall management of the investment program is the responsibility of the Mayor and Council. Responsibility for the daily investment activities will be assigned to the City Clerk. The City Clerk may designate an employee or employees to assist with the management and implementation of the City's investment program.

Responsibilities to fulfill this authority include: opening accounts with banks, brokers, and dealers; arranging for the safekeeping of securities; and executing necessary documents.

A system of internal controls over investments is established and approved by the City's independent auditors. The controls are designed to prevent losses of public funds arising from fraud, error, misrepresentation by third parties, unanticipated changes in financial markets, and/or imprudent action by staff and City Officials. No person may engage in an investment transaction except as provided for under the terms of the policy.

**Section 4-704 Authorized Investments**

All investment activity is required to be in compliance with Chapter 83 of Title 36 of the Official Code of Georgia, which establishes guidelines for local government investment procedures.

The City of Oxford may invest funds subject to its control and jurisdiction in this following:

1. Certificates of Deposit (CD's) issued by banks insured by the Federal Deposit Insurance Corporation (FDIC). Deposits in excess of FDIC coverage must be collateralized by securities with a market value equal to at least one hundred ten percent (110%) of the deposit. Only those securities described in Georgia Code 50-17-59 can be pledged as collateral;
2. Certificates of Deposit of (CD's) issued by savings and loans associations issued by the Federal Savings and Loan Insurance Corporation (FSLIC). Deposits in excess of the FSLIC coverage must be collateralized by securities equal to at least one hundred ten percent (110%) of the deposit. Only those securities described in Georgia Code 50-17-59 can be pledged as collateral;
3. Obligations issued by the United States Government;
4. Obligations fully insured or guaranteed by the United States Government or a United States Government Agency;
5. Obligation of any corporation of the United States Government;
6. Obligation of the State of Georgia or of other states;
7. Obligation of Other political subdivision of the State of Georgia;
8. The local government investment pool of the State of Georgia managed by the State Department of Administrative Services, Fiscal Division;
9. Repurchase Agreements (REPO's) issued by commercial banks insured by the FDIC and collateralized by securities described in Georgia Code 50-17-59 with a market value equal to at least one hundred three percent (103%) of the Repurchase Agreements' maturity value;
10. Repurchase Agreements (REPS's) issued by primary dealers supervised by the Federal Reserve Bank of New York and collateralized by securities described in Georgia Code 50-17-59 with a market value of at least one hundred three percent (103%) of the repurchase agreements' maturity value; and
11. Prime Banker's Acceptances.

**Section 4-705 Prudence**

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Under the "prudent person" standard, investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable revenue to be gained.

The City Clerk and all designees acting in accordance with 1) written procedures, 2) this investment policy, and 3) exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse development.

**Section 4-706                    Diversification**

The City of Oxford agrees with the premise that diversification is an important component of portfolio security. Therefore, the City shall endeavor to maintain an adequate level of diversification among its investments. The City shall not be over invested in any one type of instrument or financial institution. No more than twenty-five percent (25%) of the total investment portfolio shall be placed with a single issuer. This limitation shall not apply to the Local Government Investment pool or direct obligations of the United States Government.

**Section 4-707                    Maturities**

To achieve the aforementioned objective of adequate liquidity within City's portfolio, the City shall attempt to match investment maturities with anticipated cash flow requirements. Unless matched to a specific cash flow, the maximum maturity of any instrument in the City's portfolio may not exceed two (2) years from the date of acquisition by the City. In order to preserve liquidity and to lessen market risk, not more than twenty-five percent (25%) of the total portfolio may mature more than one (1) year beyond the date of calculation. The maturity of non-negotiable time deposits may not exceed one (1) year.

**Section 4-708                    Safekeeping and Custody**

All investment securities purchased by the City of Oxford shall be delivered against payment and shall be held in a third-party safekeeping account by the trust department of a bank insured by the Federal Deposit Insurance Corporation. The City Clerk, or his/her designee, shall be responsible for the selection of a financial institution for this purpose, as well as the execution of a written safekeeping agreement with the trustee.

**Section 4-709                    Ethics and Conflicts of Interest**

Officers and employees involved in the investment process will refrain from personal business activity that would conflict with proper execution of the investment program, or which would impair their ability to make impartial investment decisions. Employees and investment official will disclose to the Mayor and Council any material financial interest in financial institutions that conduct business with the City, and they will further disclose any large personal financial/investment positions that would be related to the performance of the City's portfolio. Employees and investment officials will subordinate their personal investment transactions to those of the City-particularly with regard to the time of purchases and sales.

**Section 4-710                    Relationships with Banks and Brokers**

The City of Oxford will select depositories through the City's banking services procurement process-including formal requests for proposals issued as needed. In selecting depositories, objective business criteria will be used. To the extent possible, preference will be given to depositories located within Newton County. The creditworthiness of the institutions will be a fundamental consideration.

**Section 4-711                    Report on Deposits and Investments**

The City Clerk, or his/her designees, will seek to achieve a market average rate of return on the City's portfolio. Given the special safety and liquidity needs of the City, the basis used to determine whether market yields are being achieved shall be the six (6) month Treasury Bill.

**ARTICLE VIII.                GRANTS**

**Section 4-801                    Scope**

The purpose of this policy is to provide direction in the application, acceptance and administration of funds awarded through grants to the City from other local governments, the state or federal government, non-profit agencies, philanthropic organizations and the private sector.

**Section 4-802                    Application and Acceptance of Grants**

1. Department heads are given authority to make application for and accept grants that:
  - A. Are expected to be two hundred thousand dollars (\$200,000.00) or less on an annual basis with no required City match; or,
  - B. Are expected to be one hundred thousand dollars (\$100,000.00) or less on an annual basis with a required match of twenty percent (20%) or less; or,
  - C. Are expected to be fifty thousand (\$50,000.00) or less on an annual basis with a required match of over forty percent (40%).
2. The Mayor and Council must approve the application of and acceptance of any grants in excess of the limits established in subsection 1 of this policy.
3. The City will assess the merits of a particular program as if it were funded with local tax dollars. Local tax dollars will not be used to make up for losses of intergovernmental aid without first reviewing the program and its merits as a budgetary increment. Therefore, no grant will be accepted that will incur management and reporting costs greater than the grant amount.

**Section 4-803 Grant Administration**

1. Each department must notify the City Clerk upon acceptance of any grant. Prior to the receipt or expenditure of grant revenues, the City Clerk must be provided with the following information prior to receiving grant revenues or making purchases against the grant:
  - A. Copy of grant application;
  - B. Notification of grant award;
  - C. Financial reporting and accounting requirements including separate account codes and/or bank accounts;
  - D. Schedule of grant payments.
2. Each department is responsible for the management of its grant funds and periodic reporting.

**ARTICLE IX. DEBT**

**Section 4-901 Policy Statement**

Debt results when one borrows from an individual or an institution. The borrower receives funds to acquire resources for current use with an obligation for repayment later. The debt from borrowing generally must be repaid with interest.

The City of Oxford recognizes that to maintain flexibility in responding to changing service priorities, revenue inflows, and cost structures, a debt management strategy is required. The City strives to balance service demands and the amount of debt incurred. The City realizes that failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects as well.

The goal of the City's debt policy is to maintain a sound fiscal position and to protect the credit rating of the City. When the City of Oxford utilizes debt financing, it will ensure the debt is financed soundly and conservatively.

**Section 4-902 Conditions For Using Debt**

Debt financing of capital improvements and equipment will be done only when one or more of the following four (4) conditions exist:

1. When non-continuous projects (those not requiring continuous annual appropriations) are desired;
2. When it can be determined that future users will receive a benefit from the improvement;
3. When it is necessary to provide basic services to residents and taxpayers;
4. When total debt, including that issued by overlapping government entities, does not constitute an unreasonable burden to residents and taxpayers.

**Section 4-903 Sound Financing of Debt**

When the City utilizes debt financing, it will ensure that the debt is soundly financed by:

1. Taking a prudent and cautious stance toward debt, incurring debt only when necessary;
2. Conservatively projecting the revenue sources that will be used to pay the debt;

3. Insuring that the term of any long-term debt incurred by the City shall not exceed the expected useful life of the asset for which the debt is incurred and shall be limited to capital improvements only;
4. Determining that the benefits of the improvement exceed the costs, including interest costs;
5. Maintaining a debt service coverage ratio which ensures that combined debt service requirements will not exceed revenues pledged for the payment of debt;
6. Analyzing the impact of debt service on total annual fixed costs before bonded long-term debt is issued; and,
7. Maintaining total debt service for general obligation debt that does not exceed ten percent (10%) of the assessed value of all taxable property. Net operating revenues are all general fund revenues available after accounting for transfers between other City funds.

# CHAPTER 5: MUNICIPAL COURT

## Section

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5-115	Appeal
5-116	Contracting for Municipal Court Services



### **Section 5-101            Scope of Jurisdiction**

The Municipal Court of this municipality shall try violations of municipal ordinances and shall have the power and authority to impose fines upon persons convicted of said offenses, with the alternative of other punishment allowed by law if such fines are not paid. City courts shall function according to guidelines found in *O.C.G.A. § 36-32-1 et seq.*

### **Section 5-102            Appointment and Qualifications of Judge**

The Mayor and City Council is authorized to appoint a judge of the Municipal Court. Any person appointed as a judge shall possess such qualifications and shall receive such compensation as shall be fixed by the Mayor and City Council and shall serve at the pleasure of the governing authority. (See Article IV 2 City of Oxford Charter)

### **Section 5-103            Required Training for Judges of Municipal Courts**

1. All judges of the municipal courts shall periodically satisfactorily complete a training course as provided in Article 2 of *O.C.G.A. § 36-32-11*.
2. If any municipal judge does not satisfactorily complete the required training in any year, the Georgia Municipal Courts Training Council shall promptly notify the Judicial Qualifications Commission, which shall remove the municipal judge from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the municipal judge.
3. The reasonable costs and expenses of such training shall be paid by the governing authority of the municipality from municipal funds.
4. Any person who becomes a municipal judge on or after January 1, 1991, shall satisfactorily complete twenty (20) hours of training in the performance of his or her duties, and shall attend the first scheduled training session held after the date of his or her election or appointment in order to become certified under this Article. Any person serving as a municipal judge prior to January 1, 1991, shall be exempt from completing these twenty (20) hours of training.
5. In order to maintain the status of a certified municipal judge, each person certified as such shall complete twelve (12) hours of additional training per annum during each calendar year after the year of his or her initial certification in which he serves as municipal judge.

**Section 5-104            Bailiff**

The Bailiff of the Municipal Court shall be appointed by the Mayor, by and with the advice and consent of the City Council. The duties of the Bailiff shall consist generally of seeing that the courtroom is in proper condition for sessions of court, of assisting in keeping order while court is in session, and of doing such other acts of assistance as may be required of him by the Judge of the Municipal Court and the City Clerk/Treasurer.

**Section 5-105            Record of Cases**

A record of all cases heard in the Municipal Court for violation of this Code or other municipal ordinances shall be kept in a suitable bound volume by the City Clerk/Treasurer. Such record shall contain the name of the defendant, the nature of the offense charged, the final disposition of the case, and the date of final disposition.

**Section 5-106            Limitations**

All prosecutions for violations of City ordinances shall be commenced within two (2) years after the commission of the crime.

**Section 5-107            Service of Summons**

Any person charged with violating any City ordinance shall receive notice by service of a citation as herein provided. Such citation may be issued by the Building Inspector or any police officer of the City. The summons shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the offense charged, and the day, hour, and place of trial, requiring the accused to appear before the Judge of the Municipal Court to answer accusations made. Service of the citation shall be made by a police officer of the City either by serving the accused personally or by leaving a copy at his or her most notorious place of abode, except that in the case of a citation issued for violation of laws or ordinances relating to the parking of motor vehicles, such citation may be directed to an unknown person as owner of an automobile designated in the citation and may be served upon such person by leaving a copy in or attached to such automobile.

**Section 5-108            Subpoenas**

The City Clerk/Treasurer shall issue subpoenas for the appearance of all witnesses necessary for the prosecution or for the defense in any case pending before the Municipal Court. All subpoenas shall be served in the same manner as a summons.

**Section 5-109            Failure to Obey Summons or Subpoena**

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be guilty of contempt of court and upon conviction thereof shall be punished for same.

**Section 5-110            Arrest and Bond**

When a police officer has arrested any person for violation of any provision of this Code or any municipal ordinance and trial cannot be held immediately, a bond may be posted not exceeding the maximum fine for the offense, or a bond with a good security, for the appearance of such person before the Judge of the Municipal Court. If such person fails or refuses to give a bond, the officer may confine him or her in the Newton County Jail until a trial can be held, provided that the Chief of Police, in his or her discretion, may release such person on his or her own recognizance.

*(Amended 10/2/06)*



**Section 5-111                    Forfeiture of Bond**

Upon the failure of a person to appear in the Municipal Court at the time and place fixed by the citations, unless legal excuse is offered in his or her behalf, the Judge of said court shall enter a judgment of forfeiture on any cash bond, or, in the case of a security bond, shall pass a rule requiring the principal and surety on such bond to show cause on the date named therein, which date shall not be less than ten (10) days from the passage of such ruling, why they should not be required to pay the amount of said bond. If no sufficient cause is shown, the Judge shall enter judgment against the principal and surety for the amount of the forfeited bond and shall direct the City Clerk/Treasurer to issue execution thereon.

**Section 5-112                    Court Cost**

The costs which shall be charged against a defendant in the Municipal Court in the event of his or her conviction shall not exceed an amount as determined by Mayor and Council, which sum shall be paid into the City Treasury.

**Section 5-113                    Malicious Prosecution**

Whenever the Judge of the Municipal Court, after a fair and full trial, is satisfied that any case was frivolously or maliciously prosecuted, he shall assess the prosecution with the court costs and such punitive damages as he deems appropriate.

**Section 5-114                    Collection of Fines**

When directed by the Judge of the Municipal Court, the City Clerk/Treasurer shall issue executions for fines imposed by said court, including the costs, which executions may be levied upon any goods or chattels, lands, or tenements of the person so fined.

**Section 5-115                    Appeal**

Appeals from decisions of the Municipal Court shall be taken to the Newton County Superior Court in the manner provided for appeals under state law.

**Section 5-116                    Contracting for Municipal Court Services**

Pursuant to O.C.G.A. § 15-7-80 et.seq., the City of Oxford may contract with Newton County to furnish court services to the municipality.



## CHAPTER 6: RESERVED



## CHAPTER 7: RESERVED



## CHAPTER 8: RESERVED





## CHAPTER 9: RESERVED



## **PART II: PUBLIC HEALTH AND SAFETY**



# CHAPTER 10: FIRE PREVENTION AND PROTECTION

Section

- 10-101 State Minimum Fire Safety Standards
- 10-102 Fire Lanes



**Section 10-101 State Minimum Fire Safety Standards**

The State Minimum Fire Safety Standards shall have state-wide effect and shall not require adoption by the City of Oxford. The City of Oxford is authorized to enforce these standards on all buildings and structures except one-family and two-family dwellings and those structures listed in O.C.G.A. § 25-2-13. Notwithstanding any other provision of law or any local ordinance to the contrary, in the event of a conflict between any code or standard of the National Fire Protection Association (National Fire Code and National Electric Code) and of the Standard Building Code Congress (Southern Standard Building Code), the code or standard of the National Fire Protection Association (National Fire Code and National Electric Code) shall prevail. The order of precedence established by this subsection shall apply to all buildings and structures whether or not such buildings and structures are covered under this Code Section.

**Section 10-102 Fire Lanes**

1. **To Be Kept Open.** Fire lanes for the passage of fire equipment to and from all public buildings, are to be kept open for the passage of fire equipment in such locations and widths as may be designated by the Fire Chief of the City. Public building includes any building other than a private residence.
2. **Designation.** The Fire Chief shall designate fire lanes. If the fire lanes are on private property, the City Clerk shall notify the property owners of such lanes, and the property owners shall keep the fire lanes open and unobstructed as directed by the Fire Chief.
3. **Marking.** All fire lanes located on private property shall be marked as such by the private property owners and designating the lanes as fire routes, as directed by the Fire Chief.
4. **Penalty for Violation of Article.** Any person violating this Article, blocking or obstructing such fire lanes at any time, shall be guilty of violation of this Section, and shall be punished as set forth in Section 1-109.



# CHAPTER 11: TRAFFIC CONTROL

## Section

11-101	Uniform Rules of the Road
11-102	Use of Emergency Signals
11-103	Trucks with over Two Axles
11-104	Vehicles Gross Weight
11-105	School Traffic
11-106	Speed Zones
11-107	One-way Streets
11-108	Designated Stop Streets



### Section 11-101 Uniform Rules of the Road

- Adoption By Reference.** Pursuant to Chapter 6, Title 40 of O.C.G.A. § 40-6-372 through 40-6-376, §§ 40-6-1 to 40-6-395 (except for §§ 40-6-393 and 40-6-394), and Chapter 2, Title 40 of O.C.G.A. § 40-2-20 and Chapter 5, Title 40 of O.C.G.A. § 40-5-20, known as the Uniform Rules of the Road and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this municipality with like effect as if recited herein.
- Penalties.** Unless another penalty is expressly provided by law, any person convicted of a violation of any provision of this Code Section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or by both such fine and imprisonment.  
*NOTE: Maximum allowable fine is one thousand dollars (\$1,000.00) or sixty (60) days or both.*
- Pursuant to O.C.G.A. § 4-5-121, the Municipal Court of the City of Oxford shall be authorized to impose punishment in accordance with Georgia Law for convictions of driving while a license is suspended or revoked.

### Section 11-102 Use of Emergency Signals

The use of emergency lights, sirens, horns or any kind of emergency traffic control device within the confines of the limits of the City on any vehicle of any nature except official emergency vehicles of the City, county, state, City of Covington or Porterdale, or EMS while in the process of official emergency services is expressly prohibited.

### Section 11-103 Trucks with over Two Axles

Except for state highways, no street, avenue or alley within the City shall be used by trucks having over two axles, except for in City deliveries.

### Section 11-104 Vehicles Gross Weight

- In Excess of Three (3) Tons.** West Moore Street, from college property to Carlton Trail and East and West Richardson streets shall be marked and set out as a residential street and shall not be used by any vehicle which has a gross weight in excess of three (3) tons unless a special permit is obtained from the Mayor and Council.
- In Excess of Seven Thousand Five Hundred (7,500) Pounds.** Bonnell, Dowman, Stone, and Queen Ann streets shall be marked and set out as residential streets and shall not be used for any through-traffic by any vehicle which has a gross weight in excess of seven thousand five hundred (7,500) pounds unless a special permit is obtained from the Mayor and Council. The provisions of this Section shall include that part of Stone and Bonnell streets from Haygood Avenue to Queen Ann and Dowman streets in their entirety, except for occasional delivery made to residences on such streets.

**Section 11-105 School Traffic**

The first opening onto the school grounds, from the south side of Soule Street at the front of Palmer Stone School, shall be an exit-only for traffic entering onto school property from Emory Street. The second opening onto the school grounds on the south side of Soule Street, plainly and clearly marked "Entrance," shall be the entrance location for traffic entering onto the school property other than previously set out in front of the school building. The third opening onto the school property, from the south side of Soule Street, shall be an exit for traffic leaving the school property and shall be clearly marked "Exit" by school officials and easily recognized as an exit. There shall be no entering the school from Soule Street at either opening onto the school property designated "Exit" and so marked at the entrance. There shall be no exit from the school property onto Soule Street at any opening marked "Entrance."

(Effective 4/1/02)

**Section 11-106 Speed Zones**

- Enumeration; Penalty for Violation.** The following speed zones are hereby established based on an engineering and traffic investigation as prescribed by law:

**List of Roadways for City of Oxford**

**ON-SYSTEM**

State Route	Within the City/ Town Limits of and or School Name	From	Mile Point	To	Mile Point	Length in Miles	Speed Limit
81	Oxford	0.03 mi. south of CS 614 Marshall Street, (S. Oxford City Limits)	11.92	0.02 mi. north of CR 64 Richardson Street	13.50	1.58	35
81	Oxford	0.02 mi. north of CR 64 Richardson Street	13.50	0.12 mi. south of CR 67 Bryant Road, (N. Oxford City Limits)	13.71	0.21	45
81 *** School Zone	Oxford Palmer Stone Elementary School Days Only	0.05 mi. south of CS 602 Fletcher Street	12.81	0.10 mi. north of CR 66 Soule Street	13.10	0.29	25
402 (I-20)	Oxford	0.15 mi. east of SR 81 (Emory Street), (W. Oxford City Limits.)	5.57	0.37 mi. east of SR 81 (Emory Street), (E. Oxford City Limits)	5.79	0.22	65

**OFF-SYSTEM**

Road Name	Within the City/Town Limits of and or School Name	From	To	Length in Miles	Speed Limit
Bonnell Street CS 611	Oxford	CS 607 Haygood Street	0.23 mi. west of CS 612 Dowman Street	0.34	30
Clark Street CS 625	Oxford	SR 81 (Emory Street)	0.26 mi. west of CS 604 Wesley Avenue	0.46	30
E. Soule Street CR 66	Oxford	SR 81 (Emory Street)	City Limits	0.40	25



## OFF-SYSTEM

Road Name	Within the City/Town Limits of and or School Name	From	To	Length in Miles	Speed Limit
Haygood Street CS 607	Oxford	CS 604 Pierce Street	CS 611 Bonnell Street	0.42	25
Haygood Street CS 607	Oxford	CS 611 Bonnell Street	CS 614 Marshall Street	0.23	30
Moore Street CR 275	Oxford	CS 607 Haygood Avenue	CR 819 Carlton Trail	0.43	35
Moore Street CR 275	Oxford	CR 819 Carlton Trail	CR 834 Longstreet Circle	0.21	30
Oxford Road CR 512	Oxford	CS 625 Hull Street	City Limits	0.50	25
Richardson Street CR 64	Oxford	CS 604 Wesley Avenue	Dried Indian Creek	0.70	30
Soule Street CR 512	Oxford	CS 625 Hull Street	SR 81 (Emory Street)	0.59	30
Stone Street CS 611	Oxford	CS 607 Haygood Street	CS 621	0.33	25
Watson Street CS 603	Oxford	CS 620 Coke Street	SR 81	0.36	30
Wesley Avenue CS 604	Oxford	CR 64 Richardson Street	CS 625 Clark Street	0.70	30
Wesley Avenue CS 604	Oxford	CS 625 Clark Street	cs 607 Whatcoat Street	0.30	25

\*\*\*School Zone Hours are Effective\*\*\*

A.M. from 45 minutes prior to commencement time to 15 minutes after commencement time—school days only.  
P.M. from 15 minutes prior to dismissal time to 45 minutes after dismissal time—school days only.

### Section 11-107 One-way Streets

The following City street is designated for one-way traffic. Travel along this designated street shall be in the direction indicated by posted signs:

Moore Street from Emory Street to Haygood Avenue.

### Section 11-108 Designated Stop Streets

The following streets shall be designated as Stop Streets marked by "Stop Signs" thereon:

1. Academy Court where it intersects with Wentworth Drive
2. Airport Court where it intersects with East Richardson Street
3. Asbury Street where it intersects with Fletcher Street
4. Asbury Street where it intersects with Pierce Street
5. Asbury Street where it intersects with West Clark Street
6. Asbury Street where it intersects with West Richardson Street
7. Asbury Street where it intersects with West Soule Street
8. Asbury Street where it intersects with West Watson Street
9. Cindy Court where it intersects with Coke Street
10. Coke Street where it intersects with West Watson Street

11. College Walk where it intersects with Moore Street
12. Collingsworth Street where it intersects with Wesley Street
13. Dowman Street where it intersects with Stone Street
14. Dowman Street where it intersects with West Bonnell Street
15. East Bonnell Street where it intersects with Emory Street
16. East Clark Street where it intersects with Emory Street
17. East Richardson Street where it intersects with Emory Street
18. East Wade Street where it intersects with Emory Street
19. East Watson Street where it intersects with Emory Street
20. Emory Way where it intersects with Emory Street
21. Emory Way where it intersects with Oxford Way
22. Fletcher Street where it intersects with Asbury Street
23. Fletcher Street where it intersects with Emory Street
24. Fletcher Street where it intersects with Wesley Street
25. George Street where it intersects with Asbury Street
26. George Street where it intersects with Emory Street
27. Godfrey Street where it intersects with West Soule Street
28. Godfrey Street where it intersects with West Watson Street
29. Greene Street where it intersects with East Soule Street
30. Hamill Street where it intersects with Emory Street
31. Hamill Street where it intersects with Haygood Avenue
32. Haygood Avenue where it intersects with Hamill Street
33. Haygood Avenue where it intersects with Pierce Street
34. Haygood Avenue where it intersects with West Bonnell Street
35. Hillcrest Drive where it intersects with East Bonnell Street
36. Hillcrest Drive where it intersects with East Wade Street
37. Hopkins Court where it intersects with Longstreet Circle
38. Hull Street where it intersects with West Clark Street
39. Hull Street where it intersects with West Soule Street
40. Longstreet Circle where it intersects with Moore Street
41. Marshall Street where it intersects with Emory Street
42. Marshall Street where it intersects with Haygood Avenue
43. Mitchell Street where it intersects with East Soule Street
44. Moore Street where it intersects with Haygood Avenue
45. Oxford Court where it intersects with East Richardson Street
46. Oxford Drive where it intersects with Airport Court
47. Oxford Drive where it intersects with Oxford Court
48. Oxford North Road where it intersects with Emory Street
49. Oxford Road where it intersects with Hull Street
50. Oxford Way where it intersects with Emory Way
51. Oxford Way where it intersects with Oxford Drive
52. Pierce Street where it intersects with Emory Street
53. Pierce Street where it intersects with Wesley Street
54. Queen Ann Street where it intersects with Stone Street
55. Stagecoach Road where it intersects with West Richardson Street
56. Stone Street where it intersects with Emory Street
57. Stone Street where it intersects with Haygood Avenue
58. Stone Street where it intersects with Queen Ann Street
59. Wentworth Drive where it intersects with Emory Street
60. Wesley Street where it intersects with Collingsworth Street
61. Wesley Street where it intersects with Pierce Street
62. Wesley Street where it intersects with West Clark Street
63. Wesley Street where it intersects with West Richardson Street
64. Wesley Street where it intersects with West Soule Street
65. Wesley Street where it intersects with West Watson Street

66. West Bonnell Street where it intersects with Emory Street
67. West Bonnell Street where it intersects with Haygood Avenue
68. West Clark Street where it intersects with Asbury Street
69. West Clark Street where it intersects with Emory Street
70. West Clark Street where it intersects with Wesley Street
71. West Richardson Street where it intersects with Emory Street
72. West Richardson Street where it intersects with Wesley Street
73. West Soule Street where it intersects with Asbury Street
74. West Soule Street where it intersects with Emory Street
75. West Soule Street where it intersects with Wesley Street
76. West Wade Street where it intersects with Emory Street
77. West Wade Street where it intersects with Haygood Avenue
78. West Watson Street where it intersects with Asbury Street
79. West Watson Street where it intersects with Emory Street
80. West Watson Street where it intersects with Wesley Street
81. Whatcoat Street where it intersects with George Street
82. Whatcoat Street where it intersects with Pierce Street
83. Williams Street where it intersects with Asbury Street
84. Williams Street where it intersects with Wesley Street

All persons traveling on said streets shall come to a dead stop before entering on through streets and shall give right-of-way to persons traveling on through-streets.



# CHAPTER 12: SOLID WASTE MANAGEMENT

Section

## ARTICLE I. IN GENERAL

- 12-101 Purpose
- 12-102 Separate Agreements for Businesses and Educational Institutions
- 12-103 Establishment of Garbage and Trash Collection Fees
- 12-104 Joint Responsibility of Property Owners and Tenants

## ARTICLE II. COLLECTION AND DISPOSAL

- 12-201 Solid Waste to Be Collected by City
- 12-202 Definitions
- 12-203 Collection of Household Garbage
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## ARTICLE III. VIOLATIONS OF SOLID WASTE ORDINANCE

- 12-301 Notification Of, and Penalties For, Violations
- 12-302 Joint Liability of Property Owners and Tenants



## ARTICLE I. IN GENERAL

### Section 12-101 Purpose

The purposes of this Chapter are to protect and enhance the health and safety of the citizens of Oxford, Georgia; to maintain the cleanliness and beauty of the City; to make provisions for the collection, disposal, and recycling of solid waste; and to specify categories of solid waste for which the City will and will not provide collection services.

### Section 12-102 Separate Agreements for Businesses and Educational Institutions

Schools and other educational institutions, and all business, commercial or manufacturing establishments within the City of Oxford shall enter into separate agreements either with the City or with other entities for the removal of their garbage and refuse. At no time shall any business, commercial or manufacturing establishment allow the accumulation of garbage or refuse on its premises.

**Section 12-103                    Establishment of Garbage and Trash Collection Fees**

The City of Oxford will establish, publish to citizens, and collect fees for the costs of collection of solid waste.

**Section 12-104                    Joint Responsibility of Property Owners and Tenants**

Property owners are responsible for the proper disposal of solid waste generated upon their premises. However, renters or other tenants may also be held liable for violation of City of Oxford solid waste ordinances.

**ARTICLE II.                    COLLECTION AND DISPOSAL**

**Section 12-201                    Solid Waste to Be Collected by City**

The City of Oxford will provide for the regular collection and disposal of these categories of solid waste: 1) household garbage; 2) recyclable materials; and 3) yard waste. Removal of other types of waste, refuse, trash, and discarded items is the responsibility of property owners.

**Section 12-202                    Definitions**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1.    **Household Garbage.** Domestic wastes composed of food scraps, paper, cans, wrappings small discarded items, rags, and other such waste matter normally to be disposed of from residences, churches, and other small establishments. No flammable, poisonous, or hazardous materials may be placed in household garbage. Household garbage must be placed in City of Oxford roll carts for collection.
2.    **Recyclable Materials.** Materials which are specified by the City of Oxford to be collected for recycling, such as glass bottles, plastics, metal cans, newspaper, and other materials. Information on the recycling program of the City of Oxford is supplied to citizens, and is available at Oxford City Hall. Items to be collected for recycling must be placed in recycling containers supplied by the City of Oxford.
3.    **Yard Waste.** Leaves, trimmings, cuttings, twigs, and limbs and brush of less than three inches (3") in diameter. Yard waste may be placed on City street rights-of-way, but not on pavement for collection. No drainage ditch may be blocked by yard waste.
4.    **Other Refuse and Trash.** Any solid waste other than household garbage, recyclable material, and yard waste. This category includes, but is not limited to, waste such as construction and building material, discarded appliances and furniture, boxes, cardboard, metal, machinery, tires, rugs, soil, ashes, logs and brush larger than three inches (3"), any garbage not contained in City of Oxford roll carts, and any recyclable material not contained in City of Oxford recycling containers.

**Section 12-203                    Collection of Household Garbage**

Household garbage shall be collected by the City at a time and in a manner established by the Mayor and Council, City Clerk, and City supervisors. At no time shall garbage be placed for collection in such a manner as to obstruct gutters, drains, walkways or streets.

**Section 12-204                    Roll Cart System**

1.    **Application of Section Provisions.** The provisions of this Section apply only to the roll cart system. Except as provided in this Section, the roll cart system shall be the only approved system of collecting household garbage from residential customers in the City.
2.    **Provision of Roll Carts.** One roll cart will be provided by the City to each residential dwelling unit (house or apartment) utilizing City collection services for household garbage. Residents of any dwelling unit, or members of any establishment, requiring more than one (1) roll cart for the regular disposal of household garbage may request additional roll carts at an additional service charge to be determined by the Mayor and Council.

3. **All Garbage to Be Contained in Roll Carts.** All household garbage placed for collection must be contained in roll carts. No garbage may be placed for collection on ground or pavement beside or outside of roll carts.
4. **Carts to Remain Property of City; Assignment.** Roll carts shall remain the property of the City and will be assigned to residents for the collection of household garbage.
5. **Placement of Garbage for Collection.** The person having authority to control the disposal of garbage in any household shall cause all garbage collected therein to be placed in a City roll cart container and placed at the street side on scheduled collection days.
6. **Exemption from Placement Requirement.** Citizens who are unable for reasons of disability, health, or age to place roll carts for collection at the street right-of-way may make written arrangements with the City Clerk for collection of carts from their premises.
7. **Weight of Container and Contents.** The combined weight of a container and its contents shall not exceed two hundred pounds (200 lbs.), and containers shall not be filled to overflowing.
8. **Identification of Containers.** Where more than one family occupies a dwelling or apartment building, garbage containers shall be marked by the City to indicate the family using the particular garbage container. The containers may be identified by putting thereon the apartment number or the name of the household. When containers are so identified, such containers may be used only by the persons whose name or other identification is shown thereon.
9. **Lost, Stolen or Damaged Containers.** Any garbage container provided by the City which becomes lost, stolen or damaged shall be replaced by the City, and the cost for such replacement shall be borne by the City or by the property owner depending upon the circumstances of damages or disappearance. The City shall be the sole determiner of responsibility for replacement costs. Containers which are damaged through normal usage shall be repaired or replaced by the City.
10. **Maintenance of Container.** It shall be the responsibility of citizens to maintain all garbage containers serving their residence or property in a clean and sanitary manner, free of obnoxious odors, maggots, insects and rodents, or any other conditions which may render them unhealthy to occupants of the residence or of the neighborhood. Containers, and the garbage therein, shall be maintained in compliance with City, state, and county health code requirements.
11. **Location of Container.** Roll cart garbage containers provided to residences by the City shall be placed for collection in an area between sidewalk and curb, or between residential property and street pavement, or in other street-side areas approved by the public works department. The container shall be placed at the street no earlier than 7:00 p.m. on the day preceding the collection day, and shall be removed from the street side within twenty-four (24) hours after collection.
12. **Collection Schedule.** The City Public Works Department shall provide to each residence receiving City garbage collection service a schedule which shall indicate the days on which such collection will be made.

**Section 12-205                      Collection of Recyclable Materials**

The City of Oxford, in order to provide for the responsible re-use of materials and to reduce the amount of waste entering sanitary landfills, collects certain categories of materials for recycling. These may include, but are not limited to, newspaper, glass bottles, metal cans, and plastics. The City will provide residents with a list of materials which will be collected for recycling.

**Section 12-206                      Recycling System**

1. **Provision of Recycling Containers.** The City will provide to each residential dwelling unit one or more recycling bins for the collection of recyclable materials. Residents may request through the City Clerk the number of recycling bins necessary for their particular household.
2. **Recycling Containers Remain Property of City.** Recycling bins shall remain the property of the City and will be assigned to residents for the collection of recyclable materials.
3. **Placement of Recyclable Materials for Collection.** The person in any household having authority to control the disposal of recyclable materials shall cause recyclable materials collected therein to be placed in containers of the City and placed at the street right-of-way on scheduled collection days.

4. **Exemption from Placement Requirement.** Citizens who are unable for reasons of disability, health, or age to place recycling containers for collection at the street right-of-way may make written arrangements with the City Clerk for collection of containers from their premises.
5. **Identification of Containers.** Where more than one family occupies dwelling units on a premise, recycling containers shall be marked by the City to identify the household using them.
6. **Lost, Stolen, or Damaged Containers.** Any recyclable materials container provided by the City which becomes lost, stolen, or damaged shall be replaced by the City, and the cost for such replacement shall be borne by the City or the property owner depending upon the circumstances of such damages or disappearance. The City shall be the sole determiner of responsibility for replacement costs. Containers which are damaged through normal usage shall be repaired or replaced by the City.
7. **Maintenance of Containers.** It shall be the responsibility of the occupant to maintain all recycling containers serving his or her property in a clean and sanitary manner, free of obnoxious odors, maggots, insects and rodents, or any other conditions which may render them unhealthy to occupants of the residence or of the neighborhood. Containers, and the contents therein, shall be maintained in compliance with City, county, and state health code requirements.
8. **Location of Container.** Recycling containers provided to residences by the City shall be placed for collection in an area between sidewalk and curb, or between residential property and street pavement, or in other street-side areas approved by the public works department. The container shall be placed at the street no earlier than 7:00 p.m. on the day preceding the collection day, and shall be removed from the street side within twenty-four (24) hours after collection.
9. **Collection Schedule.** The City Public Works Department shall provide to each residence receiving City recycling collection service a schedule which shall indicate the days on which such collection will be made.

#### **Section 12-207                      Collection of Yard Waste**

The City of Oxford will arrange for periodic pickup and disposal of yard wastes such as leaves, trimmings, cuttings, and small branches or limbs under three inches (3") in diameter.

#### **Section 12-208                      Burning of Yard Waste**

Yard wastes, instead of being placed for City collection, may be burned upon occupants' premises in compliance with the Open Burning Ordinance of the City of Oxford as amended on October 5, 1998, and found in the Oxford Code of Ordinances, Chapter 13. This Ordinance requires the obtaining of a burn permit through the Newton County Fire Service. Copies of the Burn Ordinance may be obtained from Oxford City Hall.

No yard wastes or any other materials may be burned upon the rights-of-way of any City streets, with the exception of unopened street rights-of-way, upon which burning may take place with written permission from the City Clerk.

#### **Section 12-209                      Placement of Yard Waste for Collection**

Permitted yard waste may be placed upon City street rights-of-way for collection by the City.

However, no yard waste may be placed so as to block any gutter or drainage ditch or to impede the passage of traffic upon City streets.

#### **Section 12-210                      Separation of Yard Waste by Kind**

Leaves and wood chips are composted or disposed of separately by the City. Residents should separate leaves from limbs, cuttings, and other yard materials which must be chipped, putting leaves and chippable material in different piles.



**Section 12-211 No Inclusion of Trash or Refuse among Yard Wastes**

Only plant materials may be placed for collection as yard waste. No other trash, garbage, or refuse of any kind may be incorporated into yard waste put out for collection.

**Section 12-212 Other Refuse, Trash, and Recyclable Material**

It shall be the responsibility of property owners and tenants to arrange for the disposal of solid waste, trash, refuse, and recyclable materials other than those solid wastes which are collected by the City of Oxford in accord with the provisions of this Ordinance.

**Section 12-213 Placement of Wastes for Disposal**

No waste materials other than those specified by this Ordinance for collection by the City of Oxford may be placed upon street rights-of-way. Residents utilizing private collection services for refuse, trash, yard wastes, and recyclable materials must arrange for such materials to be collected from their premises, not from City street rights-of-way.

**Section 12-214 Disposal of Wastes and Recyclable Materials at County Center**

Solid wastes other than those specified for collection by the City of Oxford may be taken for disposal or recycling to Newton County recycling and waste disposal centers. The City of Oxford will provide to citizens a list of such disposal centers, with locations.

**Section 12-215 Required Program Participation**

All renters and residents of properties located within the City limits of the City of Oxford are required to participate in the Solid Waste Management Program of the City of Oxford and pay a monthly fee of twenty dollars (\$20.00) to become effective as of January 1, 2005.

Residents of any dwelling unit or members of any establishment requiring more than one (1) roll cart for the regular disposal of household garbage may request additional roll carts at an additional service charge of five dollars (\$5.00) per month.

*(Adopted 12/6/04)*

**Section 12-216 Permit and Fee Required for Disposal of Excessive Yard Trimmings**

The garbage collection fees of the City of Oxford include services for usual and normal disposal of leaves, fallen branches, and shrub trimmings placed at right-of-way for pick up.

The garbage collection fees do not cover costs to the City for pick up and disposal of large amounts of yard waste from tree removal, shrub or brush trimming, or brush removal. For large amounts of such yard waste, these provisions shall apply:

1. The City will not collect waste from the removal of trees over five inches (5") in diameter. It shall be the responsibility of the property owner or resident to dispose of waste from tree removal.
2. Within the normal monthly garbage fee, the maximum amount of trimmings, brush, or limbs which may be placed at right-of-way for collection by City shall be six cubic yards (6 cu. yds.) (approximately one [1] full pickup truck load) per week.
3. Residents or property owners desiring the City to pick up and dispose of larger amounts of trimmings, brush, or limbs must apply at Oxford City Hall for a permit to place such wastes at street. Application for permit shall state: (a) the address of property from which waste is to be generated; (b) proposed date of placement of waste at street; and (c) a signed agreement that the resident or property owner will pay to the City of Oxford the actual costs of pick up and disposal of the excessive waste. A minimum fee of fifty dollars (\$50.00) shall be paid upon receipt of permit for disposal; actual costs of disposal shall be determined by Superintendent of Public Works, and amount over minimum fee two hundred dollars [\$200.00] maximum) shall be billed to resident or property owner.

- 4. **Violations.** Residents or property owners placing excessive amounts of brush or trimmings at right-of-way without a permit shall be notified that a permit is required. Failure to obtain a permit shall be held to be a violation of the Solid Waste Ordinance, and shall be subject to penalties which may include, but are not limited to: (a) billing from the City for costs of excessive waste pick up and disposal; and/or (b) summons to Oxford Municipal Court for Ordinance violation, subject to provisions established by the Code of Ordinances of the City of Oxford.

(Adopted 7/11/05)

**CITY OF OXFORD, GEORGIA**

**APPLICATION FOR PERMIT FOR EXCESS YARD WASTE DISPOSAL**

The monthly garbage fee charged by the City of Oxford covers pick up and disposal of normal and usual amounts of yard wastes placed at street right-of-way. "Yard waste" includes leaves, grass clippings, brush and shrub trimmings, and limbs under three inches (3") in diameter.

Up to six cubic yards (6 cu. yds.)(one pickup load) of brush, trimmings, or limbs per week will be picked up at no additional charge. Residents or property owners desiring City pick up and disposal of brush, limbs, and trimmings over this amount must obtain a permit for placing excessive waste for pick up. Minimum disposal fee is to be paid at time of obtaining permit, and resident or owner must sign an agreement to repay the City for actual costs of pick up and disposal, as determined by the Superintendent of Public Works of the City of Oxford.

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

I hereby apply for a permit to place brush, trimmings, or limbs in an amount exceeding six cubic yards (6 cu. yds.) at street right-of-way for collection and disposal by City of Oxford staff. I agree that the City of Oxford may bill me for actual costs of pick up and disposal in excess of the minimum fee paid with this permit. Minimum fee is fifty dollars (\$50.00), maximum charge two hundred dollars (\$200.00).

Proposed date of excessive yard waste placement: \_\_\_\_\_

Address from which waste is to be collected: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

\_\_\_\_\_ Minimum fee of fifty dollars (\$50.00) paid

\_\_\_\_\_ Permit approved: \_\_\_\_\_, Oxford City Hall Staff

**ARTICLE III. VIOLATIONS OF SOLID WASTE ORDINANCE**

**Section 12-301 Notification Of, and Penalties For, Violations**

It shall be a violation of Chapter 12 for any citizen of the City of Oxford to place upon City street rights-of-way any solid waste materials of a kind, or in a manner, not allowed by this Ordinance.

Upon a first such violation of any provision of Chapter 12, the City may inform the property owner and/or occupant of the violation, and request correction of the violation, including but not limited to removal of non-collectable solid waste. The City will give the occupant and/or property owner a reasonable period of time, not to exceed ten (10) days, for correction of the violation.

Following expiration of the stated time period for correction of a violation, if no action for correction has been taken residents and property owners responsible will be held to be in violation of Chapter 12, and will be subject to legal proceedings as provided for in the City of Oxford Code of Ordinances.

Should a second violation of this Ordinance occur upon any property where previous warning has been issued, no further warning and period for correction will be given. Property owner and/or occupants shall be held to be in violation of Chapter 12 and subject to legal proceedings.

**Section 12-302                    Joint Liability of Property Owners and Tenants**

Property owners are responsible for the proper disposal of solid waste originating upon their properties. Owners of rental property may be held responsible for any violations of this Ordinance by their renters or tenants.

*(Effective 6/15/02)*



# CHAPTER 13: AIR QUALITY CONTROL

Section

## ARTICLE I. OPEN BURNING

13-101 Purpose  
13-102 Definitions and Procedures



## ARTICLE I. OPEN BURNING

### Section 13-101 Purpose

To establish procedures for open burning of authorized natural materials and to establish penalties for violation of these procedures.

### Section 13-102 Definitions and Procedures

1. **Definitions.** Natural material is naturally growing plants, their residue (e.g. leaves, branches) or products derived from naturally growing plants solely by cutting or shaping (e.g. logs, untreated lumber). Prohibited material is garbage, wood pallets or materials prohibited by state or federal environmental protection agencies.
2. **Permit Required.** No person shall kindle or maintain a fire to burn yard waste/debris or authorize any such fire without first obtaining a permit through the Newton County Fire Service (770-784-2115). Burning of construction or demolition material is allowed provided that (1) the material is approved for burning by Georgia Environmental Protection Agency and (2) a permit to burn is obtained from the Newton County Fire Service prior to ignition. Prohibited material may not be burned.
3. **Permitting Procedure.**
  - A. Burn permits are issued daily via telephone by Newton County Fire Service. Telephone the number for "Burn Permits" listed under Newton County Fire Service on the date burning is planned.
  - B. A person requesting a permit will need to provide: address of proposed burn, contact person's name, contact person's telephone number, nature of material to be burned (e.g. branches, leaves, etc.) and amount of material to be burned [e.g. pile three feet long by two feet wide (3' x 2')].
  - C. A permit is valid only for the date on which the telephone request is made.
  - D. Permits are issued only on days that Georgia Forestry Commission has determined weather conditions are suitable for burning.
4. **Residential Safety Precautions.**
  - A. A permitted fire shall not be within fifty feet (50') of a building or structure. The space above the fire shall be free of wires and overhanging limbs. Combustible material shall be cleared a distance of at least ten feet (10') beyond the material to be burned.
  - B. When practical an approved metal waste container is to be used.
  - C. A competent adult shall attend the fire from the time it is kindled until it is extinguished.
  - D. Extinguishing equipment (e.g. garden hose, shovel) is to be in place for use by the supervisor prior to igniting the fire.
  - E. A fire shall not be kindled when the resulting smoke and/or ash will either create a public nuisance on adjacent property or endanger public safety (e.g. obstruct vision of motorists on a roadway).
5. **Controlled Burns. Farmland or Woodland.**
  - A. Burning of an area of one half acre or a wood pile sixty feet by sixty feet (60' x 60') is considered a controlled burn.

- B. A permit for a controlled burn must be obtained from Georgia Forestry Commission (770-784-2480) prior to and is a prerequisite for obtaining a controlled burn permit from Newton County Fire Service.
  - C. Safety precautions established by Georgia Forestry Commission and Newton County Fire Service are to be followed.
6. **Construction/Demolition Material Burn.**
- A. Only natural materials permitted by state and federal environmental protection agencies may be burned.
  - B. Safety precautions are the same as for residential burning (Sec. 4 above.).
7. **Penalty for Violation.**
- A. **Residential. Yard Waste and Natural Debris.**
    - (1) **First Offense.** A warning citation.
    - (2) **Any Subsequent Offense.** Citation and fine of at least twenty-five dollars (25.00) but not more than fifty dollars (\$50.00) per offense.
  - B. **Controlled Burn or Construction/demolition Burn.**
    - (1) **First Offense.** A citation and a fine of fifty dollars (\$50.00).
    - (2) **Any subsequent violation.** A citation and a fine of at least one hundred dollars (\$100.00) but not more man five hundred dollars (\$500.00) per offense.
    - (3) Burning of any prohibited material on the first offense will be subject to the penalties herein listed for subsequent offenses.
    - (4) Additional charges and penalties as warranted by state and federal environmental protection agencies as well as Georgia Department of Forestry.

*(Adopted 10/5/98)*

## CHAPTER 14: RESERVED





## **PART III: PUBLIC WORKS AND PROPERTY**



# CHAPTER 15: SEWER

## Section

15-101	Definitions
15-102	Use of Public Sewers Required
15-103	Private Wastewater Disposal
15-104	Building Sewers and Connections
15-105	Use of Public Sewers
15-106	Penalty for Destruction of Wastewater Facilities
15-107	Powers and Authority of Inspectors
15-108	Penalty for Violation of Ordinance



## Section 15-101 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
2. **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (one and five-tenths [1.5] meters outside the inner face of the building wall.
3. **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal; also called house connection.
4. **Easement.** An acquired legal right for the specific use of land owned by others.
5. **Floatable Oil.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
6. **Industrial Wastes.** The wastewater from industrial processes, trades or businesses as distinct from domestic or sanitary wastes.
7. **pH.** The logarithm of the reciprocal of the hydrogen ion concentration.
8. **Properly Shredded Garbage.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under normal flow conditions.
9. **Public Sewer.** A common sewer controlled by a governmental agency or public utility.
10. **Sanitary Sewer.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.
11. **Sewer.** A pipe or conduit that carries wastewater or drainage water.
12. **Slug.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
13. **Storm Drain.** A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
14. **Superintendent.** The superintendent of utilities of the City, or his or her authorized deputy, agent or representative.
15. **Suspended Solids.** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering.
16. **Unpolluted Water.** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge

to the sanitary sewers and wastewater treatment facilities provided.

17. **Wastewater.** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.
18. **Wastewater Facilities.** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

#### Section 15-102 Use of Public Sewers Required

1. **Deposit of Excrement, Garbage or Waste on Public or Private Property.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or objectionable waste.
2. **Discharge of Polluted Waters to Natural Outlets.** It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
3. **Construction or Maintenance of Private Facility for Disposal of Wastewater.** Except as provided in this Article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
4. **Installation of Suitable Toilet Facilities; Connection with Public Sewer.** The owner of any house or building used for human occupancy, employment, recreation, or other purposes, situated within the City and located within one hundred feet (100'), as measured from property line to street right-of-way line, of any street, alley, or right-of-way in which there is presently located a public sanitary or combined sewer of the City is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article.

The requirement of mandatory connection to available public sewer lines shall be in effect from the date of adoption of this Article by the Oxford City Council. Owners of properties situated within one hundred feet (100') of rights-of-way containing sewer lines existing at the time of adoption of this Article, and whose buildings are not presently connected to such sewer lines, shall have a period of one hundred twenty (120) days from time of adoption of this Article within which they must pay the required City tap-in fee and request the scheduling of connection to the sewer. However, if within such one hundred twenty (120) day period any private sewage system (septic tank, cesspool, etc.) on property where sewer is available should fail or require maintenance, the owner of such system shall be required to connect immediately to the available public sewer. Owners of such private sewage systems shall not at any time make repairs, pump out any septic tank, or make any alterations or extensions to any private sewage system in any way, where public sewer lines are available.

At the time of connection to existing sewer lines, any existing septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material according to applicable city, county, and/or state health codes.

The Mayor and City Council of the City of Oxford shall have the authority to establish tap-in fees and charges for sewer services. The Mayor and Council shall also have the authority to make adjustments to fees or to schedules of required payments in cases of citizen economic hardship, as determined by measures of economic hardship adopted by the Mayor and Council.

*(Amended 10/9/06)*

**Section 15-103 Private Wastewater Disposal**

1. **Use Where Public Sanitary or Combined Sewer Unavailable; Permit Requirements Generally.** Where a public sanitary or combined sewer is not available under the provisions of Section 15-102.4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article. Anyone wishing to obtain a building permit must first submit a septic tank permit and a percolation test approved by the county health department.
2. **Permit Required; Application Fee.** Before commencement of construction of a private wastewater disposal system the owner shall first obtain a permit from the superintendent. A permit and inspection fee in an amount set forth in the schedule of fees and charges shall be paid to the City at the time the application is filed.
3. **Permit Effective upon Installation Completion.** A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent.
4. **Specifications for System Set by State Department of Human Resources.** The type, capacities, location, construction and layout of a private wastewater disposal system shall comply with all recommendations of the state department of human resources. State approval is required of all private wastewater disposal systems before they may be put into use.
5. **Connection to Public Sewer upon Availability; Cleaning and Filling of Private Facilities.** At such time as a new or extended public sewer line becomes available to a property served by a private sewage disposal system, as provided in Section 15-102.4, a direct connection shall be made to the public sewer line. Owners of such properties shall have a period of one hundred twenty (120) days from time of adoption of this Article within which they must pay the required City tap-in fee and request scheduling of connection to the sewer. However, if within such one hundred twenty (120) day period any private sewage system (septic tank, cesspool, etc.) on property where sewer is now available should fail or require maintenance, the owner of such system shall be required to connect immediately to the available public sewer. Owners of such private sewage systems shall not at any time make repairs, pump out any septic tank, or make any alterations or extensions to any private sewage system in any way, where public sewer lines are available. At time of connection, any existing septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material according to applicable city, county, and/or state health codes. *(Amended 10/9/06)*
6. **Operation and Maintenance of Facilities.** The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.
7. **Additional Requirements.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

**Section 15-104 Building Sewers and Connections**

1. **Use or Alteration of Public Sewer.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.
2. **Building Sewer Permits; Types; Application; Fees.** There shall be two classes of building sewer permits: For residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner shall make application to the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee in an amount set forth in the schedule of fees and charges for a residential or commercial building sewer permit and in an amount set forth in the schedule of fees and charges for an industrial building sewer permit shall be paid to the City at the time the application is filed.
3. **Costs and Expenses for Installation and Connection.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. **Separate, Independent Sewer per Building; Exception.** A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or

- responsibility for damage caused by or resulting from any such single connection aforementioned.
5. **Use of Old Sewers.** Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this Article.
  6. **Size, Slope, Alignment and Materials of Construction.** The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.
  7. **Elevation of Sewer; Lifting of Sewage.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
  8. **Connection of Roof Downspouts and Other Sources of Surface Runoff or Groundwater.** No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent for purposes of disposal of polluted surface drainage.

**Section 15-105 Use of Public Sewers**

1. **Discharge of Unpolluted Waters Prohibited.** No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sewer; except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent.
2. **Use of Storm Sewers, Combined Sewers and Natural Outlets.** Stormwater, other than that exempted under subsection 1. of this Section, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet.
3. **Prohibited Discharges.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - B. Any wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
  - D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
4. **Discharge Limitations.** The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without the approval of the superintendent are as follows:
  - A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
  - B. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
  - C. Wastewater from industrial plants containing floatable oils, fat or grease.
  - D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, restaurants or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served

- by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials.
  - F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent.
  - G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
  - H. Quantities of flow, concentration, or both which constitute a slug.
  - I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
  - J. Any water or wastes which, by interaction with other water or waste in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
5. **Remedies by Superintendent to Deleterious Effects of Wastes.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain substances or possess the characteristics enumerated in subsection 4 of this Section, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance the superintendent may:
- A. Reject the wastes;
  - B. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - C. Require control over the quantities and rates of discharge; and/or
  - D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection 10 of this Section.
6. **Grease, Oil and Sand Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection 4C of this Section, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.
7. **Pretreatment or Flow-equalizing Facilities; Operation and Maintenance.** Where pretreated or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
8. **Installation of Structure for Observation, Sampling and Measurement of Wastes.** When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes.
9. **Information Requirements for Determining Compliance.** The superintendent may require user of sewer services to provide information needed to determine compliance with this Article. The requirements may include:
- A. Wastewater discharge peak rate and volume over a specified time period;
  - B. Chemical analyses of wastewaters;
  - C. Information on raw materials, processes and products affecting wastewater volume and quality;
  - D. Quantity and disposition of specific liquids, sludge, oil, solvent or other materials important to sewer use control;
  - E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
  - F. Details of wastewater pretreatment facilities; and
  - G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
10. **Special Agreements of City with Industrial Users.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

**Section 15-106                    Penalty for Destruction of Wastewater Facilities**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this Section shall be subject to immediate arrest under a charge of disorderly conduct.

**Section 15-107                    Powers and Authority of Inspectors**

1.    **Approval of Private Systems.** All private wastewater septic tank disposal systems must be approved by the county health department and the City building inspector. Please refer to Section 15-103.
2.    **Entry of Property for Inspection, Observation, Measurement, Sampling and Testing.** The superintendent and other duly authorized employees of the City shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharges to the community system in accordance with the provisions of this Article.
3.    **Privileged Information.** The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

**Section 15-108                    Penalty for Violation of Ordinance**

Persons in violation of any provision of this Ordinance shall be subject to penalties as established by Section 1-109 of the Code of Ordinances of the City of Oxford. *(Amended 10/9/06)*



# CHAPTER 16: UTILITIES

Section

## **ARTICLE I. IN GENERAL**

16-101	Utility Rates and Charges
16-102	Temporary Turn-on Fee
16-103	Payment of Fee
16-104	Service Line Taps
16-105	Illegal Taps and Meter Tampering Prohibited
16-106	Cogeneration and Small Power Production

## **ARTICLE II. UTILITY SERVICE**

16-201	Scope of Article
16-202	Application for Service
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**ARTICLE I. IN GENERAL**

**Section 16-101 Utility Rates and Charges**

Rates, fees, charges and deposit amounts for electric service, water and sewer service, and sewer and water main taps shall be as determined from time to time by the Mayor and Council and set forth in the schedule of fees and charges.

**Section 16-102 Temporary Turn-on Fee**

Those residents wishing to have electricity turned on temporarily to paint or clean must pay a fee as set forth in the schedule of fees and charges.

**Section 16-103 Payment of Fee**

All dwelling units within the City shall pay the collection fee and utility bill by the 25th of each month following such service being rendered. The City shall begin distribution of door hangers after the 25th of each month to delinquent accounts. The charge for such door hangers will be an amount set forth in the schedule of fees and charges in addition to billing. The door hanger date will be set for 3:00 p.m. on the third of each month, and disconnection for nonpayment shall be on the following workday. In order to reestablish service, a collection fee of an amount set forth in the schedule of fees and charges, plus payment of billing and door hanger fee, must be received by the City.

**Section 16-104 Service Line Taps**

1. The City must be notified within ninety (90) days from the date of adoption of the ordinance from which this Section is derived of the location for taps to be placed.
2. Service lines to low income houses previously established and designated shall be free, and installed free of charge.
3. All others will install their own service lines as designated by the Mayor and Council.
4. It is further ordained that any person not being previously designated as a low income recipient shall make application with the City Clerk for any taps they wish installed. Such parties shall pay for the boring, if any boring is required, under any road to get to their subject property. If such person, not on low income designation, fails to make application for such taps requested and provides for the boring under the road at such location within six months of the date of adoption of the ordinance from which this Section is derived, then sewer service shall revert to the regular tap fee of the City as set forth in the schedule of fees and charges.

**Section 16-105 Illegal Taps and Meter Tampering Prohibited**

It shall be illegal for any person to tap into or draw upon the utility services (electric, water, and sewer) of the City of Oxford except as specified in the provisions of this Ordinance, or to tamper with, disconnect, or damage any utility meter belonging to the City of Oxford.

Violation of this Ordinance shall be subject to penalties as specified in Section 1-109 of the Code of Ordinances of the City of Oxford.

*(Amended 10/2/06)*

**Section 16-106 Cogeneration and Small Power Production**

The City undertakes to comply with all lawful regulations of the Federal Energy Regulatory Commission codified in subpart C of 18 CFR 292 dealing with arrangements with qualifying cogeneration and small power production facilities under Section 210 of the Public Utility Regulatory Policies Act of 1978.

**ARTICLE II. UTILITY SERVICE**

**Section 16-201 Scope of Article**

This Article is a part of all contracts for receiving utility service from the City, and applies to all service received from the City, whether the service is based upon contract agreement, signed application, or otherwise. A copy of this Article, together with a copy of the City's schedule of fees and charges, shall be kept open to inspection at the offices of the City. *(Amended 10/2/06)*

**Section 16-202 Application for Service**

Each prospective customer desiring utility service may be required to sign the City's standard form of application for service or contract before service is supplied by the City. *(Amended 10/2/06)*

**Section 16-203 Deposit**

A deposit or suitable guarantee approximately equal to twice the average monthly bill may be required of any customer before utility service is supplied. Upon termination of service, the deposit may be applied by the City against unpaid bills of the customer. If any balance remains after such application is made, such balance shall be refunded to the customer. *(Amended 10/2/06)*

**Section 16-204 Point of Delivery**

The point of delivery is the point, as designated by the City, on the customer's premises where utility service (electric, water, and/or sewer) is to be delivered to the building or premises. All wiring, plumbing, and disposal pipes and equipment beyond this point of delivery shall be provided and maintained by the customer at no expense to the City. *(Amended 10/2/06)*

**Section 16-205 Customer's Wiring; Standards**

All wiring of the customer must conform to the City's requirements and accepted modern standards, as exemplified by the latest editions of the National Electrical Safety Code and the National Electrical Code with the state minimum standard electrical code amendments.

**Section 16-206 Inspections**

The City shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any later time, and reserves the right to reject any wiring or appliances not in accordance with the City's standards. Such inspection or failure to inspect or reject shall not render the City liable or responsible for any loss or damage resulting from defects in the installation, wiring or appliances, or from a violation of the City's rules, or from accidents which may occur upon the customer's premises.

**Section 16-207 Underground Service Lines**

Customers desiring underground service lines from the City's overhead system must bear the excess cost incident thereto.

**Section 16-208 Customer's Responsibility for the City's Property**

All meters, service connections and other equipment furnished by the City shall be, and remain, the property of the City. The customer shall provide a space for and exercise proper care to protect the property of the City on its premises, and, in the event of loss or damage to the City's property arising from neglect of the customer to care for such property, the cost of the necessary repairs or replacements shall be paid by the customer.

**Section 16-209 Right of Access**

The City's identified employees shall have access to the customer's premises at all reasonable times for the purpose of reading meters, testing, repairing, removing or exchanging any or all equipment belonging to the City.

**Section 16-210 Rates**

A customer may not change to another rate within a twelve (12) month period unless there is a substantial change in the character or conditions of service, or it becomes obvious that the customer was placed on the incorrect rate initially.

**Section 16-211 Billing**

Bills will be rendered monthly and shall be paid at the office of the City or at other locations designated by the City. Failure to receive the bill will not release the customer from his or her payment obligation. Should bills not be paid by the due date specified on the bill, the City may at any time thereafter, upon five (5) days written notice to the customer, discontinue service. Should the due date of the bill fall on a Sunday or holiday, the business day next following the due date will be held as a day of grace for the delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears a United States Postal Service date stamp of the due date, or any date prior thereto.

**Section 16-212 Discontinuance of Service by the City**

The City may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or of the application of the customer or contract with the customer. The City may discontinue service to the customer for the theft of current or the appearance of current theft devices on the premises of customers. The discontinuance of service by the City for any causes as stated in this Section does not release the customer from his or her obligation to the City for the payment of minimum bills as specified in the application of the customer or a contract with the customer.

**Section 16-213 Connection, Reconnection and Disconnection Charges**

The City may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided in this Article. Higher charges may be established and collected when connections and reconnections are performed after normal office hours, or when special circumstances warrant such charges.

**Section 16-214 Termination of Contract by Customer**

Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect, unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of contract terms will not relieve the customer from any minimum or guaranteed payment under any contract or rate.

**Section 16-215 Service Charges for Temporary Service**

Customers requiring electric or water service on a temporary basis may be required by the City to pay all costs for connection and disconnection incidental to supplying and removing of service. This Section applies to circuses, carnivals, fairs, temporary construction and the like. *(Amended 10/2/06)*

**Section 16-216 Interruption of Service**

The City will use reasonable diligence in supplying utility services (electricity, water, sewage) but shall not be liable for a breach of contract in the event of, or for loss, injury or damage to persons or property resulting from interruptions in service, excessive or inadequate voltage, single-phasing or otherwise unsatisfactory service, whether or not caused by negligence. *(Amended 10/2/06)*

**Section 16-217 Shortage of Electricity**

In the event of an emergency or other condition causing a shortage in the amount of electricity for the City to meet the demand on its system, the City may, by an allocation method deemed equitable by the City, fix the amount of electricity to be made available for use by the customer and/or may otherwise restrict the time during which the customer may make use of electricity and the uses which the customer may make of electricity. If such actions become

necessary, the customer may request a variance because of unusual circumstances including matters adversely affecting the public health, safety and welfare. If the customer fails to comply with such allocation or restriction, the City may take such remedial actions as it deems appropriate under the circumstances including temporarily disconnecting electric service and charging additional amounts because of the excess use of electricity. The provisions of Section 16-216 are applicable to any such allocation or restriction.

**Section 16-218 Voltage Fluctuations Caused by Customer**

Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to the City's system. The City may require the customer, at his or her own expense, to install suitable apparatus which will reasonably limit such fluctuations.

**Section 16-219 Additional Load**

The service connection, transformers, meters and equipment supplied by the City for each customer have definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of the City. Failure to give notice of additions or changes in load, and to obtain the City's consent for the same, shall render the customer liable for any damage to any City lines or equipment caused by the additional or changed installation.

**Section 16-220 Standby and Resale Service**

All purchased electric service (other than emergency or standby service) used on the premises of the customer shall be supplied exclusively by the City, and the customer shall not, directly or indirectly, sell, sublet, assign or otherwise dispose of the electric service or any part thereof.

**Section 16-221 Notice of Trouble**

The customer shall notify the City immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble or accidents affecting utility services. *(Amended 10/2/06)*

**Section 16-222 Nonstandard Service**

The customer shall pay the cost of any special installation necessary to meet his or her peculiar requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice. Standard voltages are defined as follows:

1. 120 volts, single phase, two wire;
2. 120/240 volts, single phase, three wire;
3. 120/240 volts, three phase, four wire;
4. 120/208 volts, three phase, four wire;
5. 480 volts, three phase, three wire; and
6. 277/480 volts, three phase, four wire.

Other voltages are available upon special request where both the customer and the City mutually agree on the need. In these instances, the customer shall pay the City for any additional cost incurred by the delivery of service at a nonstandard voltage.

**Section 16-223            Meter Tests**

The City may, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy. The City will make additional tests or inspections of its meters at the request of the customer. If tests made at the customer's request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill, and the City's standard testing charge will be paid by the customer. In case the test shows the meter to be in excess of two percent (2%), fast or slow, an adjustment shall be made in the customer's bill over a period of not over thirty (30) days prior to the date of such test, and the cost of making the test shall be borne by the City.

**Section 16-224            Relocation of Outdoor Lighting Facilities**

The City shall, at the request of the customer, relocate or change existing City-owned equipment. The customer shall reimburse the City for such changes at cost.

**Section 16-225            Billing Adjusted to Standard Periods**

The demand charges and the blocks in the energy charge set forth in the rate schedules are based on billing periods of approximately one (1) month. In the case of the first billing of new accounts and final billings of all accounts where the period covered by the billing involves fractions of a month, the demand charges and the blocks of the energy charge may be adjusted to a basis proportionate with the period of time during which service is extended.

**Section 16-226            Revision, Amendment or Supplementation of Article**

This Article may be revised, amended, supplemented or otherwise changed from time to time, without notice. Such changes, when effective, shall have the same force as the present Article's provisions.

**ARTICLE III.            SEALS AND ELECTRIC METERS**

**Section 16-301            Meters to Remain City Property**

All meters, valves, pipes, fittings, transformers, regulators, wires, etc., furnished by the City and installed on or over private property shall remain the property of the City. The City shall have access to its meters at all reasonable hours. Should the customer, through the enlargement of a building or the closing off, in any manner, of the area where the meter is installed, make it not readily accessible, then the customer shall be required to bear the cost of relocating the meter.

**Section 16-302            Meters to Be Sealed by City Utility Department**

All electrical meters furnished to electricity customers of the City shall be sealed by the City utility department. If such seal is broken in the normal course of business and/or maintenance of such meter by employees of the City, the seal shall be immediately replaced upon such meter at the time the City employees leave the premises of the customer.

**Section 16-303            Maintenance of Seals**

The maintenance of seals on the electric and water meters of the City shall be the sole responsibility of the customer. If the seal on any meter furnished by the City to any customer is found to be broken, service to such customer shall, upon ten (10) days written notice to the customer, be immediately discontinued. The City shall have the authority to waive the requirement of discontinuance in situations where a determination can be made, on the basis of proper evidence, that the seal on such customer's meter was broken through no fault of the customer. *(Amended 10/2/06)*

**Section 16-304            Reconnection of Service**

If service to a customer is discontinued under the provisions of this Article, service shall be reconnected to

such customer only upon payment of reconnection fees as follows:

1. To industrial electric customers of the City, the reconnection charge shall be an amount set forth in the schedule of fees and charges.
2. To electric customers other than industrial electric customers of the City, the reconnection charge shall be an amount set forth in the schedule of fees and charges.

**Section 16-305                      Violation of Article**

It shall be unlawful for any person other than employees of the utility departments of the City to handle in any manner any of the meters or equipment owned by the City. *(Amended 10/2/06)*

**Section 16-306                      Payment of Fees**

All dwelling units within the City shall pay such collection fee and utility bill by the 25th of each month following such service being rendered. The City shall discontinue all services three (3) days after the 25th to any resident who fails or refuses to pay the collection fee or utility bill. An order to reestablish service, a collection fee in an amount set forth in the schedule of fees and charges, plus payment of the bill must be received by the City. A door hanger fee in an amount set forth in the schedule of fees and charges shall be imposed on delinquent utility bills.





## CHAPTER 17: WATER

See Appendix 2. for “Consecutive System Agreement.”



# CHAPTER 18: STORM WATER MANAGEMENT

Section

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## ARTICLE I. CONNECTION AND DISCHARGE INTO STORM SEWER SYSTEM

### Section 18-101 Findings of Fact

The Mayor and Council of the City find that discharges into the City's separate storm sewer that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters. Nonstormwater discharges occur due to spills, dumping and improper connections to the City's separate storm sewer system from residential, industrial, commercial and institutional establishments. Impacts of such discharges adversely effect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water, and can be minimized through the regulation of spills, dumping and discharges into the City's storm sewer system and proper management of post-development stormwater runoff.

### Section 18-102 Definitions

As used in this Chapter, the following words and phrases shall have the meanings set forth in this Section:

1. **Accidental Discharge.** A discharge prohibited by this Chapter which occurs by chance and without planning or thought prior to occurrence.
2. **Applicant.** A person submitting a post-development stormwater management application and plan for approval.

3. **Authorized Enforcement Agency.** The Public Works Department of the City.
4. **Channel.** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
5. **City's Separate Storm Sewer System.** Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural, man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:
  - A. Owned or maintained by the City;
  - B. Not a combined sewer; and
  - C. Not part of a publicly-owned treatment works.
6. **Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) and any subsequent amendments thereto.
7. **Conservation Easement.** An agreement between a land owner and the City or other governmental agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.
8. **Construction Activity.** An activity subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, demolition and other projects resulting in land disturbance.
9. **Detention.** The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling peak discharges.
10. **Detention Facility.** A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.
11. **Developer.** A person who undertakes land development activities.
12. **Development.** A land development or land development project.
13. **Drainage Easement.** An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.
14. **Erosion and Sedimentation Control Plan.** A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.
15. **Extended Detention.** The detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.
16. **Extreme Flood Protection.** Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years or more.
17. **Flooding.** A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.
18. **Greenspace or Open Space.** Permanently protected areas of a site that are preserved in a natural state.
19. **Hotspot.** An area where the use of the land has the potential to generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater.
20. **Hydrologic Soil Group (HSG).** A natural resource conservation service classification system in which soils are categorized into four (4) runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.
21. **Illegal Connection.** Means either of the following:
  - A. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the City's storm drain system, including but not limited to any conveyances which allow any nonstormwater discharge such as sewage, chemicals, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
  - B. Any pipe, open channel, drain or conveyance connected to the City's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
22. **Illicit Discharge.** Any direct or indirect nonstormwater discharge to the City's separate storm sewer

- system, except as expressly exempted under the provision of this Chapter.
23. **Impervious Surfaces.** Those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.
  24. **Industrial activity.** Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).
  25. **Industrial Stormwater Permit.** A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
  26. **Infiltration.** The process of percolating stormwater runoff into the subsoil.
  27. **Inspection and Maintenance Agreement.** A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.
  28. **Jurisdictional Wetland.** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
  29. **Land Development.** Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious surface.
  30. **Land Development Activities.** Those actions or activities which comprise, facilitate or result in land development.
  31. **Land Development Project.** A discrete land development undertaking.
  32. **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.** A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC Section 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
  33. **New Development.** A land development activity on a previously undeveloped site.
  34. **Nonpoint Source Pollution.** A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agriculture, silviculture, mining, construction, subsurface disposal and urban runoff sources.
  35. **Nonstormwater Discharge.** Any discharge to the storm drain system that is not composed entirely of stormwater.
  36. **Nonstructural Stormwater Management Practice or Nonstructural Practice.** Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quality and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.
  37. **Off-site Facility.** A stormwater management facility located outside the boundaries of a site.
  38. **On-site Facility.** A stormwater management facility located within the boundaries of a site.
  39. **Overbank Flood Protection.** Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two (2)-year through twenty-five (25)-year frequency storm events.
  40. **Owner.** The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.
  41. **Permit.** The permit issued by the City to the applicant which is required for undertaking any land development activity.
  42. **Person.** Means, except to the extent exempted from the provisions of this Chapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of Georgia, any interstate body or any other legal entity.

43. **Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any other kind.
44. **Pollution.** The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gas, solid, radioactive material, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
45. **Post-development.** Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.
46. **Pre-development.** Refers to the time period or the conditions that exist on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs, such as in the case of preliminary grading, roads and utilities, the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.
47. **Premises.** Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
48. **Project.** A land development project .
49. **Redevelopment.** A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.
50. **Regional Stormwater Management Facility or Regional Facility.** Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.
51. **Runoff.** Means stormwater runoff.
52. **Site.** The parcel of land being developed, or the portion thereof on which the land development project is located.
53. **State Waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state of Georgia which are not entirely confined and retained completely upon the property of a single person.
54. **Stormwater Better Site Drainage.** Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious surface and using natural features for stormwater management.
55. **Stormwater Management.** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.
56. **Stormwater Management Facility.** Any infrastructure that controls or conveys stormwater runoff.
57. **Stormwater Management Measure.** Any stormwater management facility or nonstructural stormwater practice.
58. **Stormwater Management Plan.** A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Chapter.
59. **Stormwater Management System.** The entire set of structural and nonstructural stormwater

management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

60. **Stormwater Retrofit.** A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.
61. **Stormwater Runoff or Stormwater.** Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
62. **Structural Stormwater Control.** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of the stormwater.
63. **Subdivision.** The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway. (Ord. dated 10/5/04 [part])

#### **Section 18-103            Illicit discharges**

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the City's separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the provisions of this Section: water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants; discharges or flows from firefighting, or other discharges necessary to protect public health and safety; discharges from domestic or other noncommercial cleaning of motor vehicles.

The prohibition provision of this Section shall not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and further provided that written approval has been granted by the City's public works department for any discharge to the City's separate storm sewer system.

#### **Section 18-104            Illegal Connections**

The construction, connection, use, maintenance or continued existence of any illegal connection to the City's separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Connections in violation of this Section must be disconnected and redirected to an approved on-site wastewater management system or, with the written approval of the City Council, to the City's sanitary sewer system.

#### **Section 18-105            Location of Connections**

Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the City's storm sewer system, shall be located by the owner or occupant of property served by such connection upon receipt of written notice of violation from the City requiring that such location be completed. Such notice shall specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other type of facility, and that the outfall location or point of connection to the City's storm sewer system, sanitary sewer system or other discharge point be identified.

#### **Section 18-106            Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with such permit may be required in a form acceptable to the City prior to allowing discharges to the City's separate storm sewer system.

**Section 18-107                    Access and Inspection of Properties and Facilities**

Authorized representatives of the City shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this Chapter.

1. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the City.
2. The owner or operator shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
3. The City shall have the right to set up on any property or facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of flow discharges.
4. The City may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the City. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his or her own expense. All devices used to measure flow and quality shall be maintained and calibrated by the owner or operator to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
6. Unreasonable delays in allowing the City access to a facility for the purpose of such inspections is a violation of the provisions of this Chapter.
7. If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of the provisions of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with the provisions of this Chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

**Section 18-108                    Notification of Accidental Discharges and Spills**

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which is resulting or may result in illicit discharges into stormwater, the City's separate storm sewer system, state waters, or waters of the U.S., said person shall forthwith take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the authorized enforcement agency in person or by phone or facsimile within twenty-four (24) hours of discovery of such release or discharge of the nature, quality and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the phone, facsimile or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also make and retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years from the date of discovery of such release or discharge. Said person shall also take immediate steps to ensure that there is no recurrence of the discharge or spill.

**ARTICLE II.                    POOL-DEVELOPMENT STORMWATER CONTROL**

**Section 18-201                    Applicability**



1. The provisions of this Article shall be applicable to all land development within the corporate limits of the City, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 2 of this Section. The provisions of this Article further apply to any new development or redevelopment site that meets one (1) or more of the following criteria:
  - A. New development that involves the creation of five thousand square feet (5,000 sq. ft.) or more of impervious surface, or that involves other land development activities of one (1) acre or more;
  - B. Redevelopment that includes the creation, addition or replacement of five thousand square foot (5,000 sq. ft.) or more of impervious surface, or that involves other land development activity of one (1) acre or more;
  - C. Any new development or redevelopment, regardless of size, that is determined by the Public Works Director of the City to be a hotspot land use; or
  - D. Land development activities that are smaller than the minimum applicability criteria set forth in subsections 1A and 1B of this Section if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place in connection with such development at different times on different schedules.
2. The following activities are exempt from this Section:
  - A. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
  - B. Additions or modifications to existing single-family or duplex residential structures that are not part of a subdivision or phased development;
  - C. Agricultural or silviculture land management activities within areas zoned for these activities; and
  - D. Repairs to any stormwater management facility or practice deemed necessary by the Public Works Director of the City.

**Section 18-202 Stormwater Design Manual**

The City will utilize the policies, criteria and information, including technical specifications and standards, in the current edition of the Georgia Stormwater Management Manual (GSMM), the provisions of which are incorporated herein by reference, for the proper implementation of the provisions of this Chapter. A current copy of the GSMM will be maintained and available for public reference during office hours in the City Building and Zoning Office.

**Section 18-203 Permit Application**

No owner or developer shall commence any land development activities without having met the requirements of this Article. Unless specifically exempted by this Ordinance, any owner or developer proposing a land development activity shall submit to the Oxford Planning Commission a development permit application on a form provided by the City.

**Section 18-204 Stormwater Management Plan**

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Chapter, including the performance criteria set forth in this Article.

The stormwater management plan shall be in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a Georgia licensed professional engineer, who must verify that the design of all stormwater management facilities and practices meets the submittal requirements outlined in the submittal checklist(s) found in the Georgia Stormwater Design Manual.

The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system and shall include all of the information required in the stormwater management site plan checklist found in the Georgia Stormwater Design Manual.

**Section 18-205 Application Procedure**

1. Applications for land development permits shall be filed with the Oxford Planning Commission.
2. The Oxford Planning Commission shall review the application and make determinations and recommendations according to procedures established in Chapter 40, Comprehensive Zoning Ordinance, of the Code of Ordinances of the City of Oxford.
3. Upon approval of the development permit, the applicant may then apply for building and construction permits from the Newton County Zoning Office.

**Section 18-206 Post-development Stormwater Management Performance Criteria**

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this chapter:

1. **Water Quality.** All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
  - A. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
  - B. Appropriate structural stormwater or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the GSMM; and
  - C. Runoff from hotspot land uses and activities identified by the City are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
2. **Stream Channel Protection.** Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three (3) approaches:
  - A. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
  - B. Twenty-four (24) hour extended detention storage of the one (1)-year, twenty-four- (24) hour return frequency storm event. This requirement may be adjusted or waived by the City for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity.
  - C. Erosion prevention measures such as energy dissipation and velocity control.
3. **Overbank Flooding Protection.** Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the twenty-five (25)-year, twenty-four (24)-hour return frequency storm event. If control of the one (1)-year, twenty-four (24) hour storm under subsection 2B of this Section is exempted, then peak discharge rate attenuation of the two-year through the twenty-five (25)-year return frequency storm event must be provided.

This requirement may be adjusted or waived by the city for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

4. **Extreme Flooding Protection.** Extreme flood and public safety protection shall be provided by controlling and safely conveying the one hundred (100)-year, twenty-four (24)-hour return frequency storm event such that flooding is not exacerbated.

This requirement may be adjusted or waived by the City for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

5. **Structural Stormwater Controls.** All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the GSMM. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the GSMM, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the City before being included in the design of a

stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the GSMM control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the GSMM for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

6. **Stormwater Credits for Nonstructural Measures.** The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under GSMM. The applicant may, if approved by the City, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, GSMM provides a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the GSMM.
7. **Drainage System Guidelines.** Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
  - A. Methods to calculate stormwater flows shall be in accordance with the GSMM;
  - B. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the GSMM; and
  - C. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the GSMM.

#### **Section 18-207 Construction Inspections of Post-development Stormwater Management System**

1. **Inspections to Ensure Plan Compliance During Construction.** Periodic inspections of the stormwater management system construction shall be conducted by the staff of the City or conducted and certified by a Georgia licensed professional engineer. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

- A. The date and location of the inspection;
- B. Whether construction is in compliance with the approved stormwater management plan;
- C. Variations from the approved construction specifications; and
- D. Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

2. **Final Inspection and As Built Plans.** Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall be responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Georgia licensed professional engineer. The plans shall be submitted in hard copy and digital CAD or GIS format. A final inspection by the City (or its designated agent, such as Newton County) is required before the release of any performance securities can occur.

#### **Section 18-208 Stormwater Management Facility Dedication to City**

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must,

unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, in recordable form containing a proper legal description of the affected real property that shall be a covenant running with the land binding in perpetuity on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval, and recorded in the Newton County deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the entity to be responsible in perpetuity for its inspection and maintenance.

**ARTICLE III. ENFORCEMENT; APPEAL; PENALTIES**

**Section 18-301 Notice of Violation**

Whenever the City determines that a violation of the provisions of this Chapter has occurred it may order compliance by serving a written notice of violation upon the alleged violator. Such notice shall contain:

1. The name and address of the alleged violator;
2. The street address, when available, or a description of the building, structure or land upon which the violation is occurring or has occurred;
3. A statement specifying the nature of the violation;
4. A statement of the remedial measures necessary to restore compliance with the provisions of this Chapter, including a timetable for the completion of such remedial action;
5. A statement of the applicable penalty provisions of this Article.

**Section 18-302 Appeals**

The City's determination of violation of the provisions of this Chapter may be appealed to the Newton County Superior Court, as provided by county and state law.

**Section 18-303 Enforcement**

In the event that the violation has not been corrected in accordance with the notice of violation, the City may take any and all measures necessary or appropriate to remedy the violation and the City shall have a lien against the property in the amount of the costs of such remediation unless the owner of the property shall have fully repaid the City for such costs within thirty (30) days of said owner's receipt of a statement of such costs from the City.

**Section 18-304 Penalties**

Violations of the provisions of this Chapter are hereby declared to be unlawful and a public nuisance, and in the event of final determination of such violation, the City may file a complaint with the Oxford Municipal Court on a charge of violation of the Code of Ordinances. Penalties may be imposed according to the provisions of Section 1-109 of the Oxford Code of Ordinances.

**Section 18-305 Stormwater Management Regulations**

The Public Works Department of the City shall be authorized to promulgate and publish such written rules, regulations, standards, criteria or procedures as may be appropriate to effect the provisions of this Chapter, and shall maintain a copy of same for public inspection at City Hall, 110 West Clark Street, Oxford, Georgia.

*(Enacted 11/2/06)*



# CHAPTER 19: RESERVED



## CHAPTER 20: RESERVED





## CHAPTER 21: RESERVED



## CHAPTER 22: RESERVED



## CHAPTER 23: RESERVED



# CHAPTER 24: MUNICIPAL CEMETERIES

Section

## ARTICLE I. CEMETERIES

24-101	Division into Lots; Establishing Walks and Roads
24-102	Eligibility to Purchase Lots
24-103	Sale of Lots
24-104	Title to Lots
24-105	Proceeds of Lot Sale
24-106	Grave Opening; Permit Required; Fee; Permit Procedure
24-107	Rules and Regulations for Erecting, Cleaning or Repairing Cemetery Fixtures
24-108	Burial Instructions
24-109	Contract for the Maintenance Oxford Historical Cemetery



## ARTICLE I. CEMETERIES

### Section 24-101 Division into Lots; Establishing Walks and Roads

The Oxford Cemetery shall be laid off into such lots, in such sizes and shapes as the Mayor and Council deems appropriate with suitable walks and road as needed.

### Section 24-102 Eligibility to Purchase Lots

Lots shall be for sale to qualified person or persons who are residents of the City, or those persons who are buying lots for the burial of a City of Oxford resident, or previous residents, or as may be approved under certain circumstances by the Mayor and Council of the City of Oxford. *(Amended 12/05)*

### Section 24-103 Sale of Lots

1. Any lots or fractional part thereof shall be sold by the City to proper persons for cemetery purposes, as before set out, at prices ranging from three hundred fifty dollars (\$350.00) per grave lot (twenty-nine percent [29%] - one hundred dollars [\$100.00] to the City and seventy-one percent [71%] - two hundred fifty dollars [\$250.00] for maintenance fees) to the Oxford Historical Cemetery.
2. There shall be a limit of one (1) four-grave site parcels allowed to be sold to each family. This dictates that no single family will be allowed to purchase more than four (4) grave sites. Upon an appeal to the Mayor and Council for additional grave sites, special exception to this regulation can be made when approved by vote of the majority of said Mayor and Council.

### Section 24-104 Title to Lots

The City shall deed the title to said lots when sold, which deed shall be executed by the Mayor of the City of Oxford and the affixing of his seal thereto and attested to by the City Clerk.

### Section 24-105 Proceeds of Lot Sale

The twenty-nine percent (29%) proceeds of sales of cemetery lots in the cemetery, hereafter this date, shall constitute a fund to be held in a separate account of the City of Oxford, designated the Cemetery Fund and held apart from the General Fund, which fund shall be used only for cemetery purposes.

### Section 24-106 Grave Opening; Permit Required; Fee; Permit Procedure



1. No person shall dig or cause to be dug any graves on any lot in the cemetery without first obtaining a permit from the City of Oxford and paying the grave opening fee of fifty dollars (\$50.00).
2. To procure a grave opening permit, the person or persons opening the grave and/or doing the internment shall, before starting any digging or placement of any stone, sepulcher or burial chamber of any nature, upon the cemetery shall contact the person or persons designated by the City of Oxford to supervise and confirm the location of the gravesite to be used.

The City Clerk or designated party, upon request, shall provide the name, address and telephone number, to permit holder, of the person to be contacted, as set out above.

Persons receiving the permit and the grave opening shall make known to the designated City official, the name of the owner of said gravesite, if possible, copy of deed, and with whose permission same is being used and sign affidavit as to owner and permission so given.

**Section 24-107 Rules and Regulations for Erecting, Cleaning or Repairing Cemetery Fixtures**

1. For the protection of all lot owners, it is necessary that persons erecting, cleaning or repairing materials obtain a permit, and in doing such work comply with the directions of the City of Oxford or its designate. The persons or firms requesting such permit may be required to furnish satisfactory evidence of their ability to properly perform the work proposed.
2. Monuments, markers and tombs must be of first quality granite, marble or other natural stone suitable for outside memorials. They must be set in accordance with the trade standard and the workmanship must be first class.
3. Should any monument or tomb become unsightly, dilapidated or a menace to visitors, the City of Oxford or its designate shall first notify the owner to correct. When the owner does not comply, then the City shall have the right, at the expense of the lot owner, to correct the conditions or to remove same.
4. All workmen employed by outside firms, while in the cemetery, are subject to reasonable regulations of the City of Oxford and must leave the premises in orderly fashion.
5. No freestanding statuary shall be permitted. Carving of figures in bas-relief of proper design will be acceptable.
6. Old flowers will be removed as necessary.

**Section 24-108 Burial Instructions**

1. The top of each vault must be covered by at least eighteen inches (18") of soil, with the top of the site for the grave, flush with the immediate area around the grave.
2. Urns containing cremains must be covered with eighteen inches (18") of soil. Should no urn be used for cremains, ashes must be covered with eighteen inches (18") of soil. No more than two (2) urns or cremains shall be placed in one gravesite.

**Section 24-109 Contract for the Maintenance Oxford Historical Cemetery**

1. Pursuant to the contract between the City and the Oxford Historical Cemetery Foundation, Inc. and by resolution of the Mayor and Council on December 5, 2005, the City of Oxford entered into a contract with the Oxford Historical Cemetery Foundation, Inc., for the responsibility of the maintenance and upkeep of the of the Oxford Historical Cemetery.
2. For purposes of the maintenance and upkeep of the Oxford Historical Cemetery, the City of Oxford does herewith enter into a contract with the Oxford Cemetery Association for the maintenance, upkeep and the beauty of the Oxford Historical Cemetery Association and does authorize and direct the Mayor to sign said contract.

*(Amended 2/5/06)*

**CHAPTER 25: RESERVED**



## **CHAPTER 26: FRANCHISE ORDINANCES**

(See Appendix 4, City of Covington Cable Television)

(See Appendix 5, City of Covington Natural Gas)

(See Appendix 6, Southern Bell Telephone & Telegraph)



## CHAPTER 27: RESERVED



## CHAPTER 28: RESERVED





## CHAPTER 29: RESERVED



**PART IV: GENERAL GOVERNMENTAL  
REGULATIONS**



# CHAPTER 30: ANIMAL CONTROL ORDINANCE

Section

30-101

Animal Control Ordinance



## Section 30-101 Animal Control Ordinance

### 1. Administration and Definitions.

- A. The responsibility for the control of animals within the City shall rest with the Newton County Board of Commissioners.
- B. The responsibility for the control of rabies and other zoonos shall rest with the Newton County Board of Commissioners and the Newton County Board of Health.
- C. For the purpose of this Ordinance, the following words and phrases shall have the meanings herein ascribed to them, unless clearly indicated to the contrary by the context.
  - (1) **Adequate Food.** The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.
  - (2) **Adequate Shelter.** Any animal restrained outdoors shall be provided with access to adequate shelter to remain dry during rain or snow and protect them from wind, and excessive heat or cold. Shelter size shall be large enough to allow the animal to stand up fully without touching the walls or ceiling and of sufficient width and depth to allow the animal to freely turn around. Sufficient and clean bedding material or other reasonable means of protection from the weather elements shall be provided. If an animal is tethered, the tether length shall be three (3) times the length of the animal from the tip of its nose to the end of its tail. If the animal has no tail or a cropped tail, two feet (2') must be added to the tether length. When sunlight is likely to cause overheating or suffering, sufficient shade must be provided to allow protection from the direct effects of the sun. The animal's containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any waste or debris, and a suitable method of draining shall be provided to eliminate excess water or moisture.
  - (3) **Adequate Water.** A constant access to supply of clean, fresh water provided in a sanitary manner.
  - (4) **Animal.** The term "animal" is defined as any live vertebrate creature, domestic or wild.
  - (5) **Animal Control.** The term "Animal Control" shall not be understood to be limited in practice, or interpretation, to the extermination of unwanted or deserted animals in Oxford. In practice it imposes an obligation upon the administrators to also develop and implement an aggressive program promoting responsible pet ownership within Oxford. The program shall include, but not be limited to:
    - (a) The development of an educational program on the need for responsible treatment, ownership, and the need for spaying and neutering of dogs and cats to prevent undesirable and unwanted litters;
    - (b) An active, concerted, and responsible adoption program in conjunction with the Newton Humane Society, which might also include an adoption contract between the parties. All revenues collected by the animal control center will be credited to their account by the county to help defray the implementation of these programs. The additional income shall not reduce this department's annual budget. Oxford pet owners should be advised that the animal control center was never intended to be a dumping ground and extermination center, to serve irresponsible pet owners at the expense of all taxpayers in the county. The current and increasing trend of the extermination of thousands of pets every year is unacceptable.

- (6) **Animal Control Attendant.** An individual employed either full or part-time by the Department of Animal Control whose duty is to provide humane care for the animals housed in the animal control center.
- (7) **Animal Control Center.** A structure or physical plant, which is constructed or renovated specifically to be the center of the county's animal control activities. The center will contain facilities for housing animals in a humane manner, administrative areas for animal control personnel, a clinic and euthanasia room, a cold storage area for animal cadavers, an adoption area, facilities for humane education programs, and other facilities as determined by the Director.
- (8) **Animal Control Officer (ACO).** An individual employed either full or part-time by the Department of Animal Control whose duty is to enforce the City's Animal Code. The ACO should have the authority to issue citations, be familiar with local and state animal laws, and be sensitive to the needs of animals.
  - (a) **Senior Animal Control Officer.** A full-time employee of the Department of Animal Control whose duty is to supervise and evaluate animal control officers assigned to field duty in addition to normal animal control officer duties.
- (9) **Animal Welfare Agency.** Independent humane agencies such as SPCA's, Animal Welfare Leagues, Humane Societies, etc. The majority of these agencies are dependent on public contributions for sustaining their programs. Many, especially in large cities, operate animal shelters and, often, contract with the local governments to conduct animal control activities and/or house animals. The Humane Society of Newton County is a state approved, incorporated animal welfare agency whose goals include assisting the Department of Animal Control on a voluntary basis.
- (10) **Cat.** The word "cat" shall mean a domestic cat, of either sex, vaccinated or not vaccinated against rabies, registered or not registered in Oxford, Georgia.
- (11) **Director.** The "director" is defined as a full-time animal control officer of the Department of Animal Control whose duty is to administer and manage the county's animal control program. He/she will be responsible to the Chairman, Newton County Board of Commissioners.
- (12) **Dog.** The word "dog" shall mean a domestic dog, of either sex, vaccinated or not vaccinated against rabies, registered or not registered in Oxford, Georgia.
- (13) **Neutered.** The surgical sterilization of a female animal (ovariohysterectomy or spay) or male animal (architectecture or castration).
- (14) **Owner.** Any person having a right of property in an animal or any person whom permits an animal to remain on his or her premises.
- (15) **Person.** Any individual, firm, corporation, partnership, municipality, county, society, or association.
- (16) **Rabies Certificate.** A certificate of vaccination on a form furnished or approved by the Georgia Department of Human Resources.
- (17) **Running at Large.** The term "to run at large" or "running at large" means the going upon public or private property by an animal without the owner or person in charge thereof having control over such animal, and includes any animal whatsoever which may be staked, tied or hobbled in any manner as to allow such animal to go or get upon the public streets or sidewalks.
- (18) **Under Control.** Any animal controlled by leash when off the property of the owner, or within the property limits of its owner (or another with the permission of the person in control of the property) and confined by fence or other enclosure or restraint (electronic or physical), or accompanied by its owner.
- (19) **Vaccinate or Inoculate.** The words "vaccinate" and "inoculate" shall mean the injection of a specified dose of antirabic vaccine by a veterinarian or properly supervised animal health technician into the proper site of an animal.
- (20) **Vaccination Tag.** A tag furnished or approved by the Georgia Department of Human Resources and the Newton County Department of Animal Control. This tag will certify the year, county, and vaccination number. The tag shall be worn at all times by the vaccinated animal.
- (21) **Vaccine.** The word "vaccine" shall mean an injectable material containing killed or

attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologies Division and approved by the Georgia Department of Human Resources. Vaccine used for the purpose of immunizing animals against rabies shall be stored at the temperature prescribed on the package label.

- (22) **Veterinarian.** Any person duly licensed to practice veterinary medicine in the State of Georgia.
- (23) **Veterinary Hospital or Clinic.** A place where medical and surgical treatment is administered to animals by or under the supervision of a veterinarian.
- (24) **Vicious Animal.** Any animal which constitutes a physical threat to human beings or other animals by virtue of one or more attacks of such severity to cause property or physical damage. An animal is also considered to be vicious if it makes unprovoked attacks on animals or on physical property.

**2. Enforcement and Violations.**

- A.** The Director, the animal control supervisor and officers, and other authorized employees of the county shall have all of the powers and authority of police officers to the extent only and no further of enforcing this Animal Code of law and other laws of the City relating to animals and fowl.
- B.** All duly appointed and qualified law enforcement officers and animal control officers and other designated persons are authorized to issue written notices to persons violating this Animal Code of law or any other laws governing the regulation and/or disposition of animals, which notices shall, among other things describe the violation complained of. Any person violating this Code, obstructing qualified animal control personnel, and/or their equipment or any other laws governing the regulation of animals within Oxford shall be subject to a fine not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) and/or sixty (60) days imprisonment. Imprisonment and/or fine may be substituted with mandatory spay/neuter of the animal by a licensed veterinarian at the expense of the owner, except in circumstances where state law provides for harsher penalties.

**3. Humane Treatment of Animals.** No person, corporation or other entity having an animal in its possession and/or control, shall fail to provide said animal adequate food, water, or shelter and adequate protection from the elements. Veterinary care, when needed, to prevent suffering to said animal, shall be provided and, further, said animal, shall be treated with humane care at all times.

- A.** No person shall beat, ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit combat between animals or fowl.
- B.** No person or corporate entity having an animal in its possession and/or control shall abandon said animal on public or private property. Any person in violation of this Section shall receive a fine of not less than five hundred dollars (\$500.00) and not to exceed one thousand dollars (\$1,000.00) and/or confinement for sixty (60) days.
- C.** No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal. It shall not be unlawful for a person to expose on his or her property common rat and insect poisons.
- D.** No person shall use steel-jawed leghold traps for the trapping of animals without any required written permit obtained from the appropriate state or federal government agency.
- E.** As a condition of entering Oxford, all who enter shall be deemed to have consented to such reasonable means or force necessary to cause removal of such animals left unattended in a closed vehicle. A vehicle is considered closed regardless of whether vehicle windows are open. No action at law or equity or claim for or damages shall lie against Oxford, Newton County, or its officers in connection with lawful enforcement of this Section.
- F.** No animal in the custody of the Newton County animal control center shall be sold, donated, released, or received for any type of research or experiments. Any employee of the county so involved in addition to penalties in subsection 2 shall also be subject to termination.
- G.** A leash must restrain any animal that is kept in the back of an open truck or a convertible car. Such a leash must be of the size and length to restrict the animal within the confines of the car or bed of the truck and to prohibit the animal from jumping out over the side or back of such vehicles.
- H.** No person shall commit the offense of cruelty to animals by causing death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect. The offense of cruelty to animals is also punishable under state law (O.C.G.A. § 16-12-4).

- I. Any person, corporation or other legal entity violating any of the provisions set forth in subsection 3 shall be subject to fines and/or penalties as stated in subsection 2.
- J. Any animal treated in violation of the provisions set forth in subsection 3 may be impounded immediately and examined by a veterinarian as soon as possible.

**4. Rabies Control.**

**A. Rabies Vaccination.** All dogs or cats in Oxford over three (3) months of age will be inoculated annually for rabies with an approved vaccine. All dogs and cats which are brought into the City and which are more than three (3) months of age and which have not been inoculated shall be inoculated within thirty (30) days after their arrival in the City. Any person owning, keeping, harboring, or maintaining a dog or cat in the City who fails or refuses to comply with the vaccination requirements herein set out shall be deemed guilty of an offense. A certificate of a veterinarian certifying that the vaccine was administered as required by this Code, bearing the date and type of vaccine and the identification of the dog or cat by breed, color, and sex and the vaccination tag number and the name and address of the owner, shall be evidence of such vaccination.

**B.** Except as provided in subsection (1) below, every animal that has rabies or symptoms thereof, every animal that has been exposed to rabies, and every animal that bites or otherwise attacks any person within Oxford shall be impounded at once and held under observation by the Department of Animal Control for ten (10) calendar days. If its owner desires, such animal may be confined for observation in a veterinary hospital or clinic approved by the Director at the owner's expense for the same period of time as the animal would be confined for observation at the county's animal control center. Upon request, the Director shall approve a veterinary hospital or clinic for such purposes if it is shown that the hospital or clinic is able to properly confine and observe such animals unless there is reason to doubt whether such hospital or clinic will actually do so.

(1) Any dog or cat that bites or otherwise attacks any person within Oxford while the animal is confined on the owner's premises may be quarantined on the owner's premises for a period often (10) calendar days immediately following the date such animal has attacked a person if the animal has a current rabies vaccination at the time the attack occurred, provided that the animal is observed by an ACO at the beginning of the quarantine period, and again ten (10) days later. Said animal shall also be examined by a veterinarian at the end of the quarantine period. The veterinarian shall provide the owner with a written report setting out the results of such examination. The report shall be submitted by the owner to the Director within three (3) days after the examination has been made. Any owner or keeper of an animal that fails to keep the animal confined, fails to have the animal examined by a veterinarian, or fails to provide the animal control department a veterinarian's report of the results of an examination when required to do so under the provisions of this Code shall be in violation of this Code and subject to fines and penalties as stated in subsection 2B.

(2) No animal that has rabies shall be allowed at any time on the streets or public ways of the City. No animal that has been suspected of having rabies shall be allowed at any time on the streets or public ways of the City until such animal has been released from observation by the Director or the Director's designee. The owner, keeper or person in charge of any animal that has rabies or symptoms thereof, or that has been exposed to rabies, or that has bitten or otherwise attacked any person within the City shall, on demand, turn over such animal to the Director or any officer acting as his or her representative. The body of any animal that has died of rabies shall not be disposed of except as directed by the Director. Any person having knowledge of an animal bite is hereby required to report it immediately to the Department of Animal Control or shall be in violation of this Code and subject to fines and penalties as stated in subsection 2B.

**5. Dogs and Cats.**

**A. Dogs and Cats Running at Large.** It shall be the duty of every owner of any dog or cat or anyone having a dog or cat in his or her possession or custody, to ensure that it is under control, so that it cannot wander off of the real property limits of the owner, possessor or custodian, it being the intent of this Article that all dogs and cats shall be prevented from leaving, while unattended, the real property limits of their owner, possessor or custodian. It is further the intent of this Article that, unless Animal Control has a signed running at large complaint on file



regarding a specific dog or cat, no dog or cat be impounded and no citations be issued under this Section unless the dog or cat is observed off the real property limits of the owner, possess or custodian, either by signed complaint by a witness, or by the animal control officer.

- (1) Hunting dogs and farm/cattle dogs shall be deemed under control while on land with the consent of the owner thereof and engaged in normal hunting or farming activity for the particular type of dog involved.
- (2) All female dogs and cats that have not been spayed and are in heat, must be securely confined in such a way that they not only cannot run loose, but also cannot be reached by other dogs or cats.

**B. Impoundment of Dogs and Cats.** Where the Director or any Animal Control staff member either observes or receives a proper citizen complaint of a dog or cat running at large, it shall be the duty of said Director, supervisor or officer(s) to take up and take charge of all dogs or cats found to be running at large as defined in subsection 1C(18) above within the boundaries of Oxford, and to capture and take such animals to the animal control center or other designated place, there to be impounded and detained for a period of three (3) calendar working days. Cat traps will be made available free of charge to citizens of Oxford with nuisance cat complaints. If a dog or cat which has been delivered or admitted to the animal control center is wearing a vaccination tag not more than two (2) years old or any other type of identification, the Director, supervisor or designee shall notify the owners of this animal by telephone, door hanger, or by mail that such animal has been received by the animal control center. The mailing of notice shall be deemed sufficient notice under this Section if it is mailed to the owner at the address shown in other types of identifications. Dogs and cats wearing a vaccination tag not more than two (2) years old shall be held in designated pens for the owner for six (6) calendar working days from the date the owner was notified by telephone, door hanger, or notice was mailed to the owner. On the seventh day following such notice, the animal may be placed for adoption or euthanized at the discretion of the Director or his or her designated representative. The Director is authorized to negotiate with other local government agencies for the handling of animals under this Code. Any contract, which is the subject to such negotiations, must be approved and its execution authorized by the Board of Commissioners as in other contracts entered into by the county. Dogs or cats, three (3) months of age or older, can be subject to impoundment if said dog or cat does not display a current vaccination.

- (1) **Redemption after Impoundment.** Any animal impounded may be redeemed by its rightful owner at; the animal control center, after said owner proves ownership beyond a reasonable doubt. The person entitled to redeem said animal shall be entitled to have the animal delivered to them at the animal control center upon presentation of satisfactory evidence of ownership (regulations paper, bill-of-sale, photographs, registration and/or vaccination certificates, etc.), and payment of the following charges and/or fees if applicable, provided such animal is not infected or reasonably believed to be infected with rabies or any other infections or contagious diseases:
  - (a) **Impoundment Fee.** Except as otherwise provided in this Code, an impoundment fee of twenty-five dollars (\$25.00) shall be charged for each animal impounded. The impoundment fee shall double for each successive impoundment of any animal belonging to one household.
  - (b) **Rabies Vaccination Fee.** Payment for a current rabies vaccination not to exceed twelve dollars (\$12.00) provided the dog or cat has no valid vaccination. The owner will be issued a receipt to take to a participating clinical veterinarian who authorizes the veterinarian to inoculate the animal. The veterinarian will submit the receipt to the Animal Control Department indicating that the vaccine was administered and the number of the vaccination tag issued. The Animal Control Department will send the veterinarian a sum not to exceed twelve dollars (\$12.00) per animal vaccinated.
  - (c) **Boarding Fee.** Except as otherwise specifically provided in this Code, a boarding fee not to exceed fifteen dollars (\$15.00) per day shall be charged for each animal impounded. However, when a person seeks delivery of an animal on the first regular working day after a Sunday and/or a county holiday, no boarding fee shall be charged for the immediately preceding Sunday and/or holiday unless such Sunday and/or holiday was within the period of quarantine for rabies observation.
  - (d) **Fees for Veterinary Services.** Impounded or sick animals will be treated for injury or illness when such treatment is found to be reasonably necessary in the judgment

of the Director or supervisor. The owner shall be required to pay the actual cost of any necessary veterinary services.

- (2) **Adoption of Impounded Animal.** It will be the duty of the Director to offer for adoption to the public, or transfer to rescue agencies licensed by the Georgia Department of Agriculture, after verification, any and all healthy animals impounded in accordance with this Code and not redeemed as provided for in Code subsection 4B(1). No animal determined to be dangerous shall be offered for adoption. It shall be unlawful to remove any animals from the animal control center except as provided for in this Code.
- (3) **Redemption of Adopted Animal.** The person entitled to redeem the animal will be required to exercise such option within a period of thirty (30) days from the date the animal was adopted, and will be required to reimburse the adopter double the adoption fee, five dollars (\$5.00) per day for the days the animal was held and cared for by the adopter and any verified expense incurred for qualified veterinary services. Any animal not redeemed in accordance with the provisions set forth above shall, after the thirty (30) day period, become the property and responsibility of the adopter.
- (4) Dogs, cats and other animals taken up and impounded under the terms of this Code which are not redeemed or adopted as provided in this Code shall be disposed of by the Department of Animal Control. These animals shall be humanely destroyed in the most humane method of euthanasia currently recognized.
- (5) If, in the opinion of the Director or designated employee the release of an impounded animal could impair the health or safety of the public, such animal shall be held at the animal control center or an approved veterinary clinic at the expense of the owner pending a court order disposition.

**C. Surrender of Dogs or Cats.** Any resident of Oxford may surrender an animal to the Newton County Animal Shelter. The following adoption-handling fee shall be charged for each cat or dog so surrendered by its owner or authorized agent.

Adult cat or dog.....	fifteen dollars (\$15.00)
Litter of puppies or kittens (8 weeks or less).....	fifteen dollars (\$15.00)
Subsequent litter of puppies or kittens from same owner.....	thirty dollars (\$30.00)*

\* In addition, the owner must either qualify for or obtain a kennel license, or have the parents spayed and neutered by a licensed veterinarian at the owner's expense, with proof to be furnished to Newton County Animal Control within thirty (30) days. Failure to comply shall be in violation of this Code and subject to a fine of not less than one hundred dollars (\$100.00) and/or imprisonment not to exceed five (5) days. An exception may be made in the case of indigent owner or on an individual basis if confirmed by the Director or Director's designee.

**6. Dangerous and Vicious Animals.**

**A. Dangerous and Potentially Dangerous Dogs.**

- (1) Dangerous dogs and potentially dangerous dogs shall be investigated, classified, controlled and possessed in strict accordance with the Georgia Dangerous Dog Control Law (O.C.G.A. § 4-8-20), as the same shall be amended from time to time.
- (2) Creation of Newton County Animal Control Board. There is hereby created a Newton County Animal Control Board, which members shall carry out the duties and responsibilities of an animal control board, as outlined in the Georgia Dangerous Dog Control Law (O.C.G.A. § 4-8-20), as the same shall be amended from time to time. The Animal Control Board shall consist of six (6) members who are residents of Newton County and are appointed by the Board of Commissioners: one (1) by each of the five (5) District Commissioners and one (1) member appointed on an at-large basis by the County Commission Chairman. Each member shall be appointed for a term concurrent with that of the appointing Commissioner. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. Sitting members may continue to serve until replaced. If a member moves to reside outside Newton County, such member shall be deemed to have resigned from the Commission. Members shall serve at the pleasure of the Board of Commissioners. The Animal Control Board shall elect one of its members to serve as the Chairman. The Chairman of the Animal Control Board shall serve for one (1) year or until re-elected or a successor is elected.

- B. Vicious Animals.**
  - (1) The owner of any vicious animal other than a dangerous dog or potentially dangerous dog who does not confine such vicious animal in a building or secure enclosure, or any person who shall release, either willfully or through a failure to exercise due care or control, or take such animal out of such building or secure enclosure in a manner which is likely to cause injury to another person or damage to the property of another person, shall be in violation of this Ordinance, and such animal shall be permanently confined by the owner or humanely destroyed.
  - (2) It shall be unlawful for any person to cause, permit, accompany or be responsible for any vicious animal on the streets or in any other public place, at any time, unless, in addition to the other requirements of this Ordinance, such animal is securely muzzled to effectively prevent it from biting any person or other animal.
  - (3) Nothing in this Article shall prevent separate enforcement concerning dangerous dogs and potentially dangerous dogs under this Ordinance.
- 7. Livestock and Fowl.** The running at large of horses, mules, other Equidae, cattle, sheep, goats, hogs, domestic rabbits, or domestic fowl, or ostrich and emu, or other animals within the limits of Oxford is hereby declared a nuisance and shall be unlawful for the owner or keeper of any such animal or fowl to permit the same to run at large within the City.
  - A.** It shall be the duty of the Director or Director's designee to take up and take charge of all horses, mules, other Equidae, cattle, sheep, goats and hogs found running at large within Oxford, and to capture or contract to capture and take such animals to the animal control center or other designated place, there to be impounded and detained for a period in accordance with state law.
  - B. Redemption of Impounded Livestock.** The owner shall be responsible for the following impoundment and boarding fees, as well as any reasonable fees for veterinary care and hauling.

Impoundment.....	fifty dollars (\$50.00)
Animal Boarding.....	not to exceed fifteen dollars (\$15.00) /day
  - C.** If, at the time of the sale of any livestock under the provisions of state law and this Code, the owner has not redeemed the same in accord with state law and this Code, and no purchaser can be found for the animal, the Director or Director's designee shall cause such animal to be humanely destroyed, and shall deposit the carcass in such place as may be designated for such matter.
  - D.** It shall be unlawful for any person, other than a duly appointed and qualified law enforcement officer of the county or any authorized employee of the Director, or humane organizations approved by the Director to engage in the impounding of animals. The foregoing restriction shall not apply to stray animals temporarily contained or impounded until the animal's owner can be located and notified. No reward shall be given for impounding, and any officer authorized to impound animals detected in offering a reward of any kind whatsoever to any person to impound such animals shall be deemed guilty of an offense.
  - E.** When from any cause it may happen that any horse, mule, cow, steer, goat, sheep, dog, cat or other animal within the limits of Oxford shall be so wounded, maimed or injured as to render its recovery hopeless, then it shall be the duty of the Director, or designated Animal Control Officer, to cause it to be humanely destroyed as soon after such injury as possible, and to cause the carcass thereof to be removed to such place as may be set apart for such matter. When the Director has cause to humanely destroy any animal under this Code, it shall become his or her duty to at once file a report in writing of such destruction, and such report shall show:
    - (1) A description of the animal destroyed, and the name of the owner thereof if known,
    - (2) The injury which made destruction necessary, and how same was inflicted, and by whom, if known,
    - (3) The names of at least two (2) reliable witnesses, who are conversant with the facts of the injury and the destruction,
    - (4) A description of the injury from a veterinarian, if available.
  - F.** It shall be unlawful for any person to (a) stake, tie or hobble any animal whatsoever on any land of which he is not the owner, (b) obstruct any street or sidewalk by hitching or staking out any animal or to permit any animal to be so hitched or staked out that it can go upon or across any street or sidewalk, (c) tie or fasten any animal to any tree, or box around any tree, planted or growing in any street or public place, or to a fence or lamppost which is the property of another, without such other person's consent therefore.
- 8. Keeping of Wild Animals.** It shall be unlawful within the corporate boundaries of Oxford for any

person to possess, keep, permit, suffer, cause, or allow any wild animal within any residence or within three-hundred feet (300') of any residence or building used for human habitation.

- A. A "wild animal" shall mean and include any mammal, amphibian, reptile, or fowl, which is of a species which is wild by nature, and of a species which, due to size, vicious nature or other characteristic is dangerous to humans. Such animals shall include, but not be limited to lions, tigers, leopards, panthers, bears, wolves, raccoons, skunks, apes, gorillas, monkeys of a species whose average adult size weight is twenty (20) pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles, and all forms of poisonous reptiles. The term "wild animal" as used in this Code shall not include gerbils, hamsters, guinea pigs, mice, rabbits, or ferrets.
- B. Any person who violates any provision of this Chapter shall upon conviction thereof, be fined in accordance with the provisions of Code subsection 2. Each day any person possesses, keeps, and permits suffers causes or allows any wild animal within any residence or within three hundred feet (300') of any residence or building used for human habitation in violation of this Code shall be a separate offense. Further, the keeping of more than one such wild animal in violation of this Code shall be a separate offense for each such animal.
- C. The Director or Director's designee shall seize all animals found in violation of this Code and impound all such animals at the animal control center or other suitable place. The Director, ACO, or any law enforcement officer within the county may enter any building to seize an animal which is therein in violation of this Code upon the consent of an adult occupant of such building or one having the right of possession of such building, or under a warrant.
- D. **Redemption of Impounded Wild Animal.** Upon showing to the Director or his or her delegated authority of clear and convincing proof of right of possession of any such impounded animal; such person may redeem such animal within seven (7) days of the date of impoundment upon payment of the fees set out below provided:
  - (1) That such animal is not infected or believed to be infected with rabies or any other disease.
  - (2) That such person submits to the Director a sworn affidavit setting out the location where the animal will be kept and that he will not permit, suffer, cause, or allow such animal to be within any residence or within three hundred feet (300') of any residence in violation of this Code. If such animal is not redeemed within seven (7) days of the date of initial impoundment, the Director shall be authorized to destroy such animals in the most humane manner possible.
  - (3) In the event an individual redeems any such animal upon providing the sworn affidavit required above, and such animal upon thereafter is found within a resident or within three hundred feet (300') of any actual residence or building used for human habitation, in violation of this Code, said animal shall be seized and impounded as herein above described in subsection 8C above.
- E. The following fees shall be charged for impoundment and boarding wild animals:
  - (1) Impoundment fee for each animal impounded; fifty dollars (\$50.00).
  - (2) A boarding fee of ten dollars (\$10.00) per day for animals under thirty (30) pounds; fifteen dollars (\$15.00) per days for animals over thirty (30) pounds but not more than one hundred (100) pounds; or twenty dollars (\$20.00) for animals over one hundred (100) pounds.
- F. The provisions of this subsection 8 shall not apply to animals kept for treatment in a facility operated by a veterinarian licensed in the State of Georgia, animals kept in publicly owned zoos, and animals used for research for teaching purposes by a medical or veterinary school, licensed hospital or non-profit university or college providing a degree program.
- G. **Vaccination of Wild Animals.**
  - (1) No person shall vaccinate, or attempt to vaccinate, any wild animal as defined in this Code against rabies by the use of live virus vaccine.
  - (2) Except as provided in subsection (3) below, no person shall possess, keep, permit, or allow any wild animal as defined in this Code within the City if such animal has been vaccinated against rabies with the use of live vaccine.
  - (3) This Section pertaining to the vaccination of wild animals shall not apply to the use of live rabies vaccine for research purposes when such research is conducted by a medical or veterinary school, licensed hospital, or non-profit university providing a degree program.

9. **Adoption of Animals.**

- A. Newton County Animal Control may offer for adoption any animal unclaimed after six (6) days following notification of impoundment (see subsection 5B) or any animal that has been surrendered to Animal Control by the owner provided each animal offered for adoption is determined by the Director or Director's designee to be of reasonably good health and temperament.
  - B. Potential persons who want to adopt an animal must make application for adoption with Newton County Animal Control and meet requirements associated with the humane housing and care of the animal as determined by the Director and by the payment of the required fees.
  - C. **Mandatory Sterilization.** Animals adopted from Newton County Animal Control shall be sterilized in strict accordance with the Georgia Spay/Neuter Law (O.C.G.A. § 4-14-1, et seq.), as the same may be amended from time to time.
10. **Issuance of Licenses.** Before a kennel or breeders license is issued by the county, the animal control center shall be required to investigate the petitioner, the location and facilities to determine the legitimacy of the petition and whether the location, facilities and environment are such as will insure against so called puppy mills and provided humane and proper care of the animals. All kennels and breeders shall be registered with the animal control center and Animal Control personnel may make periodic inspections of the animals and facilities. Any operator of a kennel in the City who fails to obtain a license and/or fails to maintain a registry with the animal control center shall be subject to fines and/or penalties as set forth in subsection 2.
11. **Generally.**
- A. **Repeal of Conflicting Provisions.** All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.
  - B. **Effective Date.** This Ordinance shall be in force and take effect on April 20, 2004.



# CHAPTER 31: GENERAL OFFENSES

Section

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## ARTICLE I. CLEAN COMMUNITY REGULATIONS

### Section 31-101 Definitions

The following words, terms and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. **Commercial Wastes and Building Materials.** All waste byproducts for manufacturing or commercial establishments, cinders and ashes from commercial boilers, cardboard and wooden boxes, crates, barrels, wood, brick, rock, sheetrock, sand, gypsum, metal or any materials used in building of houses and buildings.
2. **Garbage.** Domestic wastes composed of meat, vegetables and fruit scraps, cans, bottles, paper, cardboard, rags, ashes and other such waste matter normally to be disposed of from residences, churches, schools, small business establishments and similar places.
3. **Occupant.** Any person living on any premises. Any person receiving the rent, in whole or in part, for any premises shall be deemed an agent. Any premises upon which construction of any kind is in progress and where employees or workers eat their dinner or lunches, in or about such premises or scatter lunch or food in or about such premises, the contractor or foreman or other person in charge over such workers shall be deemed an occupant. The person in charge of any market or stall in any market shall also be deemed an occupant.
4. **Premises.** Land, buildings or other structures, vehicles, or parts thereof, upon or in which refuse is stored.
5. **Sanitary Superintendent.** The sanitary superintendent of the City, or his or her authorized representative.
6. **Trash.** Yard wastes, such as weeds, grass and hedge trimmings, leaves, brush, tree limbs and similar items.

### Section 31-102 Unkempt Property and Health and Fire Hazards Declared Menace to Public Welfare; Penalty for Violation of Article

No property or premises within the City shall be abandoned or allowed to become a fire hazard or other threat to the community and its citizens. It shall be the duty of the Mayor and Council to determine what property constitutes a menace to public welfare, health, and safety and to appoint appropriate persons to regulate and carry out this Article. Any such violation of this Article shall be punishable by those provisions set forth in Section 31-117 of this Article.

### Section 31-103 Accumulation of Junk on Private Property

It shall be unlawful for any owner or resident of any property in the City to permit to accumulate on such property any "junk." Junk is defined as old metals; old rubber; old cordage, furniture, ropes, rags, fabrics, old bottles or other glass, old plastics, bones, wastepaper, and other waste or discarded material. "Junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his or her own business, or materials or objects held and used by a manufacturer as an integral part of the manufacturing process; however, such business-related materials may be considered to be "junk" when they are no longer in use but are accumulated in such ways as are offensive to community health and appearance.

### Section 31-104 General Cleanliness

The owner and occupant of any building, part of a building or property in the City shall be independently responsible for keeping the premises clean and free of any unsanitary condition such that it becomes potentially injurious to the public safety, health, and welfare. The maintenance of any building, part of a building, or property in an unsanitary condition such that it becomes potentially injurious to the public safety, health, and welfare. The maintenance of any building, part of a building, or property in an unsanitary condition such that it becomes injurious to the public health or safety, directly or indirectly as a breeding area or place of habitation for disease-transmitting or disease-bearing insects or animals where substances or things of any kind whatsoever which are dangerous, detrimental to health, or are likely to spread disease are stored or kept is herewith prohibited.



**Section 31-105            Responsibility for Cleanliness and Removal of Abandoned Items**

It is the responsibility and duty of every owner or occupant to keep the premises of their property clean and to remove from the premises all such abandoned items as iceboxes, glass, motor vehicles, refrigerators, building materials, building rubbish or similar items. Further, it shall also be the duty and responsibility of property owners to keep vacant lots and developed lots cut and clear of unduly long vines, weeds and grass.

**Section 31-106            Odor**

It shall be the responsibility of the owner and occupant of any property to see that no nauseous, foul or offensive odor emits from such property creating an injurious situation to the health of the community.

**Section 31-107            Mosquito Control**

It is the duty of the owner or occupant of a property to keep the property free from mosquito breeding grounds.

**Section 31-108            Rat Control**

It shall be the responsibility of the owner and the occupant of property to prevent a breeding area for rats or the accumulation of materials which tend to provide breeding areas for rats.

**Section 31-109            Disposal**

Every person who disposes of any garbage, trash, commercial wastes or building materials, whether required to do so by this Article or otherwise, shall make such disposal as specified by the sanitary department.

**Section 31-110            Scavenging**

It shall be unlawful for any person to pick from or disturb the contents of any garbage container or vessel or other containers provided for in this Article.

**Section 31-111            Garbage Containers to Be Kept Covered**

Garbage containers shall be tightly covered at all times, except when momentarily opened to receive the garbage or to have contents therefrom removed.

**Section 31-112            Weeds and Other Debris; Responsibility for Clearing of Lots**

Property which is allowed to become unkempt, overgrown or a dumping ground for litter, household garbage and abandoned items such as appliances, glass, motor vehicles, building materials or similar items constitutes a public health hazard and breeding area for rodents and other disease-carrying animals and insects. Further it shall also be the duty of property owners to keep vacant lots and developed lots free from weeds, leaves, untrimmed grass, vines, litter, trash, garbage and other debris of any kind.

**Section 31-113            Litter**

It shall be unlawful for any person to sweep, throw, drop, litter or move any dirt, filth, papers, bottles, cans or garbage or trash of any kind upon any street, sidewalk or other public place, or upon the property of another without the consent of the owner. Any person found guilty of violating this Section shall be subject to a penalty as set forth in Section 31-117 of this Article.

**Section 31-114            Violation; Notice to Responsible Person; Failure of Responsible Person to Abate; Hearing; Abatement by City; Collection of Costs; Punishment by Municipal Court**

1. Upon complaint of at least one (1) citizen, the Mayor shall issue a written notice to a person who creates, or allows to be created, a condition as described in Article I. The person shall have ten (10) days to abate the condition.

2. If property is not maintained in compliance with the provisions of this Article, the City shall send written notification, by certified mail, of the violation to the property owner requiring compliance with this Article within ten (10) days of the letter's receipt. The notice shall be addressed to the last known address of the person to whom the notice is directed.
3. Failure or refusal by the person notified to clean such property within such ten (10) day period shall be punishable according to Section 31-117.
4. The person complained of may demand a hearing within the ten (10) day notice period, before the Mayor and Council, to determine whether such conditions actually exist.
5. If after ten (10) days no demand for a hearing has been made and the person complained of has failed or refused to abate the condition, or if a hearing is demanded and conditions are found in violation of this Article, the Mayor may act to abate the conditions and charge the cost of such abatement to the person to whom such notice was issued. As an additional remedy concurrent thereto, the Mayor may file a complaint with the Police Department, as provided by law, and bring criminal action against the person complained of.
6. Each day that such property is allowed to remain in a condition which violates the provisions of this Article shall constitute a separate offense.

**Section 31-115 Abatement as Nuisance as Additional Remedy**

Upon the failure or refusal of any person responsible to maintain property as provided in this Article, after the notice provided for in this Article has been given, the City may treat such violation as a nuisance.

**Section 31-116 Summary Abatement**

Nothing contained in this Article shall prevent the Mayor and Council from summarily and without notice ordering the abatement of or abating any condition where the case is an urgent one and the health or safety of the public, or a portion of the public are in imminent danger.

**Section 31-117 Penalties of Violation**

Violation of any section of Article II of the Chapter shall be subject to a fine not to exceed two hundred dollars (\$200.00) and an additional fine not to exceed twenty dollars (\$20.00) for each day, being a new violation.

**ARTICLE II. OFFENSES AND MISCELLANEOUS PROVISION**

**Section 31-201 Disorderly Conduct**

It shall be unlawful for any person in the City to engage in any violent, tumultuous, obstreperous, or similar disorderly conduct tending to infringe on the peace and repose of the citizens of the City. Fighting between two (2) or more persons in which physical contact is made, except that which occurs at boxing or wrestling exhibitions duly authorized by the City, shall be deemed to be disorderly conduct within the meaning of this Section.

*NOTE: The state's disorderly conduct statutes expressly provide that they are not to be construed as preventing municipalities from passing or enforcing their own laws punishing disorderly conduct within their respective jurisdictions. See O.C.G.A. §§ 16-11-34 and 16-11-41.*

**Section 31-202 Public Drunkenness**

It shall be unlawful for any person within the City to be and appear in an intoxicated condition upon any street or sidewalk of the City or in any other public place, private business, or meeting place of civic organizations patronized by the public. *(Amended 10/2/06)*

**Section 31-203            Drinking in Public**

It shall be unlawful for any person to consume any alcoholic beverage upon any street, alley, sidewalk or other public way or place within the City, or within any public building. *(Amended 10/2/06)*

**Section 31-204            Loitering or Prowling**

The offense of loitering or prowling within the City is hereby declared unlawful.

1. A person commits the offense of loitering or prowling when he is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
2. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his or her presence and conduct. No person shall be convicted of an offense under this Section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.
3. A person committing the offense of loitering or prowling shall be guilty of a misdemeanor.

**Section 31-205            Discharging Firearms**

It shall be unlawful for any person to discharge any firearm within the City. This Section shall not be construed to prohibit any officer from discharging a firearm in the performance of his or her duty, nor to prohibit any citizen from discharging a firearm when lawfully defending person or property.

**Section 31-206            Discharging Firecrackers or Fireworks**

If any person shall at any time shoot or discharge any kind of firecrackers or any kind of fireworks on the streets, or in any other public place within the corporate limits of the City, such person shall be punished for each offense provided in Section 31-218 of this Article.

**Section 31-207            Disturbing Public Assemblies**

If any person shall disturb the good order of the City by interrupting or disturbing any congregation, or any two or more individuals of any congregation of persons, assembled for divine worship, or any lawful purpose, within the corporate limits of such City, such person shall be punished as provided for in Section 31-218.

**Section 31-208            Public Indecency**

A person commits the offense of public indecency when he or she performs any of the following acts in a public place:

1. An act of sexual intercourse;
2. A lewd exposure of the sexual organs;
3. A lewd appearance in a state of partial or complete nudity; or
4. A lewd caress or indecent fondling of the body of another person.

**Section 31-209            Lewd Houses**

If any house within the corporate limits of the City shall be reported and proven to be a resort for purposes of lewdness and prostitution, and that such use is with the knowledge and consent of the occupant or person in control or possession of such house, the occupant or person in control or possession of such house shall be punished as provided for in 31-218 of this Article.

**Section 31-210            Riding of Animals or Vehicles on Sidewalks**

No animal shall be ridden, nor any motorized vehicle driven, other than motorized wheelchairs, upon any sidewalks within the City. (Amended 10/2/06)

**Section 31-211            Removal of Sand, Dirt and Grass or Grassroots**

If any person shall dig or scrape up and carry away any sand, dirt or grassroots, or shall cut any grass for hay, or for feeding purposes, from any street, lane or alley, within the corporate limits of the City, without the previously obtained consent of the Mayor and Council, such person shall be punished for each offense as provided for in Section 31-118 of this Article.

**Section 31-212            Obstructing Streets and Damaging Public Property**

If any person shall place obstructions of any kind on any sidewalk or street, except such as may be necessary for building purposes, and then not longer than is necessary, or fill up any ditch or trench cut by order of the Mayor and Council, or in any way obstruct the free passage of water through such ditch or trench, or tear up, damage or remove any sidewalk, bridge or any other property of the City, such person shall be punished as provided for in Section 31-218.

**Section 31-213            Gambling Houses, Rooms, Tables, Alleys or Other Places**

If any person shall, by himself, servant or agent, have, keep, use or maintain a gaming house, gaming room, gaming table or gaming alley within the corporate limits of the City, or shall in any house or room, or any other place occupied, owned or controlled by himself, permit persons, with his or her knowledge or consent, to come together and play for money, or any other valuable thing or consideration, at any game named as "faro," "loo," "crackloo," "brag," "bluff," "poker," "three cards," "three card monte," "three-up," "seven-up," "vantoon," "twenty-one," "old-sledge," "billiards," "ten pins," "nine pins," or at any other game of any description whatsoever, with cards, dice, thimbles, coins, balls or any other instrument or means of gaming or gambling whatsoever, such person shall be punished as provided for in Section 31-218.

**Section 31-214            Gambling**

If any person shall play or bet at any or either of the games specified in Section 31-213, or shall play or bet at any of the tables or alleys therein specified, or at any table or alley of like character, or at any game whatsoever, or shall bet on any horse race, chicken fight or anything else within the corporate limits of the City, such person shall be punished as provided for in Section 31-118.

**Section 31-215            Open and/or Unused Wells**

1. All open, abandoned and unused wells within the confines of the City shall be filled or properly capped for the protection of the health and welfare of the citizens of the City.
2. Any person having located on his or her property such wells, and have not filled or capped such wells, shall be guilty of violating this Section and shall be subject to fines and imprisonment as per such limits authorized by Section 31-218 and the laws of the state governing such wells.

**Section 31-216            Moving or Concealing City Property**

1. It shall be illegal for anyone to obstruct, move, remove or conceal any property belonging to the City without first getting authorization from the Mayor or appropriate City Official.
2. Anyone obstructing, moving, removing or concealing any such property of the City, shall be punished, upon conviction, as provided for in Section 1-109. Each day such property is held separate and away from the City or its constituted authorities shall be a separate violation.

**Section 31-217            Noisy Animals**

No residents of the City of Oxford may keep or maintain upon their premises animals whose loud noises are a continuing disturbance to nearby residents or to the public in general. When complaints about animal noises are received by the City, owners of such animals shall be notified and requested to remedy the noisy condition; continued or further violation shall be subject to penalties for Nuisance violations as specified by the Oxford Code of Ordinances. *(Amended 10/2/06)*

**Section 31-218            Trash and Litter in Ditches**

It shall be illegal to place litter or trash in the ditches or on the public right-of-way except when placed for regular pickup by City garbage detail.

**Section 31-219            Penalties of Violation**

Any person found in violation of any section of Article II shall be subject to punishment as provided in Section 1-109.

**ARTICLE III.            JUNK**

**Section 31-301            Accumulation of Junk on Private Property and Junk Vehicles**

1. **Accumulation of Junk on Private Property.** It shall be unlawful for any owner or resident of any property in the City to permit to accumulate on such property any "junk." Junk is defined as old metals; old rubber; old cordage, ropes, rags, fibers, or fabrics; old bottles or other glass; old plastics; bones; wastepaper and other waste or discarded material. "Junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his/her own business, or materials or objects held and used by a manufacturer as an integral part of the manufacturing process; however, such business-related materials may be considered to be "junk" when they are no longer in use but are accumulated in such ways as are offensive to community health and appearance.
  - A. **Notice to Remove.** The Mayor or his/her designated representatives such as the City Superintendent, the City Police Chief, or other Oxford Police Officers, shall notify in writing the owner or occupant of any premises upon which junk is permitted to accumulate in violation of the provisions of this Section that such material must be removed within fifteen (15) days from the date of such notice.
  - B. **Action Upon Non-compliance.** Upon the failure, neglect, or refusal of any owner or occupant so notified to remove such junk within the designated time period, (the City Superintendent is authorized and empowered to arrange for the removal of such material by the City or by a private individual or firm through contract with the City.
  - C. **Penalties for Violation.** Persons who have failed to remove junk after notification by the City may be issued a citation for violation of the City ordinances, and summoned to appear before the Oxford Municipal Court. If such persons are adjudged guilty of ordinance violation they may be subject to penalties which may include payment of costs of junk removal, and such fines and/or penalties as are provided for in Section 1-109 of the Code of Ordinances of the City of Oxford.
2. **Junk Vehicles.**
  - A. **Definitions.** The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
    - (1) Junked motor vehicle means any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.
    - (2) Motor vehicle means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, and campers.
  - B. **Penalty for Violation of Article.** A person leaving or placing junked or disabled motor vehicles upon private property in violation of this Article and failing to have a permit as set out in this

Article shall, upon conviction, be guilty of a violation of this Article and subject to penalties as provided in Section 1-109 of the Code of Ordinances.

- C. **Permit Required for Placing Disabled Vehicles on Private Property.** No person shall park, store, leave, or permit the parking, storing, or leaving of any junk motor vehicle of any kind upon any public or private property within the City for a period of time in excess of seventy-two (72) hours. This prohibition does not apply to any vehicle enclosed within a building on private property.

Any person desiring to place a disabled vehicle upon private property for a period longer than seventy-two (72) hours must obtain a permit from the Oxford Chief of Police. Such permits shall be valid for a period of one (1) year, but are subject to renewal for proper cause.

- D. **Notice to Remove.** Whenever a violation of this Junked Vehicle Ordinance is brought to the attention of the Mayor, the City Council, or officers of the City such as the Chief of Police or the City Superintendent, a notice from the Mayor, in writing, shall be served upon the occupant and/or owner of the property involved, notifying such person(s) of the existence of the nuisance and requiring the removal of the junked vehicle within a period of fifteen (15) days from the date of the notice.
- E. **Action upon Non-compliance.** Upon the failure, neglect, or refusal of any owner or occupant so notified to remove such junked vehicle(s) within the specified time period, the City Clerk is authorized and empowered to arrange for the removal of such vehicle(s) by the City or by a private individual or firm through contract with the City.
- F. **Notice of Removal.** Within forty-eight (48) hours of the removal of the vehicle, the City shall give notice to the registered owner of the vehicle, if known, and the owner or occupant of the premises from which the vehicle was taken, that such vehicle has been impounded and stored for violation of this Article. The notice shall give the location of the vehicle's storage and the costs incurred by the City for removal.
- G. **Disposition of Vehicles.** If within fifteen (15) days the City has received no response to its notification of removal of a junked vehicle, the City may have the vehicle offered for sale to the public.

# CHAPTER 32: LICENSING AND BUSINESS REGULATION

Section

## ARTICLE I. BUSINESSES REGULATED

32-101	Reserved
32-102	Reserved
32-103	Reserved
32-104	Insurance Businesses
32-105	Construction Contractors
32-106	Non-licensed Sales
32-107	Reserved
32-108	Charitable Solicitors
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32-117	Reserved



## ARTICLE I. BUSINESSES REGULATED

**Section 32-101** Reserved

**Section 32-102** Reserved

**Section 32-103** Reserved

**Section 32-104** Insurance Businesses

1. **License Required.** Each person, agency, firm, or company doing an insurance business within the municipal corporate limits shall be required to obtain a license from the City Clerk/Treasurer in the manner specified in this Chapter.
2. **Fee Established.** The annual business license fee for each company authorized by the state to write life, accident, and sickness insurance, as such terms are defined in Chapter 7, Title 33 of the O.C.G.A., shall be twenty-five dollars (\$25.00). For each separate business location of such company in the City, and the business license fee for all other persons, agencies, firms, or companies doing an insurance business within the City shall be ten dollars (\$10.00).

**Section 32-105** Construction Contractors

1. **Plumbers.** No master, contracting, or journeyman plumber, as such terms are defined in Chapter 14, Title 43 of the O.C.G.A., shall be permitted to engage in any plumbing business in this municipality, unless such person shall hold a valid license issued to him by the Georgia State Division of Master Plumbers and Journeyman Plumbers. Any person desiring a license to engage in such profession shall be required to pass an examination pursuant to O.C.G.A. § 43-14-8. Municipalities are not prohibited from fixing, charging, assessing, or collecting any license fee, registration fee, tax, or gross receipt tax on any such profession. "Plumbers" shall mean as defined in O.C.G.A. § 43-14-2.
2. **Electrical Contractors.** No electrical contractor, as such term is defined in Chapter 14, Title 43 of the

O.C.G.A., shall be permitted to engage in any electrical contracting business in this municipality unless such person shall hold a valid license issued to him by the Georgia State Division of Electrical Contractors and passed an examination pursuant to O.C.G.A. § 43-14-8. No partnership, limited liability company, or corporation shall have the right to engage in the business of conditioned air contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this Chapter; provided, however, that partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of conditioned air contracting under a license which was valid at the time of the licensee's death for a period of ninety (90) days following the date of such death.

3. **Conditioned Air Contractors.** No conditioned air contractor, as such term is defined in Chapter 14, Title 43 of the O.C.G.A., shall be permitted to engage in any conditioned air contracting business in this municipality unless such person shall hold a valid license issued to him by the Georgia State Division of Conditioned Air Contractors and passed an examination pursuant to O.C.G.A. § 43-14-8.
4. **Low-voltage Contractor.** No low-voltage contractor, as such term is defined in Chapter 14, Title 43 of the O.C.G.A., shall be permitted to engage in any low-voltage contracting in this municipality unless such person shall hold a valid license issued to him by the Georgia State Division of Low-voltage Contractors and passed an examination pursuant to O.C.G.A. § 43-14-8.
5. **General Contractors.** All general contractors who contract with this municipality for any public work exceeding one thousand dollars (\$1,000.00) in amount shall be required to obtain a performance and payment bond in the amount and manner specified by state law.

**Section 32-106 Non-licensed Sales**

1. **Purpose.** To preserve conditions of health, safety, and appropriate community standards in the City of Oxford by providing for the regulation of items offered for sale to the public in residential districts of the City.
2. **Definitions.**
  - A. **For Sale.** Offerings to the public by signs, advertisements, or other public notices of goods and items for purchase.
  - B. **Yard or Garage Sale.** Advertised sales of household items on the premises of property owner and/or tenant(s) of a residence.
  - C. **Multiple Family Yard or Garage Sale.** Advertised sales of household items by two (2) or more residents of Oxford, on the premises of one or more property owners or tenants belonging to the group sponsoring the sale.
  - D. **Seasonal Produce.** Vegetables, fruits, flowers, nuts, grains, and other produce grown by the owner of the property whereon they are offered by sale to the public.
  - E. **Motorized Vehicles.** Any vehicle operated by gasoline or diesel-fueled motor, including but not limited to automobiles, trucks, tractors, boats, motorcycles, all-terrain vehicles, campers, jet skis, lawn mowers, etc.
  - F. **Customary Appurtenances.** Attachments normally used with motorized vehicles, including but not limited to trailers, plows, mower decks, campers, etc.
  - G. **Civic Organizations.** Chartered non-profit organizations including but not limited to civic clubs, churches, historical societies, Scouts, garden clubs, etc.
  - H. **Residential District.** Properties zoned as Residential on the Official Zoning Map of the City of Oxford.
3. **Notification of Non-licensed Sale Required.** Any person(s) or civic organization(s) offering non-licensed items for sale with the City limits of Oxford must notify City Hall staff of such sale, on form available from City. This notification form must include:
  - A. Proposed date(s) of sale;
  - B. Address of property on which sale is to be conducted;
  - C. Name(s) and telephone number(s) of person(s) conducting sale;
  - D. Type(s) of item(s) or goods to be offered for sale. Notification form is appended to this Ordinance.

*(Amended 7/10/06)*
4. **Items Permitted to Be Offered "For Sale".** The following categories of items may be offered for sale



by Oxford residents in residential districts of the City of Oxford:

- A. Yard or Garage Sale Items, by Single Family or Multiple Families, on the Premises of at Least One (1) Property Owner or Tenant.** Yard or garage sales may be conducted for a period of no more than two (2) consecutive days. Yard or garage sales on any given property are limited to one (1) sale every six (6) months. Persons conducting yard or garage sales are limited to one (1) sale every six (6) months, regardless of location(s) of such sales. Signs must conform to Oxford Sign Ordinance, and must be signed and dated by all persons offering items for sale. No signs may be attached to any tree, bush, utility pole, street sign or stop sign. Signs must be removed within twenty-four (24) hours after the conclusion of the yard or garage sale. No signs may be placed within the Oxford City limits advertising yard or garage sales outside of the City limits. *(Amended 7/10/06)*
  - B. Yard or Bazaar Sales by Non-profit, Chartered Civic Organizations.** Time and sign regulations will be the same as for individual, family, or residential group-sponsored sales. Sales by civic organizations may be held on public or institutional premises, and may include for sale foods and seasonal items from non-residents of the City of Oxford.
  - C. Seasonal Produce Offered for Sale in Season.** Seasonal fruits, vegetables, nuts, grains, and other produce may be offered for sale in season. Such produce must have been grown by the owners of the property whereupon it is offered for sale. Signs offering produce for sale must conform to the Oxford Sign Ordinance. No fruit or vegetable stand offering for sale produce other than that grown by the property owner (or owner's family members) may be operated in residential districts of the City of Oxford.
  - D. Motorized Vehicles and Appurtenances.** Motorized vehicles and appurtenances must be the property of the owner(s) or tenant(s) of the property whereon they are offered for sale. No more than one (1) motorized vehicle, with its customary appurtenances, if any, may be offered for sale at a time. If appurtenances such as campers, trailers, etc., are offered for sale without a vehicle, no more than one (1) such appurtenance may be offered for sale at a time.

    - (1) **Licensing Required.** Any motorized vehicle required by the State of Georgia to be licensed must be in operative condition and must display a current, valid license. This includes but is not limited to cars, trucks, motorcycles, boats, etc. Any motorized vehicle offered for sale in inoperative condition or without current license will be classified as a "junk car" subject to the relevant ordinance of the City of Oxford.
    - (2) **Time Limit.** Motorized vehicles and/or their appurtenances may be displayed for sale for a period of no longer than two (2) months. "For Sale" signs must be dated and signed by the owner to show the date of first offering for sale. A period of at least six (6) months must elapse before the same vehicle, or any other vehicle or appurtenance, may be offered again for sale upon the same premises.
  - E. Items Prohibited from Offerings for Sale.** Any and all items, goods, and services not expressly permitted by this Section to be offered for sale in residential districts are prohibited from being publicly offered for sale.
- 5. Penalties.** Violations of any provision of this Ordinance shall be subject to cease-and-desist orders by designated officers of the City of Oxford, including Police Officers, Maintenance Supervisors, Mayor or members of Oxford City Council. Such violations shall also be considered as offenses subject to penalties established by the Code of Ordinances of the City of Oxford.

*(Adopted 2/2/04; Amended 12/5/05)*

**Section 32-107            Reserved**

**Section 32-108            Charitable Solicitors**

All charitable solicitors shall comply with O.C.G.A. § 43-17-1 et seq.

**Section 32-109            Reserved**

**Section 32-110            Reserved**

**Section 32-111            Reserved**

<b>Section 32-112</b>	<b>Reserved</b>
<b>Section 32-113</b>	<b>Reserved</b>
<b>Section 32-114</b>	<b>Reserved</b>
<b>Section 32-115</b>	<b>Reserved</b>
<b>Section 32-116</b>	<b>Reserved</b>
<b>Section 32-117</b>	<b>Reserved</b>

## CHAPTER 33: NUISANCES

### Section

33-101	Continued Use of Other Law and Ordinances
33-102	Definitions
33-103	Duties of Owners; Appointment of Public Officer; Procedures for Determining Premises to Be Unsafe or Unhealthful
33-104	Determination by Public Officer That under Existing Ordinances Dwellings, Buildings, or Structures Are Vacant and Sample Conditions of Nuisances
33-105	Powers of Public Officers.
33-106	Service of Citation
33-107	Validity and Severability



WHEREAS, the legislature of the State of Georgia adopted a state nuisance abatement law in order to empower local communities to combat the negative impacts of unfit buildings and structures under O.C.G.A. § 41-2-7 et. seq.;

WHEREAS, the legislature, effective July 1, 2001 amended O.C.G.A. § 41-2-7 et. seq. to further clarify nuisance abatement procedures and to provide further due process of law;

WHEREAS, the City of Oxford, Georgia adopted a nuisance abatement local ordinance pursuant to the former O.C.G.A. § 41-2-7 et. seq.;

WHEREAS, it is the desire of the Mayor and Council of the City of Oxford, as the duly elected governing authority of the City, to delete local ordinance Section 11-2-3 in its entirety and to replace the same with another nuisance abatement ordinance designated Section 11-2-3 in compliance with the July 1, 2001 changes in the State Nuisance Abatement Code under O.C.G.A. § 41-2-7 et. seq.;

WHEREAS, the City of Oxford declares and finds that if within its City limits there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and which are not in compliance with the applicable state minimum standard codes or as adopted by local ordinance of the City of Oxford or operation of law or any building, fire, life safety or other codes relative to the safe use of real property, real property improvements adopted by local ordinance by the City of Oxford; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City of Oxford; or that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures;

WHEREAS, if it is found and declared that within the City limits of the City of Oxford that there are in existence conditions or uses of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, that such uses are dangerous and injurious to the health, safety, and welfare of the people of the City and a public necessity exists for the repair of such conditions or the cessation of such uses which renders the adjacent real estate unsafe or inimical to safe human habitation;

WHEREAS, if the City of Oxford finds that there exists in the City dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of such county or municipality, or in which drug crimes are being committed, power as conferred upon the City under O.C.G.A. § 41-2-7 et. seq., as amended to exercise the City's police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided in this Ordinance and;

WHEREAS, if on private property in the City of Oxford there exist endangerments to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the unsanitary or unsafe private property.

BE IT, AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Oxford, Georgia, and by the authority thereof:

**Section 33-101 Continued Use of Other Law and Ordinances**

It is the intent of the Mayor and Council that nothing in this Chapter shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of any local enabling Act, Charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this Chapter shall in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

**Section 33-102 Definitions**

1. **Applicable Codes.**
  - A. Any optional housing or abatement standard provided in Chapter 2 of Title 8 of the O.C.G.A. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
  - B. Any fire or life safety code as provided for in Chapter 2 of Title 25 of the O.C.G.A.; and
  - C. Any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A, Chapter 2 of Title 8 after October 1 provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
2. **Closing.** Causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
3. **Drug Crime.** An act which is a violation of O.C.G.A. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.
4. **Dwellings, Buildings, or Structures.** Any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term “dwellings, buildings, or structures” shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.
5. **Governing Authority.** The Mayor and Council of the City of Oxford, Georgia.
6. **Municipality.** Any incorporated City within this state.
7. **Owner.** The holder of title in fee simple and every mortgagee of record.
8. **Parties in Interest.**
  - A. Persons in possession of said property and premises;
  - B. Persons having of record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a fifty (50) year title examination conducted in accordance with the title standards of the State Bar of Georgia;
  - C. Persons having paid an occupational tax to the governing authority for a location or office at the subject building or structure; or
  - D. Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.
9. **Public Authority.** Any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating the health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.
10. **Public Officer.** The officer or officers who are authorized by O.C.G.A. § 41-2-7, § 41-2-8 and §§ 41-2-9

through 41-2-17 and by this Chapter adopted under § 41-2-7, § 41-2-8, and §§ 41-2-9 through 41-2-17 to exercise the powers prescribed by this Chapter or any agent of such officer or officers.

11. **Repair.** Altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.
12. **Resident.** Any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

**Section 33-103                    Duties of Owners; Appointment of Public Officer; Procedures for Determining Premises to Be Unsafe or Unhealthful**

1. It is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the City, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances;
2. The Mayor and Council of the City of Oxford appoint or designate the City Police Chief and his or her designees as public officers to exercise the powers prescribed by this Chapter and herein referred to as "Public Officers."
3. Wherever a request is filed with the public officer by a public authority or by at least one (1) resident of the City of Oxford charging in writing, that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes, is vacant and being used in connection with the commission of drug crimes, or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause a citation to be served on the owner and parties in interest in such dwelling, building, or structure. The citation shall identify the subject real property by appropriate street address and official tax map reference; identify the owner of the parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The citation shall notify the owner and parties in interest that a hearing will be held before a court of the Judge of Oxford Municipal Court, at a date and time certain and at a place within the City where the property is located. Such hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after the filing of the citation. The owner and parties in interest shall have the right to file an answer to the citation and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
4. If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the citation or appeared at the hearing an order:
  - A. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
  - B. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made

at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this Chapter, the City shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated: provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 41, of the O.C.G.A. qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

5. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the City Clerk may cause such dwelling, building, or structure, to be repaired, altered, improved, to be vacated and closed, or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

*"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes and endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."*

6. If the City Clerk has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The City Clerk and the City are relieved of any and all liability resulting from or occasioned by the state of any such salvaged materials, including, without limitation, defects in such salvaged materials.
7. The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such costs incurred.
  - A. The lien provided for in Section 33-103.6 shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the Clerk of Superior Court in Newton County and shall relate back to the date of the filing of the lis pendens notice required under subsection (g) of O.C.G.A. § 41-2-12. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of Newton County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall forward a copy of the order and a final statement of costs to the County Tax Commissioner. It shall be the duty of the County Tax Commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collection real property ad valorem tax, including specifically Chapter 4 of Title 48 of the O.C.G.A.; provided however that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The Tax Commissioner shall remit the amount collected to the governing authority of City of Oxford. Thirty (30) days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.
  - B. The Tax Commissioner shall collect and retain an amount equal to the cost of administering a lien authorized by O.C.G.A. § 41-2-7 et. seq. unless such costs are waived by resolution of Newton County. Any such amount collected and retained for administration shall be deposited

- in the general fund of county to pay the cost of administering the lien.
- C. The City may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City agreeing to a timetable for rehabilitation of the real property of the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
  - D. Where the abatement action does not commence in the Superior Court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the Superior Court under O.C.G.A. § 5-3-29.
  - E. The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, light safety, and other codes adopted by ordinance, and conditions creating a public health hazard of general nuisance, and may seek to enforce such citation in court of competent jurisdiction prior to issuing a complaint in rem as provided in this Chapter.
  - F. Nothing in this Chapter shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

**Section 33-104                    Determination by Public Officer That under Existing Ordinances Dwellings, Buildings, or Structures Are Vacant and Sample Conditions of Nuisances**

The public officer may determine, under existing ordinances, that a dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure, of the occupants of neighborhood dwelling, building, or structures; or of other residents of the City. Such conditions include the following (without limiting the generality of the foregoing):

- 1. Defects therein increasing the hazards of fire, accidents or other calamities;
- 2. Lack of adequate ventilation, light, or sanitary facilities;
- 3. Dilapidation;
- 4. Disrepair;
- 5. Structural defects;
- 6. Uncleanliness; and
- 7. Other additional standards which may from time to time be adopted and referenced herein by ordinance amendment.

The public officer may determine, under ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

**Section 33-105                    Powers of Public Officers**

The public officer(s) designated in this Chapter shall have the following powers:

- 1. To investigate the dwelling conditions in the City in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- 2. To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- 3. To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- 4. To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of the Chapter; and
- 5. To delegate any of his or her functions and powers under the Chapter such officers and agents as he or she may designate.

**Section 33-106                    Service of Citation**

- 1. A citation issued by a public officer pursuant to this Chapter shall be served in the following manner.

In all cases, a copy of the citation shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least fifteen (15) days prior to the date of the hearing. A copy of the citation shall be served in one of the following ways:

- A. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the public officer designated by ordinance to abate nuisances or by any law enforcement officer of the City; and a return of service, filed with the Clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;
  - B. Pursuant to the provisions of Article 5 Chapter 4 of Title 48 of the O.C.G.A.; or
  - C. Statutory overnight delivery.
2. If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in the county tax filings and mailed at least fourteen (14) days prior to the date of the hearing.
  3. Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the Sheriff's advertisements appear in such county once a week for two (2) consecutive weeks prior to the hearing.
  4. In the event either the owner or any party in interest is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided for in Section 33-106.6 of this Chapter. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the Probate Court of the county wherein such property is located at least thirty (30) days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.
  5. In the event of unknown persons or unborn remainderman who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the county wherein such property or interest is located shall be personally served at least thirty (30) days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.
  6. In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this Chapter, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in Section 33-101.3 of this Chapter, and such publication shall be sufficient proof that service was perfected.
  7. A notice of lis pendens shall be filed in the office of the Clerk of Superior Court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
  8. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Chapter the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

### **Section 33-107            Validity and Severability**

1. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Chapter are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Chapter is severable from every other section, paragraph, sentence, clause, or phrase of this Chapter. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Chapter is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Chapter.



3. In the event that any phrase, clause, sentence, paragraph, or section of this Chapter shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Chapter shall remain valid, constitutional, enforceable, and of full force and effect. reincorporated here by specific reference.

*(Effective 6/3/02)*



# CHAPTER 34: FLOOD DAMAGE PREVENTION ORDINANCE

Section

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## **ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT PURPOSE AND OBJECTIVES**

### **Section 34-101 Authorization**

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1 -20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and City Council of Oxford, Georgia, does ordain as follows:

**Section 34-102 Findings of Fact**

1. The flood hazard areas of Oxford, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods; which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

**Section 34-103 Statement of Purpose**

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
4. Prevent or regulate the construction of Hood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
5. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

**Section 34-104 Objectives**

The objectives of this Ordinance are:

1. To protect human life and health;
2. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
3. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
4. To minimize expenditure of public money for costly flood control projects;
5. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
6. To minimize prolonged business interruptions, and;
7. To insure that potential home buyers are notified that property is in a flood area.

**ARTICLE II. GENERAL PROVISIONS**

**Section 34-201 Lands to Which this Ordinance Applies**

This Ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of The City of Oxford, Georgia.

**Section 34-202 Basis for Area of Special Flood Hazard**

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated April 11, 1975 and July 5, 1983, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for (\*Newton County\*) are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS. (As identified on Official Zoning Map of The City of Oxford - See Attachment A and on Federal Insurance Administration Flood Hazard Boundary Map, April 11, 1975 - See Attachment B)

**Section 34-203 Establishment of Development Permit**

A Development Permit shall be required in conformance with the provisions of this Ordinance PRIOR to the commencement of any Development activities.

**Section 34-204 Compliance**

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations.

**Section 34-205 Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal; abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section 34-206 Interpretation**

In the interpretation and application of this Ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body, and;
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**Section 34-207 Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of The City of Oxford or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**Section 34-208 Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Oxford from taking such other lawful actions as is necessary to prevent or remedy any violation.

### **ARTICLE III. ADMINISTRATION**

#### **Section 34-301 Designation of Ordinance Administrator**

The City of Oxford Planning Commission is hereby appointed to administer and implement the provisions of this Ordinance. Recommendations of the Planning Commission shall be subject to approval by the Mayor and City Council of the City of Oxford.

#### **Section 34-302 Permit Procedures**

Application for a Development Permit shall be made to the Oxford Planning Commission on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

1. **Application Stage.**
  - A. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
  - B. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
  - C. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article IV, Section 34-402.2;
  - D. Description of the extent, to which any watercourse will be altered or relocated as a result of a proposed development, and;
2. **Construction Stage.** For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The City of Oxford Planning Commission shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

#### **Section 34-303 Duties and Responsibilities of the Administrator**

Duties of the City of Oxford Planning Commission shall include; but shall not be limited to:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied;
2. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
3. When Base Flood Elevation data or floodway data have not been provided in accordance with Article II Section 34-202, then the Oxford Planning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article IV.
4. Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with

Article III, Section 34-302.2.

5. Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article III, Section 302.2.
6. When flood-proofing is utilized for a structure, the Oxford Planning Commission shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article III Section 34-302.1C and Article IV Section 34-402.2 or 34-404.2.
7. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
8. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Oxford Planning Commission shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Oxford City Clerk; Oxford City Hall and shall be open for public inspection.

#### **ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **Section 34-401 General Standards**

In all Areas of Special Flood Hazard the following provisions are required:

1. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
3. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
4. **Elevated Buildings.** All new construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - A. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - (1) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot (1 sq. in.:1 sq. ft.) of enclosed area subject to flooding;
    - (2) The bottom of all openings shall be no higher than one foot (1') above grade; and,
    - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
  - B. So as not to violate the "Lowest Floor" criteria of this Ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
  - C. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
5. All heating and air- conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration

- of flood waters into the systems and discharges from the systems into flood waters;
9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
  10. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this Ordinance, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

## Section 34-402            Specific Standards

In all areas of Special Flood Hazard the following provisions are required:

1. **New Construction and Substantial Improvements:** Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter wall be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Article IV, Section 34-401.4, "Elevated Buildings."
2. **Non-Residential Construction.** - New construction or the substantial improvement of any structure located in AI-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot (1') above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article III, Section 34-303.6.
3. **Standards for Manufactured Homes and Recreational Vehicles.** Where base flood elevation data are available:
  - A. All manufactured homes placed or substantially improved on:
    - (1) Individual lots or parcels,
    - (2) In new or substantially improved manufactured home parks or subdivisions,
    - (3) In expansions to existing manufactured home parks or subdivisions, or
    - (4) On a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot (1') above the base flood elevation.
  - B. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    - (1) The lowest floor of the manufactured home is elevated no lower than one foot (1') above the level of the base flood elevation, or
    - (2) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than thirty-six inches (36") in height above grade.
  - C. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article IV, Section 34-401.6 above).
  - D. All recreational vehicles placed on sites must either:
    - (1) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
    - (2) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Article IV, Section 34-402.3B and C, above.
4. **Floodway.** Located within Areas of Special Flood Hazard established in Article II, Section 34-202, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:



- A. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- B. Only if Article IV, Section 34-402.4A above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article IV.

**Section 34-403                      Building Standards for Streams Without Established Base Flood Elevations and/or Floodway (A-Zones)**

Located within the Areas of Special Flood Hazard established in Article II, Section 34-202, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- 1. When base flood elevation data or floodway data have not been provided in accordance with Article II, Section 34-202, then the Oxford Planning Commission shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article IV. ONLY if data are not available from these sources, then the following provisions (2 and 3) shall apply:
- 2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 3. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article IV, Section 34-401.4 "Elevated Buildings." The Oxford Planning Commission shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

**Section 34-404                      Standards for Areas of Shallow Flooding (AO Zones)**

Areas of Special Flood Hazard established in Article II, Section 34-202, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following, provisions apply:

- 1. All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article IV, Section 34-401.4, "Elevated Buildings."

The Oxford Planning Commission shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- 2. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot (1'), above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article III, Sections 34-302.1C and 34-302.2.

3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**Section 34-405 Standards for Subdivisions**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4. Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

**ARTICLE V. VARIANCE PROCEDURES**

1. The Mayor and City Council of the City of Oxford, Georgia as established by the Charter of the City of Oxford, shall hear and decide requests for appeals or variance from the requirements of this Ordinance.
2. The Mayor and City Council shall hear and decide appeals when error is alleged in any requirement, decision, or determination made by the Oxford Planning Commission in the enforcement or administration of this Ordinance.
3. Any person aggrieved by the decision of the Mayor and City Council of Oxford, Georgia may appeal such decision to the Superior Court of Newton County Georgia, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
4. Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
5. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
6. Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
7. In reviewing such requests, the Mayor and City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Ordinance.
8. **Conditions for Variances.**
  - A. A variance shall be issued ONLY when there is:
    - (1) A finding of good and sufficient cause,
    - (2) A determination that failure to grant the variance would result in exceptional hardship, and;
    - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
  - B. The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
  - C. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
  - D. The City Clerk of Oxford, Georgia shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
    - (1) Upon consideration of the factors listed above and the purposes of all ordinance, the Mayor and City Council may attach such conditions to the granting of variances as are deemed necessary to further the purposes of this Ordinance.

**ARTICLE VI. DEFINITIONS**

**Section 34-601 Definitions**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. **Addition (To an Existing Building).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction."
2. **Appeal.** A request for a review of the Oxford Planning Commission's interpretation of any provision of this Ordinance.
3. **Area of Shallow Flooding.** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet (1'-3'), and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
4. **Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article I, Section 34-102.
5. **Base Flood.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
6. **Basement.** That portion of a building having its floor sub grade (below ground level) on all sides.
7. **Building.** Any structure both for support, shelter, or enclosure for any occupancy or storage.
8. **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.
9. **Elevated Building.** A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
10. **Existing Construction.** Any structure for which the "start of construction" commenced before February 7, 2005 [i.e., the effective date of the FIRST floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].
11. **Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before February 7, 2005 (i.e., the effective date of the FIRST floodplain management regulations adopted by a community).
12. **Expansion to an Existing Manufactured Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
13. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - A. The overflow of inland or tidal waters; or
  - B. The unusual and rapid accumulation or runoff of surface waters from any source.
14. **Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.
15. **Flood Insurance Rate Map (FIRM).** An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.
16. **Flood Insurance Study.** The official report by the Federal insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of tile base flood.

17. **Floodplain.** Any land area susceptible to flooding.
18. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
19. **Highest Adjacent Grade.** The highest natural elevation of the ground surface; prior to construction, adjacent to the proposed foundation of a building.
20. **Historic Structure.** Any structure that is:
  - A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
  - C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or
  - D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    - (1) By an approved state program as determined by the Secretary of the Interior, or
    - (2) Directly by the Secretary of the Interior in states without approved programs.
21. **Lowest Floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.
22. **Manufactured Home.** A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.
23. **Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
24. **National Geodetic Vertical Datum (NGVD).** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.
25. **New Construction.** Means any structure (see definition) for which the "start of construction" commenced after February 7, 2005 and includes any subsequent improvements to the structure. [i.e., the effective date of the first floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)].
26. **New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 7, 2005 (i.e., the effective date of the first floodplain management regulations adopted by a community).
27. **Recreational Vehicle** A vehicle, which is:
  - A. Built on a single chassis;
  - B. Four hundred square feet (400 sq. ft.) or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
28. **Start of Construction.** The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or toolings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied

as dwelling units or part of the main structure. (*NOTE: Accessory structures are NOT exempt from any ordinance requirements.*) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 29. **Structure.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.
- 30. **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- 31. **Substantial Improvement.** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure prior to the improvement. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage," regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

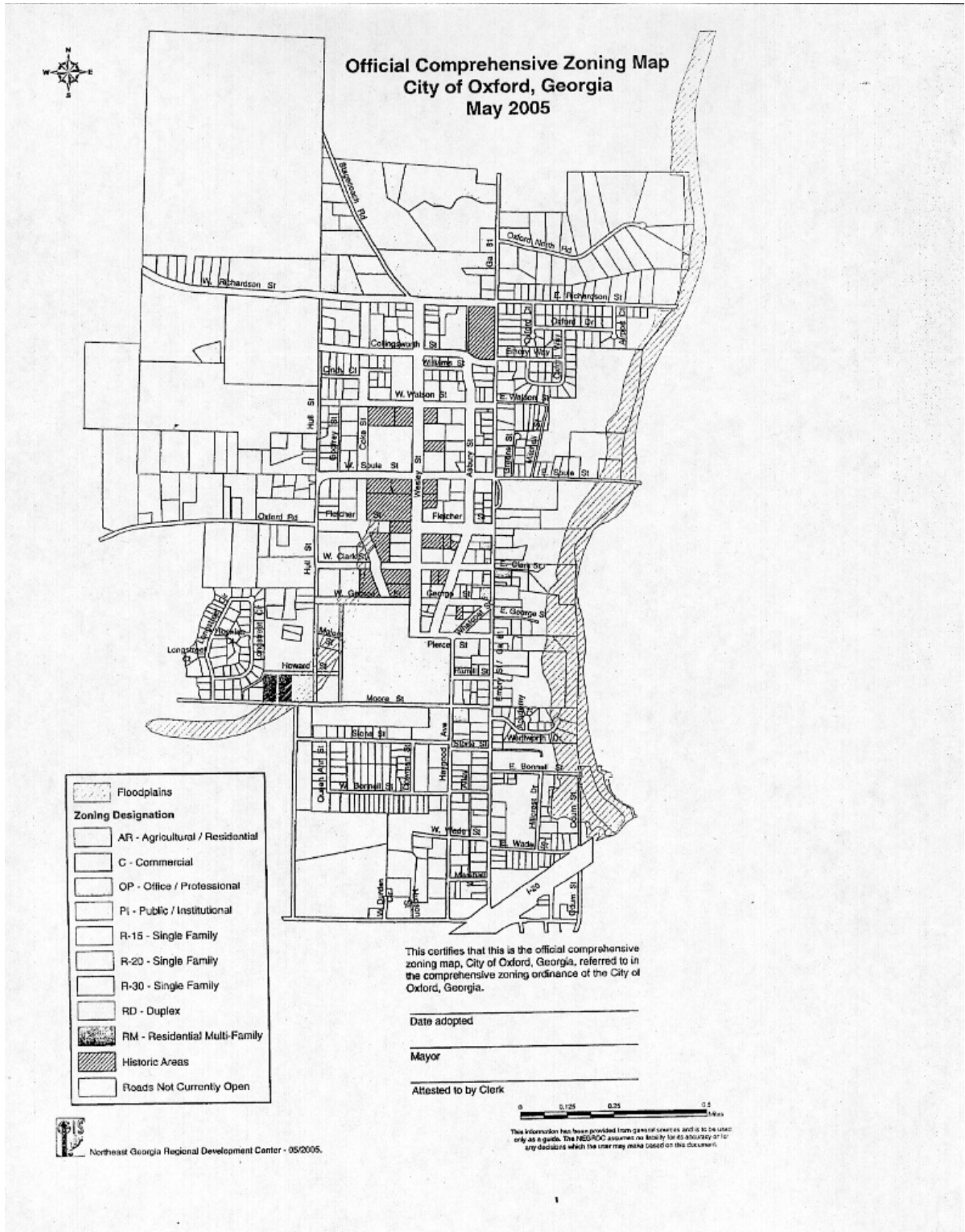
- 32. **Substantially Improved Existing Manufactured Home Parks or Subdivisions.** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
- 33. **Variance.** A grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance.

**Section 34-602                      Severability**

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court, of competent jurisdiction; then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

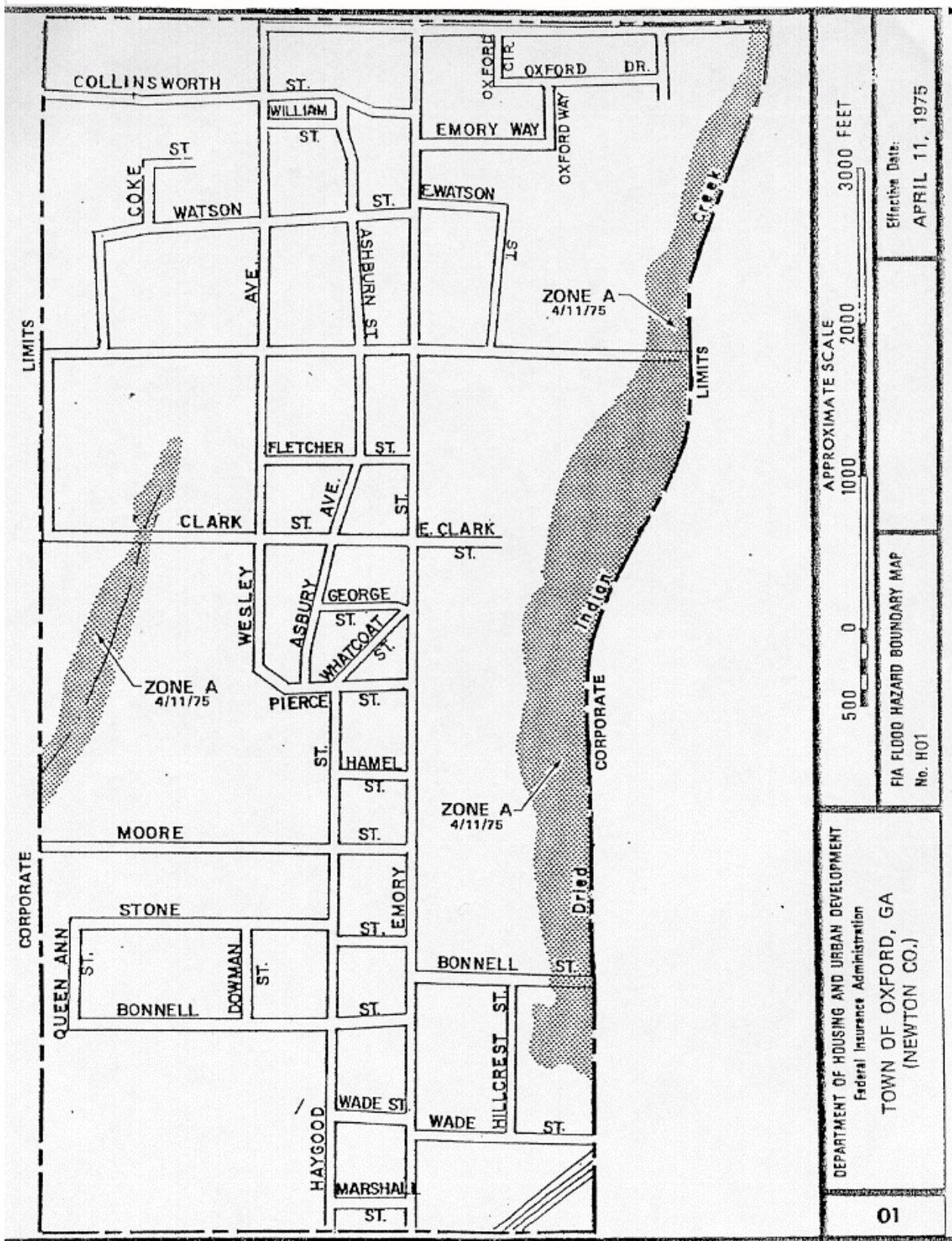
*(Adopted 2/7/05)*

ATTACHMENT A





ATTACHMENT B



FEDERAL EMERGENCY MANAGEMENT AGENCY APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM		O.M.B. NO. 3067-0020 Expires December 31, 2005	
<b>PAPERWORK BURDEN DISCLOSURE NOTICE</b>			
Public reporting burden for this form is estimated to average 4 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to submit to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, Paperwork Reduction Project (3067-0020). Please do not send your completed form to the address above.			
1. APPLICANT COMMUNITY NAME (City, town, etc.)		DATE	
CITY OF OXFORD		February 7, 2005	
COUNTY, STATE NEWTON, GEORGIA			
2. COMMUNITY OFFICIAL - CHIEF EXECUTIVE OFFICER (CEO)		E-MAIL ADDRESS	TELEPHONE NO. (Include area code)
DONALD BALLARD, MAYOR		cpoole@oxfordgeorgia.com	(770) 786-7004
ADDRESS (Street or box no., city, state, zip code)			
110 West Clark Street Oxford, Georgia 30054			
3. PROGRAM COORDINATOR (Official, if different from above, with overall responsibility for implementing program)		E-MAIL ADDRESS	TELEPHONE NO. (Include area code)
City of Oxford Planning Commission		oliver@learnlink.emory.edu	(770) 786-5040
ADDRESS (Street or box no., city, state, zip code)			
110 West Clark Street Oxford, Georgia 30054			
4. LOCATION OF COMMUNITY REPOSITORY FOR PUBLIC INSPECTION OF NFIP MAPS			
OXFORD CITY HALL			
ADDRESS			
110 West Clark Street Oxford, Georgia 30054			
<b>5. ESTIMATES FOR THOSE AREAS PRONE TO FLOOD AND/OR MUDSLIDE AS OF THE DATE OF THIS APPLICATION</b>			
AREA IN ACRES	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF ALL OTHER STRUCTURES
135 acres	23	7	0
<b>6. ESTIMATES OF TOTALS IN ENTIRE COMMUNITY</b>			
1,280 acres	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF ALL OTHER STRUCTURES
	1,892	600	12
<b>7. FOR FEMA REGIONAL OFFICE USE ONLY</b>			
1. FEMA REGIONAL OFFICE	2. NAME OF CONTACT		3. TELEPHONE NO.
4. LEVEL OF 44 CFR 60.3 REGULATION ADOPTED (Check one)		5. CHECK APPROPRIATE BOX:	
<input type="checkbox"/> 60.3(a) <input type="checkbox"/> 60.3(b) <input type="checkbox"/> 60.3(c) <input type="checkbox"/> 60.3(d) <input type="checkbox"/> 60.3(e)		<input type="checkbox"/> EMERGENCY PHASE <input type="checkbox"/> REGULAR PHASE	
IF REGULAR PROGRAM, SPECIFY FIRM INDEX DATE. IF USING ANOTHER COMMUNITY'S FIRM, GIVE COMMUNITY NAME, CID, FIRM INDEX DATE AND MAP PANEL NUMBER DEPICTING COMMUNITY.			



# CHAPTER 35: SOIL EROSION AND SEDIMENTATION CONTROL

## Section

35-101	Title
35-102	Definitions
35-103	Exemptions
35-104	Minimum Requirements For Erosion and Sedimentation Control Using Best Management Practices
35-105	Application/Permit Process
35-106	Inspection and Enforcement
35-107	Penalties and Incentives
35-108	Education and Certification
35-109	Administrative Appeal, Judicial Review
35-110	Effectivity, Validity and Liability



### Section 35-101 Title

This Ordinance will be known as the City of Oxford Soil Erosion and Sedimentation Control Ordinance.

### Section 35-102 Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

- 1. Best Management Practices (BMP'S).** A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6 subsection (b).
- 2. Board.** The Board of Natural Resources.
- 3. Buffer.** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- 4. Commission.** The State Soil and Water Conservation Commission.
- 5. Cut.** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- 6. Department.** The Department of Natural Resources.
- 7. Director.** The Director of the Environmental Protection Division of the Department of Natural Resources.
- 8. District.** The Upper Ocmulgee River Soil and Water Conservation District.
- 9. Division.** The Environmental Protection Division of the Department of Natural Resources.
- 10. Drainage Structure.** A device composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.
- 11. Erosion.** The process by which land surface is worn away by the action of wind, water, ice or gravity.
- 12. Erosion and Sedimentation Control Plan.** A plan for the control of soil erosion and sedimentation resulting from land-disturbing activity. Also known as the "plan."
- 13. Ground Elevation.** The original elevation of the ground surface prior to cutting or filling.
- 14. Fill.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
- 15. Finished Grade.** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

16. **Grading.** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
17. **Land-Disturbing Activity.** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 35-103.5.
18. **Larger Common Plan of Development or Sale.** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
19. **Local Issuing Authority.** Georgia Environmental Protection Division.
20. **Metropolitan River Protection Act (MRPA).** A state law referenced as O.C.G.A. § 12-5-440 *et seq.*, which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
21. **Natural Ground Surface.** The ground surface in its original state before any grading, excavation or filling.
22. **Nephelometric Turbidity Units (NTU).** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.
23. **Operator.** The party or parties that have: (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.
24. **Permit.** The authorization necessary to conduct a land-disturbing activity under the provisions of this Ordinance.
25. **Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
26. **Project.** The entire proposed development project regardless of the size of the area of land to be disturbed.
27. **Qualified Personnel.** Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.
28. **Roadway Drainage Structure.** A device, such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
29. **Sediment.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
30. **Sedimentation.** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
31. **Soil and Water Conservation District Approved Plan.** An erosion and sedimentation control plan approved in writing by the Upper Ocmulgee River soil and water conservation district.
32. **Stabilization.** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
33. **State General Permit.** The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, *et seq.*, and subsection (f) of Code § 12-5-30.

34. **State Waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
35. **Structural Erosion and Sedimentation Control Measures.** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
36. **Trout Streams.** All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 *et seq.* Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
37. **Vegetative Erosion and Sedimentation Control Practices.** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
  - A. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
  - B. Temporary seeding, producing short-term vegetative cover; or
  - C. Sodding, covering areas with a turf of perennial sod-forming grass.Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
38. **Watercourse.** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
39. **Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

### **Section 35-103 Exemptions**

This Ordinance shall apply to any land disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "Mineral Resources and Caves Act";
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section 35-104 of this Ordinance and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least fifty horizontal feet (50'), and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least fifty horizontal feet (50'), but the Director may grant variances to no less than twenty-five feet (25'). Regardless of whether a trout stream is primary or secondary, for first order trout waters which are streams into which no other streams flow except for springs, the buffer shall be at least twenty-five horizontal feet (25'), and no variance to a smaller buffer shall be granted. The minimum requirements of Section 35-104 of this Ordinance and the buffer zones provided by this paragraph shall be enforced

- by the Issuing Authority.
5. Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
  6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (O) and (P) of Section 35-104.3 of this Ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
  7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
  8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within two hundred feet (200') of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within two hundred feet (200') of any such excluded channel or drainageway must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs A,B,C,D,E,F,H, or I of this Section;
  9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb one (1) or more contiguous acres of land shall be subject to provisions of Code § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders;
  10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders: and
  11. Any public water system reservoir.

**Section 35-104                    Minimum Requirements For Erosion and Sedimentation Control Using Best Management Practices**

1. **General Provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this Ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 35-104.2 and 3 of this Ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.
2. **Minimum Requirements/BMP'S.**
  - A. Best management practices as set forth in Section 35-104.2 and 3 of this Ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, "Georgia Water Quality Control Act." As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia." specified in O.C.G.A. § 12-7-6 subsection (b).
  - B. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
  - C. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
  - D. The Director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
3. The rules and regulations, ordinances, or resolutions adopted pursuant to this Chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
  - A. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
  - B. Cut-fill operations must be kept to a minimum;
  - C. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
  - D. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
  - E. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
  - F. Disturbed soil shall be stabilized as quickly as practicable;

- G.** Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- H.** Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- I.** To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 *et seq.*;
- J.** Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- K.** Cuts and fills may not endanger adjoining property;
- L.** Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- M.** Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- N.** Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 35-104.2B of this Ordinance;
- O.** Except as provided in paragraph P of this subsection, there is established a twenty-five foot (25') buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of a least twenty-five feet (25') established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
  - (1) No Land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - (2) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty feet (50') within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
- P.** There is established a fifty foot (50') buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of twenty-five (25) gallons per minute or less shall have a twenty-five foot (25') buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer

to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- (1) No Land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - (2) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five degrees (25°) of perpendicular to the stream; cause a width of disturbance of not more than fifty feet (50') within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
4. Nothing contained in this Chapter shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in .35-104 2 and 3 of this Ordinance.
  5. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Ordinance or the terms of the permit.

#### **Section 35-105            Application/Permit Process**

1. **General.** The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the Zoning Ordinance, Stormwater Management Ordinance, Subdivision Ordinance, Flood Damage Prevention Ordinance, this Ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the operator owner is the only party who may obtain a permit.
2. **Application Requirements.**
  - A. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Oxford without first obtaining a permit from the Georgia Environmental Protection Division (EPD) to perform such activity.
  - B. The application for a permit shall be submitted to the EPD and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 35-105.3 of this Ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section 35-104.2 and 3 of this Ordinance. Applications for a permit will not be accepted unless accompanied by five (5) copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.
  - C. A fee, in the amount as determined by the EPD, shall be charged for each acre or fraction thereof in the project area.
  - D. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed eighty (\$80.00) per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8 half of such fees levied shall be submitted to the division; except that

any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

- E. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within thirty-five (35) days of receipt. Failure of a District to act within thirty-five (35) days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 35-104 3.O and P and bonding, if required as per 35-105.2E(2), have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.
- F. If a permit applicant has had two or more violations of previous permits, this Ordinance Section, or the Erosion and Sedimentation Act, as amended within three (3) years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
- G. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, three thousand dollars (\$3,000.00) per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this Ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

**3. Plan Requirements.**

- A. Plans must be prepared to meet the minimum requirements as contained in Section 35-104.2 and 3 of this Ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide; or through the use of alternate design criteria which conform to sound conservation and engineering practices. *The Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this Ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws.
- B. **Data Required for Site Plan.**
  - (1) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
  - (2) Description of existing land use at project site and description of proposed project.
  - (3) Name, address, and telephone number of the property owner.
  - (4) Name and telephone number of twenty-four (24) hour local contact who is responsible for erosion and sedimentation controls.
  - (5) Size of project, or phase under construction, in acres.
  - (6) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that “the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.”
  - (7) Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
  - (8) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
  - (9) Detail drawings for all structural practices. Specifications may follow guidelines set forth



in the *Manual for Erosion and Sediment Control in Georgia*.

- (10) **Maintenance Statement.** "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.

**C.** Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. § 12-7-20. The certified plans shall contain:

- (1) Graphic scale and north point or arrow indicating magnetic north.
- (2) Vicinity maps showing location of project and existing streets.
- (3) Boundary line survey.
- (4) Delineation of disturbed areas within project boundary.
- (5) Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

<b>Map Scale</b>	<b>Ground Slope</b>	<b>Contour Interval, ft.</b>
1 inch = 100 ft. or larger scale	Flat 0 - 2% Rolling 2 - 8% Steep 8% +	0.5 or 1 1 or 2 2, 5 or 10

- (6) Adjacent areas and features areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
- (7) Proposed structures or additions to existing structures and paved areas.
- (8) Delineate the twenty-five foot (25') horizontal buffer adjacent to state waters and the specified width in MRPA areas.
- (9) Delineate the specified horizontal buffer along designated trout streams, where applicable.
- (10) Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.

**D.** Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

**4. Permits.**

- A.** Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- B.** No permit shall be issued by the Local Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this Ordinance, any variances required by Section 35-104.3O and P are obtained, bonding requirements, if necessary, as per Section 35-105.2E(2) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- C.** If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- D.** The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his or her successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his or her successor in title is in violation of this Ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

**Section 35-106 Inspection and Enforcement**

- 1.** The Northeast District will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local

Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance.

2. The EPD shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
3. No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his or her official duties.
4. The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
5. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a Local Issuing Authority. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code § 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the District and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have thirty (30) days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary correction action within thirty (30) days after notification by the Division, the Division may revoke the certification of the county or municipality as an Local Issuing Authority.

## **Section 35-107 Penalties and Incentives**

1. **Failure to Obtain a Permit for Land-Disturbing Activity.** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Ordinance without first obtaining said permit, the person shall be subject to revocation of his or her business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.
2. **Stop-Work Orders.**
  - A. For the first and second violations of the provisions of this Ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

- B. For a third and each subsequent violation, the Director or Local Issuing Authority shall issue an immediate stop-work order; and;
  - C. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
  - D. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
3. **Bond Forfeiture.** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance and, in addition to other penalties, shall be deemed to have forfeited his or her performance bond, if required to post one under the provisions of Section 35-105.2G. The Issuing Authority may call the bond or any party thereof to be forfeited any may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
4. **Monetary Penalties.** Any person who violates any provisions of this Ordinance, or any permit condition or limitation established pursuant to this Ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Ordinance shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) per day. For the purpose of enforcing the provisions of this Ordinance, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Ordinance under county ordinances approved under this Ordinance shall be authorized to impose penalties for such violations not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

**Section 35-108                      Education and Certification**

After December 31, 2006, all persons involved in land-development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

**Section 35-109                      Administrative Appeal, Judicial Review**

- 1. **Administrative Remedies.** The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Mayor and Council within fifteen (15) days after receipt by the Issuing Authority of written notice of appeal.
- 2. **Judicial Review.** Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting or her administrative remedies, shall have the right to appeal de novo to the Superior Court of Newton County.

**Section 35-110                      Effectivity, Validity and Liability**

1. **Validity.** If any section, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this Ordinance.
2. **Liability.**
  - A. Neither the approval of a plan under the provisions of this Ordinance, nor the compliance with provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or District for damage to any person or property.
  - B. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Ordinance or the terms of the permit.
  - C. No provision of this Ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

# CHAPTER 36: STATE MINIMUM STANDARD CONSTRUCTION CODES

Section

## ARTICLE I. IN GENERAL

- 36-101 General Requirements
- 36-102 Adherence to City Zoning Ordinance and Subdivision Chapter
- 36-103 County Administration of Building Inspections
- 36-104 Standards for New Construction
- 36-105 Self-inspection Exemption
- 36-106 House Numbers

## ARTICLE II. CONSTRUCTION CODES

- 36-201 Adoption of Building Codes
- 36-202 Swimming Pools must Comply with the Standard Swimming Pool Code and the City's Zoning Regulations

## ARTICLE III. BUILDING AND DEVELOPMENT PERMITS; CERTIFICATES OF OCCUPANCY

- 36-301 Reserved
- 36-302 Building and Development Permits
- 36-303 Certificate of Occupancy

## ARTICLE IV. FLOW-RATE RESTRICTIONS ON PLUMBING FIXTURES

- 36-401 Definitions
- 36-402 Residential Building Construction
- 36-403 Commercial Building Construction
- 36-404 Residential/Commercial Construction
- 36-405 Exemptions
- 36-406 Enforcement; Penalty
- 36-407 Enforcement Responsibility
- 36-408 Remedies for Violations



## ARTICLE I. IN GENERAL

### Section 36-101 General Requirements

No building permit shall be issued, no light or water service shall be issued and all utility companies operating within the City are forbidden to connect any services to any building not complying with this Chapter.

### Section 36-102 Adherence to City Zoning Ordinance and Subdivision Chapter

In addition to the requirements of this Chapter, all construction and related activities in the City shall conform to the City Zoning Ordinance and the subdivision Chapter of this Code.

**Section 36-103 County Administration of Building Inspections**

The Mayor and Council may contract with the County to administer all building inspections and:

1. To adopt all county building codes for building, electrical, plumbing, heating, and air and gas installations.
2. To adopt the County charges for issuances of building certificates and permits.
3. To authorize the County to issue building certificates and permits, according to City zoning regulations and county building codes.
4. The County inspectors, inspecting within the City for the purpose of carrying out their business shall also be considered officers of the City for the purposes of enforcement.
5. The City, when requested, will enforce the ordinances of the County applicable thereto within the Municipal Court.
6. The City does herewith adopt all practices and procedures of the County to carry out the purposes set forth in this Section.

**Section 36-104 Standards for New Construction**

All newly constructed buildings, as well as additions, extensions or enlargements of structures involving new plumbing or wiring, must meet the standards set forth in the building codes adopted by the City and the minimum standards pertaining to sanitation set by the County Department of Public Health.

**Section 36-105 Self-inspection Exemption**

The Mayor and Council pursuant to 1996 Ga. Laws, page 1632 exempts itself from the provisions of O.C.G.A. § 8-2-76(d).

**Section 36-106 House Numbers**

Each property owner shall display their assigned house and lot numbers. Numbers must be a minimum of three inches (3') in height and be placed as to be prominent from the street and on or near the entrance to the building.

**ARTICLE II. CONSTRUCTION CODES**

**Section 36-201 Adoption of Building Codes**

The City hereby adopts the following building codes:

1. State minimum standard building codes, as currently adopted and used by the County.
2. National Electrical Code with the 1996 state minimum standard electrical code amendments.
3. Other codes and regulations currently adopted by the county pertaining to standards for building construction and electrical, plumbing, heating, air conditioning and gas installation.
4. A copy of all such building codes is on file in the office of the City Clerk.

**Section 36-202 Swimming Pools must Comply with the Standard Swimming Pool Code and the City's Zoning Regulations**

No swimming pools shall be operated, maintained, or built within the City unless complying with the Standard Swimming Pool Code, as published by the Southern Building Code Congress International, Inc. and the zoning regulations of the City.

**ARTICLE III. BUILDING AND DEVELOPMENT PERMITS; CERTIFICATES OF OCCUPANCY**

**Section 36-301 Reserved**

**Section 36-302 Building and Development Permits**

1. **Development Permits.** A development permit shall be required for any proposed use of land or buildings to indicate and ensure compliance with all provisions of the Zoning Ordinance before any building permit is issued or any improvements, grading or alteration of land or buildings commences.
2. **Building Permits.** The developer, landowner or other person wishing to do any of the following shall first apply for a building permit:
  - A. Excavation or filling of a lot for the construction of a building;
  - B. Erection, construction, movement, extension or enlargement of a building; or
  - C. Any new construction or work on an existing building or structure involving the installation or extension of electric current, natural gas, water, or sewage facilities. No electric current, natural gas, water, or sewage hookup will be made available to the site of new construction until a building permit is secured.
3. **Reserved.**

**Section 36-303 Certificate of Occupancy**

1. **Requirements.**
  - A. A certificate of occupancy is required before a structure for which a building permit has been issued may be occupied or used. The building permit shall become the certificate of occupancy when the building inspector signs it in the appropriate space, certifying that to the best of his or her knowledge all requirements of this Chapter have been met. The building inspector shall consult with the City to determine whether the completed project complies with the applicable development standards. The certificate of occupancy when issued shall serve as confirmation that the owner/contractor has complied with the provisions of this Chapter.
  - B. Within ten (10) days after receiving the building permit with all required certifications indicating that the work has been completed, the building inspector shall either issue a certificate of occupancy if the building inspector finds that all requirements of this Chapter have been met, or notify the owner/contractor that a certificate of occupancy will not be issued and stating the reasons for such action if the building inspector finds that all requirements of this Chapter have not yet been met at the time the owner/contractor seeks a certificate of occupancy. If a certificate of occupancy is not issued, the owner/contractor will then need to confer with the building inspector to determine what action must be taken in order to comply with this Chapter and be eligible for a certificate of occupancy.
2. **Reserved.**

**ARTICLE IV. FLOW-RATE RESTRICTIONS ON PLUMBING FIXTURES**

**Section 36-401 Definitions**

1. **Commercial.** Any type of building other than residential.
2. **Construction.** The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.
3. **Residential.** Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

**Section 36-402 Residential Building Construction**

- No construction may be initiated within the City of Oxford for any residential building of any type which:
1. Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six tenths (1.6) gallons of water per flush;
  2. Employs a shower head that allows a flow of more than an average of two and five-tenths (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure;
  3. Employs a urinal that uses more than an average of one (1.0) gallon of water per flush;
  4. Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0)

- gallons of water per minute; or
5. Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and five-tenths (2.5) gallons of water per minute.

**Section 36-403                    Commercial Building Construction**

There shall be no construction of any commercial building initiated within the City of Oxford for any commercial building of any type which does not meet the requirements of Section 36-402.

**Section 36-404                    Residential/Commercial Construction**

The requirements of Section 36-402 shall apply to any residential construction and any commercial construction, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

**Section 36-405                    Exemptions**

New construction and the repair or renovation of an existing building shall be exempt from the requirements of Sections 36-402, 403, and 404 of this Chapter when:

1. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or
2. When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this Chapter were installed; or
3. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
4. Units to be installed are:
  - A. Specifically designed for use by the handicapped;
  - B. Specifically designed to withstand unusual abuse or installation in a penal institution; or
  - C. Specifically designed as toilets for juveniles.

The owner, or his/her agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subparagraphs 2, 3, or 4 of this Section shall obtain the exemption by applying at the office of the building inspector for the City of Oxford. A fee as determined by the Mayor and Council shall be charged for the inspection and issuance of such exemption.

**Section 36-406                    Enforcement; Penalty**

This Chapter shall be enforced by the office of the Building Inspector of the City of Oxford. Citations for violations may be issued by the Building Inspector of the City of Oxford.

Any person, corporation, partnership or other entity violating this Chapter shall be tried before the City of Oxford Municipal Court. Upon conviction, a violation of this Chapter may be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed sixty (60) days/months.

**Section 36-407                    Enforcement Responsibility**

1. This Article shall be enforced by the Building Inspector, who shall have full authority to issue citations for violations of this Article.
2. Any person violating this Article shall be tried before the Judge of the Municipal Court, and upon conviction or entering of a plea of guilty or nolo contendere, each violation of this Article shall be subject to a penalty as provided in Section 36-406. Each violation shall constitute a separate offense and each day that such violation continues shall constitute a separate offense.

**Section 36-408                    Remedies for Violations**



1. In addition to criminal prosecution, any building or plumbing contractor, developer, owner or other person who violates the provisions of this Article shall be subject to suspension of his or her business license for a period of up to ninety (90) days.
2. In addition to the penalties provided in the preceding Section, the City may take such other actions as authorized by law to compel compliance with the requirements of these sections and may specifically maintain an action or proceeding in any court of competent jurisdiction to comply with or restrain any violation of this Article.



# CHAPTER 37: SIGN ORDINANCE

## Section

37-101	Purpose
37-102	Definitions
37-103	Prohibited Signs
37-104	Permitted Signs
37-105	Penalties for Non-Compliance



### Section 37-101 Purpose

The purpose of this Ordinance is to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of materials of all signs and outdoor advertising structures.

### Section 37-102 Definitions

1. **Display Area.** The area made available by the sign structure for the purpose of displaying a message.
2. **Elevated Sign.** A freestanding or pole-mounted sign over ten feet (10') in height.
3. **Frontage, Building.** The area in square feet of each exterior wall of a commercial or noncommercial establishment which faces a street or public way.
4. **Illuminated Sign, Direct.** A sign designed to emit light.
5. **Illuminated Sign, Indirect.** A sign on which light is cast from a source other than display area.
6. **Sign.** Any name, identification, description, display, illustration, banner, string of lights, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution, or business.
  - A. **Commemorative.** A sign which identifies a site of memorable public interest.
  - B. **Identification.** Sign containing information about the name, address, and services of persons, places, structures, organizations, businesses, offices, or establishments.
  - C. **Instructional.** A sign exclusive of any commercial messages which conveys directions or information to the public.
  - D. **Interstate Highway Advertising.** A sign legible to occupants of vehicles traveling on an Interstate Highway passing through or by the City Limits of Oxford.
  - E. **Official.** Any sign, symbol; or device erected by maintained by a government or governmental agency for the purpose of informing or guiding the public.
  - F. **Outdoor Advertising.** Any sign used for the purpose of displaying advertising by means of posters, or pictorial or reading matter which directs attention to a business commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where such sign is displayed, or as a minor and incidental activity upon the premises where such sign is displayed.
  - G. **Political Campaign.** Any sign, poster, or banner displaying the names of candidates for election to public office, or calling public attention to issues to be decided by public vote in duly constituted referendums.
  - H. **Roof.** Any sign painted, erected, constructed, or maintained upon a roof of a building.
  - I. **Temporary.** Any sign placed for a limited period of time to advertise, instruct, or to direct the public to events, elections, and other public occasions, or to inform the public of properties, goods, or services offered for sale or rent.

### Section 37-103 Prohibited Signs

The following types of signs and advertising devices are prohibited in all zoning districts of the City of Oxford:

1. Signs or posters attached to, or painted or drawn upon, any street sign or marker, traffic control sign or device, or utility pole.
2. Signs or posters attached to, or painted or drawn upon, any tree, bush, rock or other natural feature.
3. Flashing, blinking, or varying light intensity signs.
4. Illuminated signs, direct or indirect, from which light may have adverse effects on residential neighborhoods or on traffic on public streets and highways.
5. Neon or LED signs or other displays.
6. Twirling, fluttering, or animated signs, banners, pennants, and balloons.
7. Roof signs.
8. Off-premises outdoor advertising signs.
9. Advertising signs attached to or drawn upon vehicles or trailers, other than those signs normally displayed upon such vehicles for business purposes.
10. Elevated signs.

### Section 37-104 Permitted Signs

Signs may be displayed within the City of Oxford according to these regulations:

1. **On City of Oxford Street Rights-of-Way.** The following signs are permitted on street rights-of-way in the City of Oxford:
  - A. **Official Signs.**
  - B. **With Written Permission from Oxford City Council, the Following Signs.**
    - (1) Instructional signs, of one (1) or two (2) sides, of up to twenty square feet (20 ft.<sup>2</sup>) of display space per sign.
    - (2) Commemorative signs.
  - C. **Residential Identification Signs, Including.**
    - (1) Street number signs. Each residence within the limits of the City of Oxford is required to display upon the residence, the property, or the adjacent street right of way the street number of the property in numbers no less than three inches (3") in height, clearly visible from the street.
    - (2) Signs containing name(s) of owners and/or of house, not to exceed two square feet (2 ft.<sup>2</sup>) of display area.
  - D. Temporary signs, subject to conditions specified in Section 37-104.6 of this Ordinance.
2. **Residential Districts R-30, R-20, R-15, RD, RZT, RM, A-R).**
  - A. The following signs are permitted in all residential districts of the City of Oxford:
    - (1) Identification signs for properties, including street numbers, and owner/house identification signs, not to exceed four square feet (4 ft.<sup>2</sup>) in display area.
    - (2) Residential development signs, which shall: contain only the name of the residential development; be constructed of durable materials; be maintained in presentable and legible condition; be limited to no more than two per road or street frontage; and not exceed twenty square feet (20 ft.<sup>2</sup>) of display area per sign.
    - (3) Temporary signs, subject to conditions specified in Section 37-104.6 of this Ordinance.
  - B. The following signs are permitted in zone R-30: Bed and Breakfast signs. One (1) sign, not to exceed six square feet (6 ft.<sup>2</sup>) in display area.
  - C. The following signs are permitted in zone RM:
    - (1) Rooming and boarding house signs. One (1) sign, not to exceed four square feet (4 ft.<sup>2</sup>) in display area;
    - (2) Apartment complex signs. One (1) sign, not to exceed six square feet (6 ft.<sup>2</sup>) in display area.
3. **Commercial Districts (C).** The following signs are permitted in Commercial Districts:
  - A. **Flush Canopy or Wall Signs.** One (1) per each street frontage of a business or commercial establishment, subject to the following conditions:
    - (1) Total display area shall not exceed twenty-five percent (25%) of frontage area of building.
    - (2) Total display area of each sign shall not exceed twenty square feet (20 ft.<sup>2</sup>).

- (3) Projection of sign from wall shall not exceed ten inches (10").
- B. **Freestanding Signs.** One (1) per curb cut or one (1) per each side of building facing a street right of way. Signs are limited to two (2) sides each, and maximum display area shall be twenty square feet (20 ft.<sup>2</sup>).
- C. **Hanging Signs Perpendicular to Wall Surface.** One (1) per business establishment of up to two (2) sides, not to exceed four square feet (4 ft.<sup>2</sup>) of display area per side. Height of bottom of hanging sign shall be not less than eight feet (8') above ground level.
- D. **Temporary Signs.** Subject to the provisions of Section 37-104.6 of this Ordinance.
- 4. **Office-Professional Districts (OP).**
  - A. **Flush Canopy or Wall Signs.** One (1) per office, not to exceed six square feet (6 ft.<sup>2</sup>) in display area.
  - B. **Freestanding Signs.** One (1) per building, limited to two (2) sides, not to exceed twenty square feet (20 ft.<sup>2</sup>) of display area per side.
  - C. **Temporary Signs.** Subject to the provisions of Section 37-104.6 of this Ordinance.
- 5. **Public-institutional Districts (PI).**
  - A. **Flush Canopy or Wall Signs.** One (1) per building, maximum of twenty square feet (20 ft.<sup>2</sup>) of display area.
  - B. **Freestanding Signs.**
    - (1) Primary identification signs. One (1) per street frontage. Primary identification signs are limited to two (2) sides, with maximum of twenty square feet (20 ft.<sup>2</sup>) of display area per side.
    - (2) On-premises identification and instructional signs.
  - C. **Temporary Signs.** Subject to the provisions of Section 37-104.6 of this Ordinance.
- 6. **Temporary Signs.**
  - A. **General Conditions.** Temporary signs are permitted in all zoning districts of the City of Oxford, subject to conditions specified in other sections of this Ordinance and to these conditions:
    - (1) All temporary signs, with the exceptions of political campaign signs for candidates and construction signs, shall be legibly marked with:
      - (a) Date of placement of sign.
      - (b) Name of person or organization responsible for placement of sign.
      - (c) Mailing address and telephone number of such person or organization.
    - (2) Temporary signs may be placed upon street rights-of-way only with written permission of the owners of properties immediately adjacent to the site of placement of such signs. Such written permission from property owners must be available for viewing upon request by City of Oxford elected, appointed, or employed personnel.
  - B. **Permitted Temporary Signs.**
    - (1) **Construction Signs.** For construction on or development of a lot, one sign shall be allowed per contractor, not more than sixteen square feet (16 ft.<sup>2</sup>) in display area, or one sign not exceeding eighty square feet (80 ft.<sup>2</sup>) in display area, giving the names of the contractors, engineers, and architects. The period of placement of such sign(s) shall be one (1) month prior to commencement of construction through one month following substantial completion.
    - (2) **Real Estate Signs.** One (1) sign per street frontage of one (1) or two (2) sides, not to exceed six square feet (6 ft.<sup>2</sup>) of display area. Such signs shall be removed within ten (10) days after the subject lot or building is leased, sold, or rented. The attachment of a "Sold" notice to a real estate sign shall not be construed as final sale of the property.
    - (3) **Instructional Signs for Non-commercial Events Open to the Public.** Such signs may be placed no more than three (3) weeks before the scheduled event. A maximum of six (6) signs per event is allowed. Signs may be of one (1) or two (2) sides, with a maximum display area of each sign of six square feet (6 ft.<sup>2</sup>) per side. Instructional signs are to be marked with information as specified in Section 37-104.6A1(a), above. Instructional signs for events must be removed no later than forty-eight (48) hours after the event.
    - (4) **"For Sale" Signs.** Temporary signs offering items for sale as specified in Section 32-106, "Non-licensed Sales," of the Code of Ordinances of the City of Oxford. (This ordinance permits yard and garage sales, sales of seasonal produce, and sales of motorized vehicles and appurtenances.) No temporary "For Sale" signs for items not covered in Section 32-106 are permitted.

- (5) **Political Campaign Signs.** Political campaign signs of one (1) or two (2) sides, not to exceed four square feet (4 ft.<sup>2</sup>) of display area per side, may be placed in the City of Oxford for a period not to exceed two (2) months before a scheduled election and ending with the time when such election is final. Political campaign signs may be placed upon City of Oxford street rights-of-way only with written permission of adjacent property owners, as specified in Section 37-104.6A(2) above. Campaign signs must be removed within forty-eight (48) hours after the election is complete. Candidates whose names are on campaign signs will be held responsible for the placement and removal of such signs in conformity with the provisions of this Sign Ordinance.

Campaign signs bearing no candidate names, such as those informing the public of issues to be decided in public referendums, must contain information about the persons or organization responsible for placement of the sign, as specified in Section 37-104.6A(1), above.

**Section 37-105 Penalties for Non-Compliance**

1. Any and all signs in violation of provisions of this Sign Ordinance shall be subject to removal without notice at the direction of the office of the Mayor of Oxford or a duly appointed representative of that office.
2. Persons and organizations responsible for the placement, maintenance, removal, or non-removal of signs in any manner not in conformity with the provisions of this Sign Ordinance may be subject to penalties as duly established by the Code of Ordinances of the City of Oxford.

*(Adopted 3/5/01; Amended 6/12/05, 9/12/05)*

# CHAPTER 38: WETLANDS PROTECTION ORDINANCE

## Section

38-101	Definitions
38-102	Relationship to Zoning
38-103	Local Development Permit Requirements
38-104	Permitted Uses
38-105	Temporary Emergency Permit
38-106	Site Plans
38-107	Activities to Comply with Site Plan
38-108	Permit
38-109	Judicial Review
38-110	Map Amendment
38-111	Relief Assessment



The wetlands within the City of Oxford are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

It is therefore necessary for the City of Oxford to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of this Section is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this Section is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.

## Section 38-101 Definitions<sup>1</sup>

- 1. Functions.** The beneficial roles that wetlands serve, including: storage, conveyance and attenuation of floodwater and stormwater; protection of water quantity and quality and reduction of erosion; habit for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical and archeological value protection; and scenic, aesthetic and recreational amenities.
- 2. Generalized Wetland Map.** Wetlands identified on the U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Maps.
- 3. Hydric Soils.** Soils that form as a result of saturated soil conditions. A list of these soils is maintained by the Soil Conservation Service.
- 4. Hydrophytic Vegetation.** Macrophytic plants tolerant of or dependent on saturated soil condition.
- 5. Jurisdictional Determination.** An official, written statement or map signed by the U.S. Army Corps

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<sup>1</sup>Where other terms or words require definition, please refer to the 1987 U.S. Army Corps of Engineers Wetlands Manual or call the District Corps office in Savannah at 1-800-448-2402.

- of Engineers or, in the case of coastal marshlands, the Georgia Department of Natural Resources.
6. **Jurisdictional Wetland.** A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Corps of Engineers.
  7. **Regulated Activity.** Any activity which will or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting these activities exempted in Section 37-104 of this Ordinance and exempted in Section 404 of the Federal Clean Water Act.
  8. **Silviculture.** The art of producing, reproducing and growing a forest of distinctive stands of trees.
  9. **Temporary Emergency Permit.** A temporary permit that may be issued in certain circumstances specified in Section 37-105.
  10. **Wetland.** An area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.
  11. **Wetland Delineation.** The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.
  12. **Wetland Protection Districts<sup>2</sup>.** Wetlands within the City of Oxford, which are indicated on the Generalized Wetland Map. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the City of Oxford and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this Ordinance does not relieve the land owner from federal or state permitting requirements.

#### **Section 38-102 Relationship to Zoning**

The Wetland Protection District shall comprise an overlay zone that supplements and is indicated on the City of Oxford Zoning Map.

#### **Section 38-103 Local Development Permit Requirements**

No regulated activity will be allowed within the Wetland Protection District without written permission from the Mayor and City Council in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this Ordinance and other applicable regulations. All activities that are not identified in Section 37-104 or by other local development ordinances, shall be prohibited without prior issuance of a local development permit. If the area proposed for development is located within fifty feet (50') of the Wetland Protection District boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only

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<sup>2</sup> The source wetlands map is the Fish and Wildlife Service National Wetlands Inventory maps. The City of Oxford should consider the limitations of available map resources used to compile the Generalized Wetland Map. To varying degrees, all maps contain systematic distortion and inaccuracy. Generally, inaccuracy grows larger with decreasing map scale. Commonly used wetland maps, such as the National Wetland Inventory (NWI) Maps, are drawn at a scale of one to twenty-four thousand (1:24,000). This means that one inch (1') on the map represents twenty-four thousand inches (24,000") on the ground, or two thousand feet (2,000') (approximately two-fifths (2/5) of a mile). Maps of this scale cannot define wetland boundaries in a legally defensible way. In addition, many small and isolated wetlands may not be shown on these maps. For these reasons, the Generalized Wetland Map adopted by the City of Oxford can only be regarded as a general reference document, which may serve a variety of functions, such as indicating the need for seeking advice or a wetland determination from the U.S. Army Corps of Engineers. A Generalized Wetland Map, at a scale of one to twenty-four thousand (1:24,000), cannot be used to delineate, in a legally defensible manner, the boundaries of jurisdictional wetlands. Formal delineation of wetlands that are protected by Section 404 of the Clean Water Act, is vested with the U.S. Army Corps of Engineers. The Soil Conservation Service (SCS) of the U.S. Department of Agriculture is the lead agency for making wetland delineations on agricultural lands.



following issuance of the Section 404 Permit or Letter of Permission.

**Section 38-104 Permitted Uses**

The following uses shall be allowed as of right within a Wetland Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein,

1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 permit.<sup>3</sup>
2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.<sup>4</sup>
4. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.<sup>5</sup>
5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
6. Education, scientific research and nature trails.

**Section 38-105 Temporary Emergency Permit**

Temporary emergency permit can be issued by the Mayor and Council for the following reasons:

1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunications or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the Mayor and Council or its designee and provided that the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
2. Temporary water-level stabilization measures associated with ongoing silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
3. Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of Section 37-104.
4. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the

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<sup>3</sup> The activities listed in Section 37-104 are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.

<sup>4</sup> Section 404 does not require permits for normal, ongoing silvicultural activities. However, Section 404 does list some required performance standards and fifteen (15) specific road construction best management practices (BMPs) that must be followed in order to qualify for such an exemption.

<sup>5</sup> Under Section 404, normal on-going agricultural activities are exempted from 404 regulations and do not require a permit. Normal agricultural activities include planting and harvesting of crops and pasturing of livestock. Under provisions of the Food Securities Act of 1985 (the so-called "Swampbuster Provision") eligibility for all U.S. Department of Agriculture programs is denied to farms that convert wetlands to croplands. These programs include USDA price and income supports, disaster payments, crop insurance. Farmers Home Administration loans. Commodity Credit Corporation storage payments, farm storage facility loans. Conservation Reserve Program payments, and other programs under which payments are made to the farmer with respect to commodities produced.

natural contour of the wetland.

**Section 38-106 Site Plans**

Applications for a local development permit within the Generalized Wetland Protection District shall include a site plan, drawn at a scale of one inch equals fifty feet (1"= 50'), with the following information:

1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred feet (200').
4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
5. Elevations of the site and adjacent lands within two hundred feet (200') of the site at contour intervals of no greater than two feet (2'); and no greater than one foot (1') for slopes less than or equal to two percent (2%).
6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
7. All proposed temporary disruptions or diversions of local hydrology.

**Section 38-107 Activities to Comply with Site Plan**

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with approval of the Mayor and Council. The Mayor and Council may require additional information deemed necessary to verify compliance with the provisions of this Ordinance or to evaluate the proposed use in terms of the purposes of this Ordinance.

The City of Oxford may require a bond up to the larger of five thousand dollars (\$5,000.00) or one thousand dollars (\$1,000.00) per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this Ordinance. In the event of a breach of condition of any such bond, the City of Oxford or its designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgement and execution.

**Section 38-108 Permit**

1. **Application.** Application shall be made pursuant to Section 40-405 of the City of Oxford Zoning Ordinance. At the time of the application, the applicant shall pay a filing fee as specified by the Mayor and Council. Filing fees up to the larger of five hundred dollars (\$500.00) or one hundred dollars (\$100.00) per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the Mayor and City Council.
2. **Duration of Permit.**
  - A. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
  - B. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
  - C. Written notice of the pending expiration of the development permit shall be issued by the Mayor and Council.
3. **Penalties.**
  - A. When a building or other structure has been constructed in violation of this Section, the violator may be required to remove the structure at the discretion of the Mayor and Council.
  - B. When removal of vegetative cover, excavation or fill has taken place in violation of this Section, the violator may be required to restore the affected land to its original contours and to restore

- vegetation, as far as practicable, at the discretion of the Mayor and Council.
- C. If the Mayor and Council discovers a violation of this Ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.
4. **Suspension, Revocation.** The Mayor and Council may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Mayor and Council shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located.

**Section 38-109                      Judicial Review**

1. **Alternative Actions.** Based on these proceedings and the decision of the court, the Mayor and Council may, within the time specified by the court, elect to:
- A. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
  - B. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
  - C. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Mayor and Council.

**Section 38-110                      Map Amendment**

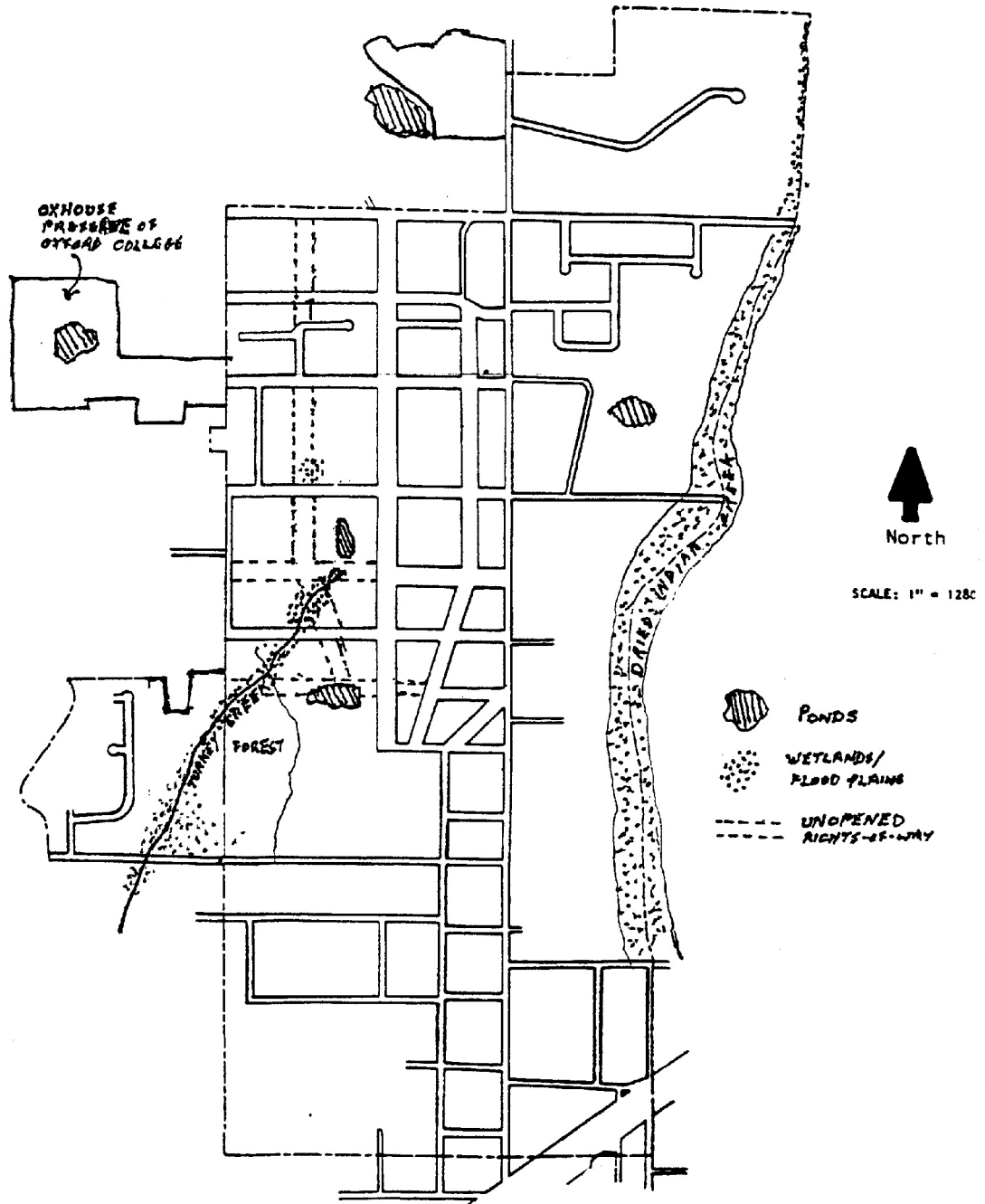
These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

**Section 38-111                      Relief Assessment**

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

*(Adopted 8/2/99)*

OXFORD: WETLANDS, FOREST, AND OPEN LAND



Source: McIntosh Trail Area Planning and Development Commission, 1982.  
Oxford Planning Commission, 1992

# CHAPTER 39: TREE ORDINANCE

## Section

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## Section 39-101 Definitions

1. **Street Trees.** Trees and other sizable woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City, including designated, but unopened City street rights-of-way.
2. **Parks, Trails, and Gardens.** Areas containing existing or planted vegetation on lands owned by the City of Oxford, which are maintained by the City of Oxford and which are open to the public for purposes of recreation, education, and other appropriate uses. Regulations for the use of such areas may be established by the City of Oxford in consultation with the Trees, Parks, and Recreation Board.

## Section 39-102 Creation and Establishment of a City Trees, Parks, and Recreation Board

There is hereby created and established a City Trees, Parks, and Recreation Board for the City of Oxford, Georgia, which shall consist of seven (7) members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the City Council.

The Trees, Parks, and Recreation Board may include as non-voting participants in its meetings persons who are not residents of the City of Oxford, but whose knowledge or experience will contribute to the work of the Trees, Parks, and Recreation Board. The immediate past chairperson of the Trees, Parks, and Recreation Board shall serve as a non-voting, ex-officio member of the Board for one (1) year following his or her tenure.

**Section 39-103            Term of Office**

Each member of the Trees, Parks, and Recreation Board shall serve for one (1) year and may be appointed for one (1) or two (2) additional years. The Chairperson of the Trees, Parks, and Recreation Board shall serve for three (3) years. In the event that a vacancy occurs during the term of any member, his or her successor shall be appointed by the Mayor and Council to serve for the unexpired portion of the term. Should any member fail to perform his or her duties as a member of the Trees, Parks, and Recreation Board, the chairperson of the Trees, Parks, and Recreation Board shall recommend to the Mayor and Council that a replacement member be appointed.

**Section 39-104            Compensation**

Members of the Trees, Parks, and Recreation Board shall serve without compensation, but may be reimbursed by the City for any necessary expenses incurred in connection with their responsibilities.

**Section 39-105            Duties and Responsibilities**

It shall be the responsibility of the Trees, Parks, and Recreation Board to study, investigate, and counsel the City concerning street trees, parks, trails, and gardens in the City of Oxford. The Trees, Parks, and Recreation Board shall develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or distribution of trees and shrubs along streets and in other public areas such as parks, trails, gardens, and plantings around City buildings and facilities. Such plan will be presented annually to the City Council, and upon their acceptance and approval shall constitute the official comprehensive City of Oxford Tree Plan. The Trees, Parks, and Recreation Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

The comprehensive City of Oxford Tree Plan shall serve as guideline for all work on trees within the City of Oxford. The Oxford Mayor and City Council, employees of the City of Oxford, and any persons or firms employed for services to the City which involve street trees or trees in other public areas, will be guided by the official comprehensive City of Oxford Tree Plan. Any proposed action, which would depart significantly from this Tree Plan shall first be brought to the attention of the Trees, Parks, and Recreation Board for comments. However, nothing in this Section shall prohibit the Oxford Mayor, City Council, or City employees from taking needed emergency measures as provided for elsewhere in the City of Oxford Code of Ordinances.

**Section 39-106            Operation**

The Trees, Parks, and Recreation Board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. A majority of the members shall constitute a quorum for the transaction of business.

**Section 39-107            List of Trees**

The Trees, Parks, and Recreation Board shall develop a list of trees that are desirable or undesirable for planting in the City of Oxford. These will be classified as small, medium and large trees.

**Section 39-108            Spacing of Trees**

The spacing of street trees may not be closer together than the following: small trees, thirty feet (30'); medium trees, forty feet (40'); large trees, fifty feet (50'). Exceptions to this spacing may be made in special plantings designed or approved by a landscape architect in consultation with the Trees, Parks, and Recreation Board.

**Section 39-109            Distances from Curb and Sidewalk**

The distances trees may be planted from the curbs or curblines and sidewalks shall not be closer than the following: small trees, two feet (2'); medium trees, three feet (3'); large trees, four feet (4'). Where a paved City street does not have curb and/or sidewalk, these planting distances shall be doubled to four feet (4'), six feet (6'), and eight

feet (8'), respectively, measured from the edge of the pavement. Distances of plantings from street drainage ditches, where these exist, shall be determined by the City in consultation with the Trees, Parks, and Recreation Board on a case-by-case basis for specific streets or portions of streets.

**Section 39-110 Distances from Street Corners. Fire Hydrants and Other Infrastructure**

No street tree shall be planted closer than thirty-five feet (35') from any street corner, measured from the point of nearest intersecting curbs; curb lines, or pavements. No street tree shall be planted closer than ten feet (10') from any fire hydrant or utility pole. No street tree shall be planted closer than fifteen feet (15') to any driveway or mailbox.

**Section 39-111 Utility Lines**

Only small (less than twenty-five feet (25') in height at maturity) trees or shrubs may be planted under or within ten lateral feet (10') of any overhead utility wire. No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire. No street tree may be planted over or within five feet (5') of any underground water line, sewer line, transmission line or other utility line.

The City reserves the right to prune or cause to be pruned any trees near or within fifteen feet (15') of overhead energized electrical utility lines. Pruning shall be done in accordance with ANSI Standards and International Society of Arboriculture Best Management Practices.

**Section 39-112 Public Tree Care**

The City of Oxford shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, and public grounds as may be necessary to insure public safety or to enhance the symmetry and beauty of such public grounds. This Section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accord with the Tree Plan and with all relevant sections of this Tree Ordinance.

The Trees, Parks, and Recreation Board may recommend to the City of Oxford to remove or to order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or any other public improvements; or which is affected with any injurious fungus, insect, or other pest.

**Section 39-113 Tree Topping**

It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms, disease, or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance by the City following consultation with the City Trees, Parks, and Recreation Board.

**Section 39-114 Pruning, Corner Clearance**

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

**Section 39-115 Removal of Dead or Diseased Trees**

The City shall have the right to recommend the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life or property, or when such trees harbor insects or disease

which constitute a potential threat to other trees within the City. When trees on private property are judged by the City to constitute a potential immediate hazard to City utility lines or to persons using City street rights-of-way, the City may request owners of such trees to trim or remove such trees at the owner's expense. The City will notify owners of such hazardous trees by registered mail, giving a reasonable period of time for the tree owner to take remedial action. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a danger to the safety of the public.

After the designated time period, if no remedial action has been taken, the City may notify the owner(s) of such hazardous trees that the City will assume no liability for any harm which may occur to property or persons from such trees, and that tree owners may be held responsible for expenses and liabilities incurred should such hazardous trees cause damage or harm on, or to, public property.

**Section 39-116                    Historic Trees**

Any tree which has been determined to be of notable historic or horticultural interest because of its age, size, or historic association and which has been so designated in the official records of the City of Oxford shall come under these rules: It shall be unlawful to cut, prune, top, remove any designated historic tree, or trench, excavate, cut and fill, compact, or disturb the soil in any manner within the drip line of any designated historic tree, except as recommended by the Oxford Trees, Parks, and Recreation Board in consultation with certified arborist(s) under contract with the City of Oxford.

**Section 39-117                    Non-interference**

It shall be unlawful for any person to prevent, delay, or interfere with City of Oxford employees or any agents of the City while they are engaged in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds as authorized in this Tree Ordinance.

**Section 39-118                    Conformity to Standards of Tree Care**

The Oxford Trees, Parks, and Recreation Board shall establish and submit to the Mayor and City Council standards and guidelines for the planting and maintenance of street, park, and public trees in the City of Oxford. Such standards and guidelines shall be in accord with standards and guidelines established by such agencies as ISA (International Society of Arboriculture), the American National Standards Institute, and other appropriate agencies.

Copies of these tree maintenance standards and guidelines shall be available through the office of the Oxford City Clerk. City employees shall be trained in the use of the standards and guidelines for work on City trees. Any firm doing tree work in the City (planting, pruning, treating, or removing street, park, and public trees) shall be provided with a copy of the tree maintenance standards and guidelines and shall in its contract with the City of Oxford agree to follow provisions of the standards and guidelines.

Further, each firm contracting to do tree work for the City of Oxford shall file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the City of any personal injury or damage resulting from the pursuit of such endeavors as herein described.

**Section 39-119                    Review by City Council**

The Oxford City Council shall have the right to review the conduct, acts, and decisions of the City Trees, Parks, and Recreation Board. Any person may appeal from any ruling or order of the City Trees, Parks, and Recreation Board to the City Council who may hear the matter and make a final decision.



**Section 39-120 Tree Canopy Cover on New Development**

Each new development within the City shall be required to conserve, or plant if trees are not available for conservation, a specified amount of tree canopy cover as a percent of the buildable land area. The tree canopy cover requirements are as follows:

AR	Agricultural/Residential	60%	
C	Commercial	40%	
OP	Office/Professional	50%	50%
PI	Public/Institutional	50%	
R-15	Single Family	40%	
R-20	Single Family	50%	
R-30	Single Family	60%	
RD	Duplex	50%	
RM	Residential Multi-Family	40%	
H	Historic Areas	50%	
RZT	Single Family-High Density	30%	

The tree canopy shall be well-distributed throughout the property. Trees planted to achieve tree canopy cover requirements shall be chosen from the City of Oxford tree species list.

Further, all parking areas with five (5) or more parking spaces shall be required to have fifty percent (50%) tree canopy cover within fifteen (15) years after completion of construction or renovation. Tree canopy cover credits for newly planted trees are included in the City of Oxford tree species list.

All plans for development shall be approved by the Trees, Parks, and Recreation Board prior to any site disturbance including tree removal, soil disturbance including grading, grubbing, or timber harvesting or the issuance of any permits for such activities.

**Section 39-121 Severability**

In the event that any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

**Section 39-122 Amendments**

The Mayor and City Council may amend this Ordinance upon recommendation of the City Trees, Parks, and Recreation Board, of any interested citizen of the City of Oxford, or by their own volition.

**Section 39-123 Penalty**

Any person violating any provision of this Ordinance shall, upon conviction or a plea of guilty, be subject to fines or other legal penalties as established by the Mayor and City Council and/or the Municipal Court of Oxford.

*(Adopted 3/19/05)*



# CHAPTER 40: CITY OF OXFORD COMPREHENSIVE ZONING ORDINANCE

## Section

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**ARTICLE I. GENERAL**

**Section 40-101 Short Title**

This part is entitled "The Comprehensive Zoning Ordinance of the City of Oxford, Georgia." It may also be known by and cited by the short title of "Oxford Zoning Ordinance."

**Section 40-102 Authority**

The power of a municipality to enact an ordinance such as this, which is intended to protect the public health, safety and welfare, is provided by the constitution and laws of the State of Georgia.

**Section 40-103 Jurisdiction**

This Oxford Zoning Ordinance applies to all land within the corporate limits of the City.

**Section 40-104 Purposes**

1. The Oxford Zoning Ordinance seeks to encourage the development of desirable land use patterns within the City in accordance with the Oxford Land Use Plan. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of certain conditions which can threaten the general health, safety and welfare of the residents of the City. This Oxford Zoning Ordinance is intended to serve the following purposes:
  - A. Reduce the occurrence of hazardous traffic patterns and general congestion;
  - B. Secure safety from fire, panic and other dangers;
  - C. Ensure that adequate light and air are provided;
  - D. Prevent the overcrowding of land and undue concentration of population;
  - E. Facilitate the adequate provision of public utilities and facilities;
  - F. Promote adequate living conditions and sustained suitability of neighborhoods; and
  - G. Protect property against blight and depreciation.
2. Additional benefits to the public interest which can accrue from the development of sound land use patterns are as follows:
  - A. Efficient development and use of community utility networks;
  - B. Economy in governmental expenditures; and
  - C. A higher level of convenience, order, prosperity and aesthetics.

**Section 40-105 Content**

This Oxford Zoning Ordinance provides for the following:

1. Defines certain terms used in this Oxford Zoning Ordinance;
2. Establishes certain land use districts and specifies the boundaries of those districts;
3. Provides procedures for administering and amending the Oxford Zoning Ordinance;
4. Regulates the erection, construction and alteration of buildings and structures;
5. Provides penalties for violation of this Oxford Zoning Ordinance;
6. Regulates the use of land, buildings and structures;
7. Regulates the location, height and bulk of structures, as well as (the) percentage of (a) lot which may be occupied;
8. Defines the powers and duties of the City Clerk, the Building Inspector, the Planning Commission, the Board of Appeals, the Mayor and Council and the Historic Preservation Commission, all in relation to

- 9. this Chapter; and
- 9. Repeals conflicting ordinances.

**ARTICLE II. DEFINITIONS OF TERMS USED**

**Section 40-201 Definitions**

When used in this Chapter (unless otherwise defined for purposes of another part of this Chapter), the following words and phrases shall have the meaning as defined in this Article. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the context. The terms "must," "will," and "shall" are mandatory in nature, indicating that an action has to be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future.

1. **Alteration.** Any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, any change in use from that of one district classification to another, or movement of a building from one location to another.
2. **Apartment, Accessory.** A dwelling unit located on the same lot as (a) nonresidential principal building; only one (1) accessory apartment per lot is permitted.
3. **Bed and Breakfast.** An owner-occupied, single-family residential dwelling with a maximum of five (5) guestrooms which may be rented to overnight guests on a daily basis for periods not to exceed fourteen (14) consecutive days. Breakfast is the only meal served and is included in the charge for the room.
4. **Buffer.** The portion of a lot established for open space purposes and intended to separate properties with different and possibly incompatible types of use. A buffer shall not be occupied with structures and facilities except as permitted by this Oxford Zoning Ordinance.
5. **Builder.** See "developer."
6. **Building.** Any structure permanently attached to the ground and intended for shelter, housing or enclosure of persons, animals or property.
7. **Building Height.** The vertical distance of a building measured from the average elevation of the finished grade at the front of the building to the highest point of the building.
8. **Building Inspector.** The person or organization appointed by the Mayor and Council to serve as the building inspector for the City and granted the authority to serve as an officer of the City with respect to the powers and responsibilities of the Building Inspector as set forth in this Chapter.
9. **Building Line.** A line running parallel to the street on which a lot fronts beyond which no portion of any foundation wall or part of the structure of any building projects toward such street, except for roof overhang, steps, and the subsurface footings.
10. **Building Setback Line.** A line parallel to and a specified minimum distance from the property line which abuts the street-right-of-way line and the side or rear property lines (as specified) beyond which no foundation wall or part of the structure of any building shall project, except for roof overhang, steps and the subsurface footings.
11. **Building, Principal.** A building in which is conducted the principal use of the lot on which the building is situated.
12. **Centerline of Street.** The centerline of the right-of-way of a street or road.
13. **City.** City of Oxford, Georgia.
14. **City Clerk.** The official City Clerk for the City of Oxford, Georgia.
15. **Conditions to Zoning Approval (Conditional Zoning).** A requirement adopted by the Mayor and Council at the time of approval of a rezoning or special use permit which places greater or additional requirements or restrictions on the use and development of the subject property than provided in this Zoning Ordinance and is designed to ameliorate the negative effects of the rezoning or special use on neighboring properties and to protect the public health, safety, or general welfare.
16. **Corner Lot.** A lot abutting upon two (2) or more streets at their intersection. For purposes of setback requirements a corner lot shall be deemed to have no rear property line but only side property lines. Therefore, a corner lot shall be subject to minimum side setbacks for each of its property lines which does not abut a street.
17. **Curb Cut.** The point at which vehicular access is provided to a lot from an adjoining public street.
18. **Developer.** Any person or entity which intends to develop or build on a lot (whether new construction or alteration of an existing building) or change the use of any building, structure or land.
19. **Dwelling.** A building which is designed or used for exclusively residential purposes.

20. **Dwelling Unit.** A building or portion of a building providing separate, independent housekeeping facilities for one family and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent living, sleeping, toilet and single cooking facilities.
21. **Dwelling, Multiple-family.** A dwelling within a building containing no fewer than three (3) nor more than eight (8) such dwelling units, designed for and occupied by families living independently of each other, but excluding trailers, mobile homes, manufactured homes, modular homes and industrialized homes.
22. **Dwelling, Single-family.** A detached dwelling designed for and occupied exclusively by a single family and containing one dwelling unit.
23. **Dwelling, Two-family.** A detached dwelling designed for, or occupied exclusively by, two (2) families living independently of each other and containing two (2) dwelling units, but excluding trailers, mobile homes, manufactured homes, modular homes and industrialized homes.
24. **Dwelling, Townhouse.** One of a series of three (3) or more attached single-family dwelling units on separate lots, which are separated from each other by firewalls extending at least from the lowest floor level to the roof, but excluding trailers, mobile homes, manufactured homes, modular homes and industrialized homes.
25. **Dwelling, Zero-lot-line.** A single-family dwelling set against one (1) or two (2) lot lines, rather than rather than set back from the property line as is customary; it may either be attached or detached.
26. **Family.** One (1) or more persons related by blood, marriage or adoption; a "family" may alternatively include up to four (4) additional unrelated individuals occupying a dwelling unit.
27. **Floor Area.** The total number of square feet of floor area of a dwelling (excluding attic, basement, garage, carport, patios and open porches and other such unheated or unfinished areas) determined by horizontal measurements from the exterior face of the exterior walls of a dwelling; also, the gross leasable floor area for any business or industry based on interior dimensions.
28. **Home Occupation.** An occupation customarily carried on within a dwelling unit by the family members all of whom must reside in the dwelling unit as a secondary use which is clearly incidental to the principal use of the dwelling unit for residential purposes and operated in accordance with the following requirements:
  - A. No exterior evidence of the home occupation is allowed (including, without limitation, signs, storage, displays or other activity).
  - B. No more than twenty-five percent (25%) or seven hundred fifty square feet (750 sq. ft.), whichever is less, of the floor area of the dwelling unit may be used for the home occupation.
  - C. No articles, goods or products shall be displayed or sold at the dwelling unit.
  - D. No equipment shall be used unless such equipment is customarily used for household purposes and such equipment or process shall not create sound, smell, vibration, light or dust that is offensive or otherwise creates a nuisance.
  - E. No deliveries or pickups by or on behalf of customers.
  - F. The owner of the property is responsible for maintaining all required licenses for the home occupation.
  - G. The term "home occupation" shall not include motor vehicle or lawn mower repair facilities, restaurants, commercial lodging establishments or any other occupation not consistent with use of the dwelling unit for residential purposes.
29. **Industrialized Home.** A dwelling which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.
30. **Lot.** A developed or undeveloped tract or parcel of land identified separately from other tracts or parcels of land by description as on a subdivision plat of record or survey map or as described by metes and bounds, and held in a single ownership and legally transferable as a single unit of land. For purposes of this Chapter, the term "lot" does not include any portion of a right-of-way.
31. **Lot of Record.** A lot or parcel of land which is:
  - A. Part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Superior Court of Newton County;
  - B. Described by metes and bounds, the plat or description of which has been recorded in said office; or
  - C. The remaining portion of a lot or parcel of land after a portion of such parcel has been conveyed



by an instrument which has been recorded in said office; provided that any such lot of record met the minimum lot area requirements applicable at the time such lot was recorded.

32. **Manufactured Home.** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length or, when erected on site, is three hundred twenty or more square feet (320' sq. ft.) and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.
33. **Mayor and Council.** The Mayor and Council of the City of Oxford, Georgia.
34. **Modular Home.** See "industrialized home."
35. **Parking Space.** The storage space for one motor vehicle. In size, this space is at least nine feet wide and twenty feet long (9' x 20') for a standard parking space, and at least twelve feet wide and twenty feet long (12' x 20') for a parking space designated for use exclusively by handicapped persons.
36. **Planning Commission.** The local Planning Commission of the City of Oxford, Georgia.
37. **Private Garage or Carport.** A covered space for the storage of one (1) or more motor vehicles.
38. **Public Street.** Streets in the state, county or city road systems.
39. **Setback.** A required open space on a lot that is left unoccupied with structures and facilities (other than landscaping and pavement) as measured from the property line to the building setback line, except as permitted in this Oxford Zoning Ordinance. A penetration by eaves of up to eighteen inches (18") is permitted. (See [the] definition of [the term] "Building setback line.")
40. **Street Right-of-way.** The right-of-way of a street or road which abuts the subject lot or parcel of land.
41. **Use.** Any purpose for which a building or tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or a tract of land.
42. **Use, Accessory.** A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same lot as the principal use or structure.
43. **Use, Principal.** The main purpose for which a lot is intended and for which it is used.
44. **Variance.** An approved modification of specified development standards for the district in which the subject lot is located, which is granted pursuant to section 404 of the Oxford Zoning Ordinance.

### ARTICLE III. ESTABLISHMENT OF DISTRICTS

#### Section 40-301 Districts Established

The City is divided into districts as follows:

1. **R-30 Single-Family Residential.** Low Density
2. **R-20 Single-Family Residential.** Low to Medium Density
3. **R-15 Single-Family Residential.** Medium Density
4. **RD Two-Family Residential.**
5. **RZT Single-Family Residential.** High Density
6. **RM Multiple-Family Residential.**
7. **C Commercial.**
8. **PI Public-Institutional.**
9. **AR Agricultural-Residential.**
10. **OP Office- Professional.**

In addition, an "overlay" district applies additional standards to specific areas which may lie within any of the above districts. That district is as follows: **H Historic District.**

#### Section 40-302 Districts Explained

Districts are areas of land within the City to which different development requirements and standards are applied. These differences are intended to promote the separation of incompatible uses, encourage sound land use

patterns, and retain the character of the community. Although this Oxford Zoning Ordinance establishes the locations of district boundaries, as indicated on the Official Map (Section 1701), the boundaries may be amended in the future in order to meet changing needs. (See Section 405 for amendment procedure.)

This may be done, however, only if the proposed change is in conformance with the Oxford Land Use Plan. If conditions have changed to the point that a genuinely needed change in a district boundary is not in conformance with the Oxford Land Use Plan, then the Oxford Land Use Plan shall first be amended to address the changing needs.

In making the decision to amend the boundary of a district, the points contained in Section 1703 shall be considered by the Planning Commission as Well as the Mayor and Council.

## **ARTICLE IV. GENERAL PROCEDURES**

### **Section 40-401 Initial Information**

This Article IV outlines certain general procedures to be followed in order to comply with the requirements of this Oxford Zoning Ordinance. A developer, landowner or other person, who initially may not be familiar with this Oxford Zoning Ordinance, should first visit the office of the City Clerk to get information concerning ordinances affecting any proposed development in the City. The City Clerk shall provide any developer or other interested party access to a copy of this Oxford Zoning Ordinance. The developer may either review this Oxford Zoning Ordinance in the office of the City Clerk or he may purchase a copy for his own use.

### **Section 40-402 Compliance with Oxford Zoning Ordinance Required**

No building, structure, land or open space shall be used or occupied and no building or structure or part thereof shall be erected, constructed, moved or altered in a manner that does not conform to the requirements specified for the district in which it is located, except for buildings or uses which are permitted as nonconforming uses under Section 40-403 of this Article.

### **Section 40-403 Continuance of Nonconforming Buildings and Uses**

Any buildings or structures or land, or uses thereof, which lawfully exist at the time this Oxford Zoning Ordinance is adopted or amended, but do not conform to the new regulations and standards for the districts in which they are located may continue subject to the special conditions as outlined in the following parts of this section:

1. Where a non-conforming use of a building or lot has ceased for more than six (6) months or has changed to a permitted or conforming use, further use of the building or lot shall be in conformance with the development standards and use requirements for the district in which it is located.
2. A non-conforming use of a building or lot shall not be extended or expanded to other portions of the building or lot; except, that a non-conforming use may be extended throughout those interior parts of a building which were designed for such use prior to the advent of the non-conforming use status. A non-conforming building or structure shall not be enlarged or altered, nor shall its value be enhanced, unless the enlargement or alteration is in conformance with the then applicable development standards and requirements for the district in which it is located; provided, that if any building or structure or any part thereof is remodeled or rebuilt to an extent exceeding one-third (1/3) of the then current cost to rebuild the entire building or structure, the entire building or structure must be in conformance with the then applicable development standards and requirements for the district in which it is located.
3. In the event any non-conforming building or other structure and any building containing a non-conforming use suffers damage by fire or other causes and such damage does not exceed fifty percent (50%) of the then current cost to rebuild the entire building or structure, the building or other structure may be reconstructed and used in the same manner as existed prior to such damage if such reconstruction is completed within twelve (12) months from the time such damage occurred. In the event any non-conforming building (other than a principal building) or other structure or any building (other than a principal building) containing a non-conforming use is damaged or destroyed by fire or other causes and such damage is greater than fifty percent (50%) of the then current cost to rebuild the entire building or structure, any such building or other structure may only be reconstructed and used to conform with the then applicable development standards and use requirements for the district in which

it is located. In the event any non-conforming principal building or any principal building containing a non-conforming use is damaged or destroyed by fire or other causes and such damage is greater than fifty percent (50%) of the then current cost to rebuild the entire building or structure, any such principal building may be reconstructed to the same physical dimensions and in the same location as existed prior to such damage if such reconstruction is completed within twelve (12) months from the time such damage occurred; provided, that the use of such principal building after such reconstruction must conform with the then applicable use requirements for the district in which it is located.

4. A non-conforming use, building or lot which is non-conforming only with respect to screening or buffer requirements shall be brought into compliance by providing the required screens or buffers within a period of three (3) years from the advent of the non conforming status. This time period is to allow for the growth of natural vegetative buffers.

**Section 40-404            Variances**

1. A variance may be granted by the Mayor and Council in accordance with this Section 404 in order to issue a development permit which allows development of a lot or parcel of land in a way that does not meet the development standards for the district in which the lot is located. After considering the recommendations from the Planning Commission and following the public hearing, the Mayor and Council will then make an official decision on the granting of a variance.
2. A variance may be granted only if the Mayor and Council find all of the following to exist:
  - A. That one of the following is true, through no action or fault of the property owner or predecessor:
    - (1) The property is exceptionally narrow, shallow or unusually shaped;
    - (2) The property contains exceptional topographic conditions;
    - (3) The property contains other extraordinary or exceptional conditions, or
    - (4) There are existing other extraordinary or exceptional circumstances; and
  - B. That the strict application of the requirements of this Ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property; and
  - C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this Ordinance.
3. Variance decisions shall be issued in writing within ten days of the hearing.
4. In granting a variance, the Mayor and Council may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this Ordinance will be served, public safety and welfare secured and substantial justice done.
5. The Mayor and Council shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. The Mayor and Council shall not grant variances when the hardship was created by the property owner or his predecessor.

**Section 40-405            Amendments**

1. Applications to amend this Ordinance may be in the form of proposals to amend the text or proposals to amend the Official Zoning Map.
  - A. An application to amend the text of this Ordinance may be initiated by the Planning Commission or be submitted to the Planning Commission by the Mayor and Council or by any person having an interest in the county.
  - B. Unless initiated by the Mayor and Council or the Planning Commission, all applications to amend the Official Zoning Map must be submitted by the owner of the affected property or the authorized agent of the owner. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application.
  - C. An application for an amendment to the Official Zoning Map affecting the same property shall not be submitted more than once every twelve (12) months, such interval to begin on the date of final decision by the Mayor and Council. The twelve (12)-month interval shall not apply to applications initiated by the Mayor and Council, except for amendments to the Zoning Map which were defeated by the Mayor and Council, in which case the interval required for the subsequent application shall be at least twelve (12) months.
  - D. An application to alter conditions of rezoning may be submitted at any time after the final decision of the Mayor and Council. The Applicant must show a change in circumstances or



applicant. The notice shall also state, "Notice is hereby given that the Mayor and Council have the power to impose a different zoning classification from the classification requested, and impose or delete zoning conditions that may change the application considerably."

8. **Signs Posted** . If the application for amendment to the Official Zoning Map is initiated by anyone other than the Mayor and Council, a sign shall be posted, at least fifteen (15) days prior to the Mayor and Council's public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign containing information as to the application and date, time and place of the public hearing.
9. Before taking action on a proposed application and after receipt of the Planning Commission recommendations, the Mayor and Council shall hold a public hearing on the proposed application made pursuant to this Section. At the public hearing, the Mayor and Council shall review the application submitted by the initiating party, and the recommendation prepared by the Planning Commission. So that the purpose of this Ordinance will be served, health, public safety and general welfare secured, the Mayor and Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, or add or delete conditions made a part of the application. The Mayor and Council shall have the power to impose a different zoning classification from the classification requested, and may impose zoning conditions which ameliorate the impact of the zoning on neighboring property owners, or serve other lawful purposes of this Ordinance. An action by the Mayor and Council to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application; and no further notice is required.
10. Zoning conditions approved by the Mayor and Council shall have the full force and effect of law. A condition to rezoning approval may be imposed regardless of whether it is approved by the applicant or property owner. Use or development of the rezoned property shall not be permitted unless the conditions are fully complied with.
11. **Conduct of the Hearing.**
  - A. All persons who wish to address the Mayor and Council at a hearing concerning a proposed application under consideration by the Mayor and Council shall first sign up on a form to be provided by the City prior to the commencement of the hearing.
  - B. The City Clerk or his designee will read the proposed application under consideration prior to receiving public input on said proposed application. Proposed applications shall be called in the order determined by the Mayor and Council.
  - C. The Mayor shall call each person who has signed up to speak on the zoning decision in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless the Mayor and Council, in its discretion, allow the person to speak to the application, notwithstanding the failure of the person to sign up prior to the hearing.
  - D. Each speaker shall be allowed five (5) minutes to address the Mayor and Council concerning the application then under consideration, unless the Mayor and Council, prior to or at the time of the reading of the proposed zoning decision, allows additional time in which to address the Mayor and Council. The applicant or his representative may initially use all of the time allotted to him to speak, or he may speak and reserve a portion of his allotted time for rebuttal. Provided, however, that the proponents and opponents of each application shall have no less than ten (10) minutes per side for presentation of data, evidence, and opinion thereon.
  - E. Each speaker shall speak only to the merits of the proposed application under consideration and shall address his remarks only to the Mayor and Council. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The Mayor and Council may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this Subsection.
  - F. Nothing contained herein shall be construed as prohibiting the Mayor and Council from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.
  - G. These procedures shall be available in writing at all hearings.
12. The Planning Commission shall hold a public hearing on each application for an amendment pursuant to this Section in accordance with a schedule adopted by the Commission. As to each application, the

Planning Commission shall make a recommendation for approval, approval with conditions, or denial. A tie vote on any motion shall equate to denial. The Planning Commission may also table the application one time for the presentation of more information.

13. The following standards governing the exercise of the zoning power are adopted in accordance with O.C.G.A. 36-66-5(b):
- A. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
  - B. Whether the subject property has a reasonable economic use as currently zoned;
  - C. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
  - D. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
  - E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;
  - F. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
  - G. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

#### **Section 40-406                   Appealing an Action of the Building Inspector**

The Mayor and Council have jurisdiction for hearing appeals concerning actions of the building inspector related to this Chapter. Applications for appeal may be obtained from the City Clerk. A party desiring to appeal an action of the Building Inspector may initiate such appeal by submitting a completed application for appeal to the City.

All applications for appeal shall be reviewed by the Planning Commission at its first regular monthly meeting following the date such application is submitted to the City Clerk, provided that such application is submitted at least fifteen (15) days prior to such scheduled meeting. The Planning Commission will send its recommendations in writing to the Mayor and Council within thirty (30) days after the regular meeting where such application is reviewed, stating reasons for its recommendations. If the Planning Commission fails to send its recommendations to the Mayor and Council within said thirty (30)-day period, the Mayor and Council may take action without the recommendation of the Planning Commission.

When an appeal is initiated, which would involve changing the development standards, uses or zoning district of a parcel of land, the owner of the land must post a sign, easily seen from the street, on the land summarizing the change in development standards that would result if the appeal were approved. The sign must be rented from the city, which will supply the sign upon payment of the fee. This is to ensure that the sign is of such a design that it can be easily read from the street. The sign must be posted at least thirty (30) days before the public hearing with the Mayor and Council. The landowner must also notify the owners of all land within two hundred feet (200') of the borders of his property, by registered letter, of his application for appeal at least thirty (30') days before the public hearing with the Mayor and Council.

When an action of the building inspector is appealed, all action under the building permit concerning the appealed action shall be stopped immediately. If the building inspector feels that the stopping of such action under the building permit will cause imminent peril to life and property, he may recommend in writing to the Mayor and Council that such action under the building permit be allowed to continue. The Mayor and Council will consider the recommendation and make a decision on whether or not to allow the action under the building permit concerning the appealed action to continue, recording its decision in the minutes of its meeting.

When the Planning Commission delivers its recommendations to the Mayor and Council regarding an application for appeal of an action of the Building Inspector, the Mayor and Council will set a time and place for a public hearing on the appeal. Notice of the hearing shall be published in a newspaper of general circulation in the City at least fifteen (15) days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the Mayor and Council by registered letter at least fifteen (15) days before the hearing. Any person may appear at the hearing, or have a representative attend instead.

The Mayor and Council will make a decision concerning the appeal and record the decision in the minutes for that

meeting. Further appeal on points of law may be made to the Newton County Superior Court.

**Section 40-407 Penalties**

Any person who violates any of the provisions of this Oxford Zoning Ordinance shall face penalties. If a developer or landowner exhausts the decision and appeals procedures contained in this Article IV and is still dissatisfied with the decision, he shall then comply with the final decision or face penalties. Anyone who violates any of the provisions of this Oxford Zoning Ordinance is guilty of violating a duly adopted ordinance of the City. Violation of any provision of this Oxford Zoning Ordinance is declared a misdemeanor and, upon conviction, the offender will be punished as provided by law. Each day such a violation continues constitutes a separate offense.

**Section 40-408 Remedies**

If any building or land is used or maintained in violation of this Oxford Zoning Ordinance, anyone, including the City, who would be harmed by such a violation may initiate legal proceedings to obtain an injunction or other appropriated remedy to stop the violation or to prevent any act which would constitute such a violation. Other legal remedies are also available as provided by Georgia law.

**Section 40-409 Places of Religious Assembly**

Places of religious assembly are buildings, structures or lots used for the assembly of persons for religious worship and non-profit accessories to such uses. Places of religious assembly are permitted in each zoning classification within the City, but shall comply with applicable development standards for the zoning classification in which they are located, and are subject to the following listed maximum size restrictions in residential-only classifications, as follows:

Zoning District	Maximum Square Footage
AR	3,000 sq. ft.
R-30	3,000 sq. ft.
R-20	5,000 sq. ft.
R-15	7,000 sq. ft.
RD	10,000 sq. ft.
RZT	15,000 sq. ft.
RM	15,000 sq. ft.

**Section 40-410 Institutional-Residential Uses**

1. Institutional-Residential Uses are generally uses that provide residential living space or dwelling units for persons in an institutional or group setting, whether for day care, twenty-four (24) hour care or assisted living, specifically defined as one of the following types. Certain of the following uses have no residential component (child day care, adult day care, kindergarten, but are grouped here because of similarity):
  - A. **Assisted-living Facility.** A residential facility that provides an array of coordinated supportive personal and health care services, available twenty-four (24)-hours per day, to residents who need any of these services. Such facility does not include nursing homes, or group homes for persons with a disability.
  - B. **Adult Day Care.** A use that provides care, assistance with personal services and/or supervision for adults for more than four (4) and less than twenty-four (24) hours per day. Uses providing medical services or assistance with medical or rehabilitative treatment are not included.
  - C. **Child Day Care.** A use that provides care, assistance with personal services and/or supervision for children for more than four (4) and less than twenty-four (24) hours per day. Uses providing medical services or assistance with medical or rehabilitative treatment are not included.
  - D. **Disability.** A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A "disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances

Act, 21 U.S.C. 802 or successor law. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

- E. Group Home for Persons with a Disability.** A residence in which three (3) or more persons with disability reside and which is licensed by the State Department of Human Resources as a personal care home under Title 31.
  - F. Group Home (Non-disability).** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service and one or more personal services for two or more adults who are not related to the owner by blood or marriage and falls under the jurisdiction of the Georgia Department of Human Resources, but that does not meet the definition of "Group Home for Persons with a Disability."
  - G. Homeless Shelter** A facility either (1) operated, licensed or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, which, for no compensation provides temporary lodging, meals, and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways. Temporary lodging is typically less than thirty (30) days.
  - H. Home for the Aged.** A use comprising building or buildings providing dwelling units for persons over a certain minimum age, where no domiciliary care, nursing care, or other assistance is provided.
  - I. Hospice.** A use, other than uses fitting the description of Nursing Homes or Group Home for Persons with a Disability, in which domiciliary care is provided with support and supervisory personnel that provide room and board, personal care and rehabilitation services in a family environment for persons not meeting the definition of handicapped under the Fair Housing Act, 42 U.S.C. § 3601 et seq.
  - J. Kindergarten.** A day program or part-day program for teaching of children between four and six (6) years old, that serves as an introduction to school.
  - K. Nursing Home.** A long term residential facility for elderly, or otherwise ill persons which may include some or all of the following: individual dwelling units, living and sleeping rooms, a common dining room, skilled nursing care, recreational facilities, and transportation for social and medical purposes. Such facility does not include an assisted living facility, a hospice, a group home for persons with a disability, or a group home, non-disability.
  - L. Rehabilitation Facility.** A facility (residential or non-residential) to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, mental health, behavioral dysfunctions, emotional or psychological problems, or other similar facilities.
- 2. Permitted Zoning Districts for Specific Uses.** The following uses are permitted in the following districts:
- A.** Group homes for persons with disabilities, for six (6) or fewer residents (not including resident staff), are permitted in AR, R-30, R-20, R- 15, RD, RZT and RM, and are subject to the development standards applicable to zoning classification in which they are located.
  - B.** In the C zoning district, all of the following are permitted in accordance with the development standards of that district:
    - (1) Group homes for persons with disabilities (no size limit);
    - (2) Group homes (non-disability), child day care, adult day care, kindergartens, hospitals, clinics, nursing homes, assisted living facilities, homes for the aged, rehabilitation facilities, hospices, homeless shelters, and related facilities.
  - C. Buffer Requirements.** Where permitted, any rehabilitation facility or homeless shelter shall be located on property of at least three (3) acres. When adjacent to residentially zoned or used property, a twenty-five (25)-foot landscaped buffer shall be provided. Any such facility shall be surrounded by an opaque wood fence at least six feet (6') high along all property lines with adjacent commercial uses or that abut other zoning districts, or along the inner or outer boundary of any required buffer. No fence shall be erected along the road frontage.



**ARTICLE V. R-30 SINGLE-FAMILY RESIDENTIAL - LOW DENSITY**

**Section 40-501 Purpose**

R-30 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large numbers of people. These districts are free from other uses which are incompatible with single-family homes.

**Section 40-502 Determining If an Area Is Suitable for Inclusion Within a R-30 District**

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.  
(Mo. of 10-7-96)

**Section 40-503 Boundaries of R-30 Districts**

The Official Map shows the boundaries of all R-30 districts within the City.

**Section 40-504 Development Standards for R-30 Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within R-30 districts:

1. **Minimum Off-street Parking Space Shall Be as Follows.** Single-family dwellings - three hundred sixty square feet (360 sq. ft.) per dwelling unit; off-street parking shall be located on the same lot on which the dwelling unit it serves is located.
2. **Minimum Lot Area.** Thirty thousand square feet (30,000 sq. ft.); however, a lot of record existing at the time of passage of this Oxford Zoning Ordinance and having insufficient area to conform with this minimum lot area standard may nevertheless be developed with a use which is permitted within an R-30 district.
3. **Minimum Floor Area per Dwelling Unit.** One thousand eight hundred square feet (1,800 sq. ft.).
4. **Minimum Lot Width at Building Line.** One hundred feet (100 ft.).
5. **Minimum Setback from Street Right-of-way Shall Be as Follows.**
  - A. **Major Thoroughfares.** Fifty feet (50').
  - B. **Other Streets.** Fifty feet (50').
6. **Minimum Setback from Side Lot Line.** Fifteen feet (15 ft.).
7. **Minimum Setback from Rear Lot Line.** Thirty feet (30').
8. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas, and domes not intended for human occupancy. Moreover, it does not apply to monuments, chimneys, flagpoles, aerials and television antennas.
9. **Maximum Lot Coverage by Principal Building.** Twenty-five percent (25%).
10. **Only One (1) Principal Building per Lot.** Only one (1) principal building and its accessory buildings may be erected on any lot.  
(Mo. of 10-7-96)

**Section 40-505 Uses in R-30 Districts**

1. **Permitted Uses.** Permitted uses in the R-30 districts are as follows:
  - A. Single-family dwellings.
  - B. Customary home occupations.
  - C. Bed and breakfast as a special exception permitted use, subject to the following standards, restrictions and conditions:
    - (1) All of the owners of the property must reside in the dwelling and the bed and breakfast shall be operated exclusively by members of the resident family, except for one nonfamily worker.

- (2) The maximum allowable occupancy shall be ten (10) adult guests. Each guestroom shall be limited to two (2) adults, with the exception that parents traveling with minors or dependents shall be allowed a total occupancy of four (4) individuals.
- (3) A minimum lot area of three-fourths ( $\frac{3}{4}$ ) of one (1) acre of land shall be required.
- (4) No bed and breakfast shall be located nearer than seven hundred fifty feet (750) from any other previously operating bed and breakfast, as measured from the nearest boundary line of each lot and running along the shortest distance between each of such lots.
- (5) The principal use of the dwelling shall be residential and shall retain its single-family residential appearance.
- (6) The operation of the bed and breakfast shall be limited to the existing structures built for single-family residential use. No additions, alterations or modifications to the existing structures shall be allowed which would change the residential character of the property (e.g. adding rooms to accommodate additional guests).
- (7) No bed and breakfast shall be authorized unless satisfactory arrangement and conditions have been made to prevent potentially adverse affects created by noise, fumes, odors, glare, light and traffic conditions.
- (8) Food service shall be limited to morning meals only and may be served only to registered guests.
- (9) No food preparation or cooking for guests shall be conducted within any guestroom, and the guestrooms shall not contain kitchen facilities.
- (10) No parties, weddings, conferences, entertainment or similar special events or facilities shall be permitted.
- (11) A bed and breakfast must meet all requirements of all applicable health and safety codes, and otherwise comply with all laws of the City, Newton County and the state of Georgia.
- (12) The resident owner(s) of a bed and breakfast shall comply with all business licensing requirements and revenue collection ordinances of the City and of Newton County and the state of Georgia.
- (13) The resident owner(s) of the bed and breakfast shall provide one (1) parking space per guestroom, for a maximum of five (5) required spaces. No parking spaces may be located in the front yard of the residence. No on-street parking shall be allowed.
- (14) One (1) identification sign shall be permitted, provided it is no larger in size than one foot by two feet (1' x 2') and made of wood or a wood-like material. Placement and design of the sign shall be indicated on the site plan submitted with the bed and breakfast application and shall be subject to approval by the Planning Commission.
- (15) An application for a bed and breakfast shall be submitted to the City Clerk and shall include the location and the owner of the property. A site plan of the lot shall be submitted with the application showing: the proposed location of the bed and breakfast; the location of the required off-street parking spaces and photographs showing all four (4) sides of the existing building where the proposed bed and breakfast is to be located.
- (16) Upon receiving a completed application for a bed and breakfast, the City Clerk or its (his) designee will post the site for seven (7) days giving the public notice of the bed and breakfast application.
- (17) The Planning Commission shall review the application for a bed and breakfast to determine compliance with the standards and conditions set forth herein and make a formal recommendation to the Mayor and Council for approval or denial of the application. In making their determination the Planning Commission shall also consider aesthetic value, impacts to the neighborhood, the residential character of the dwelling, any pre-application alterations which may have to be performed which are not in keeping with the character of a residential use, adequacy of the facility to meet the various needs of the owner-occupant and guests (including, but not limited to bathrooms, dining, cooking facilities and common area) and suitability of the site for the proposed use.
- (18) After receiving a recommendation from the Planning Commission, the final application will be approved or disapproved by the Mayor and Council.
- (19) Approval by the Mayor and Council to operate a bed and breakfast under this Ordinance shall not be transferable to subsequent owners or to tenants.
- (20) If the application for a bed and breakfast is approved by the Mayor and Council, the resident-owner shall allow the Building Inspector to inspect the bed and breakfast from

time to time to ensure continued compliance with the established standards and conditions.

- D. Facilities for the distribution of utility services (e.g. electrical substations or gas regulator stations); provided that the structures are enclosed by a woven wire fence at least eight feet (8') high, the perimeter of such a lot is suitably landscaped with evergreen trees or shrubs that grow at least eight feet (8') tall and provide an effective visual screen from adjacent properties, and no vehicles or equipment are stored on the premises.
  - E. Accessory uses as specified in paragraph 2 of Section 40-505.
2. **Accessory Uses.** Accessory uses in the R-30 district are as follows:
- A. Private garage or carport not to exceed the storage capacity of three (3) automobiles per lot.
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds; however the structure shall be located at least fifteen (15') from the rear and side lot lines, with a floor area of no more than four hundred square feet (400 sq. ft.); twenty feet by twenty feet (20' x 20') and a building vertical height of no more than twenty feet (20'). (*Amended 9/10/07*)
  - C. Structure for a children's playhouse and the storage of children's play equipment.
  - D. Private swimming pools and bathhouses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high.
  - E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed such that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
  - F. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet (8') in height.
  - G. Decks, patios, barbecue grills and other such facilities.
  - H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.
  - I. Signs as permitted by the Oxford Sign Ordinance.

**ARTICLE VI. R-20 SINGLE-FAMILY RESIDENTIAL - LOW TO MEDIUM DENSITY**

**Section 40-601 Purpose**

R-20 zoning districts are intended to establish and preserve quiet neighborhoods of single-family residences as desired by large numbers of people, but at a higher permitted density of development than that allowed in R-20 districts. These districts are free from other uses which are incompatible with single-family homes.

**Section 40-602 Determining If an Area Is Suitable for Inclusion Within a R-20 District**

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

**Section 40-603 Boundaries of R-20 Districts**

The Official Zoning Map shows the boundaries of all R-20 districts within the city.

**Section 40-604 Development Standards for R-20 Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within R-20 districts:

1. **Minimum Off-street Parking Space Shall Be as Follows.** Single-family dwellings: three hundred sixty square feet (360 sq. ft.) per dwelling unit; off-street parking shall be located on the same lot on which the dwelling unit it serves is located.
2. **Minimum Lot Area.** Twenty thousand square feet (20,000 sq. ft.); however, a lot of record existing at the time of passage of this Oxford Zoning Ordinance and having insufficient area to conform with this

minimum lot area standard may nevertheless be developed with a use which is permitted within an R-20 district.

3. **Minimum Floor Area per Dwelling Unit.** One thousand five hundred square feet (1,500 sq. ft.).
4. **Minimum Lot Width at Building Line.** One hundred feet (100').
5. **Minimum Setback from Street Right-of-way Is as Follows.**
  - A. **Major Thoroughfares.** Fifty feet (50').
  - B. **Other Streets.** Thirty-five feet (35').See (the) Oxford Major Thoroughfare plan for (an) explanation of (the) street classification system.
6. **Minimum Setback from Side Lot Line.** Fifteen feet (15').
7. **Minimum Setback from Rear Lot Line.** Thirty feet (30').
8. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to monuments, chimneys, flagpoles, aerials and television antennas.
9. **Maximum Lot Coverage by Principal Building.** Twenty-five percent (25%).
10. **Only One (1) Principal Building per Lot.** Only one (1) principal building and its accessory buildings may be erected on any lot.

**Section 40-605                      Uses in R-20 Districts**

1. **Permitted Uses.** Permitted uses in the R-20 districts are as follows:
  - A. Single-family dwellings;
  - B. Customary home occupations;
  - C. Facilities for the distribution of utility services (e.g. electrical substations or gas regulator stations); provided that the structures are enclosed by a woven wire fence at least eight feet (8') high, the perimeter of such a lot is suitably landscaped with evergreen trees or shrubs that grow at least eight feet (8') tall and provide an effective visual screen from adjacent properties, and no vehicles or equipment are stored on the premises.
  - D. Accessory uses as specified in paragraph 2 of Section 40-605.
2. **Accessory Uses.** Accessory uses in the R-20 district are as follows:
  - A. Private garage or carport not to exceed the storage capacity of two (2) automobiles per lot.
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  - C. Structure for a children's playhouse and the storage of children's play equipment.
  - D. Private swimming pools and bathhouses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high.
  - E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
  - F. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet (8') in height.
  - G. Decks, patios, barbecue grills and other such facilities.
  - H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.
  - I. Signs as permitted by the Oxford Sign Ordinance.

**ARTICLE VII.                      R-15 SINGLE-FAMILY RESIDENTIAL - MEDIUM DENSITY**

**Section 40-701                      Purpose**

R- 15 zoning districts are intended to establish and preserve quiet neighborhoods of single-family residences as desired by large numbers of people, but at a higher permitted density of development than that allowed in R-30 or R-20 districts. These districts are free from other uses which are incompatible with single-family homes.

**Section 40-702                      Determining If an Area Is Suitable for Inclusion Within a R-15 District**

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and

Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

**Section 40-703                    Boundaries of R-15 Districts**

The Official Zoning Map shows the boundaries of all R- 15 districts within the City

**Section 40-704                    Development Standards for R-15 Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within R- 15 districts:

1. **Minimum Off-street Parking Space Shall Be as Follows.** Single-family dwellings: Three hundred sixty square feet (360 sq. ft.) per dwelling unit; off-street parking shall be located on the same lot on which the dwelling unit it serves is located.
2. **Minimum Lot Area.** Fifteen thousand square feet (15,000 sq. ft.); however, a lot of record existing at the time of passage of this Oxford Zoning Ordinance and having insufficient area to conform with this minimum lot area standard may nevertheless be developed with a use which is permitted within an R-20 district.
3. **Minimum Floor Area per Dwelling Unit.** One thousand two hundred square feet (1,200 sq. ft.).
4. **Minimum Lot Width at Building Line.** Seventy five feet (75').
5. **Minimum Setback from the Street Right-of-way Line.**
  - A. **Major Thoroughfares,** Fifty feet (50').
  - B. **Other Streets.** Thirty feet (30').See (the) Oxford Major Thoroughfare plan for (an) explanation of (the) street classification system.
6. **Minimum Setback from Side Lot Line.** Fifteen feet (15').
7. **Minimum Setback from Rear Lot Line.** Thirty feet (30').
8. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to monuments, chimneys, flagpoles, aerials and television antennas.
9. **Maximum Lot Coverage by Principal Building.** Twenty-five percent (25%).
10. **Only One Principal Building per Lot.** Only one (1) principal building and its accessory buildings may be erected on any lot.

**Section 40-705                    Uses in R-15 Districts**

1. **Permitted Uses.** Permitted uses in the R- 15 districts are as follows:
  - A. Single-family dwellings;
  - B. Customary home occupations;
  - C. Facilities for the distribution of utility services (e.g. electrical substations or gas regulator stations); provided that the structures are enclosed by a woven wire fence at least eight feet (8') high, the perimeter of such a lot is suitably landscaped with evergreen trees or shrubs that grow at least eight feet (8') tall and provide an effective visual screen from adjacent properties, and no vehicles or equipment are stored on the premises.
  - D. Accessory uses as specified in paragraph 2 of Section 40-705.
2. **Accessory Uses.** Accessory uses in the R- 15 districts are as follows:
  - A. Private garage or carport not to exceed the storage capacity of two automobiles per lot.
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  - C. Structure for a children's playhouse and the storage of children's play equipment.
  - D. Private swimming pools and bath houses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high.
  - E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
  - F. Noncommercial garden, including a greenhouse and other customary garden structures not over

- eight feet (8') in height.
- G. Decks, patios, barbecue grills and other such facilities.
- H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.
- I. Signs as permitted by the Oxford Sign Ordinance.

## ARTICLE VIII. RD TWO-FAMILY RESIDENTIAL

### Section 40-801 Purpose

RD zoning districts are intended to establish and preserve quiet neighborhoods of two (2)-family residences, which provide many of the amenities found in single-family dwellings but at a somewhat reduced cost. Open yard space is often more useable with this type of housing, even though the maximum density permitted in this district is the same as for R-20 districts. These districts are free from other uses which are incompatible with quiet residential neighborhoods.

### Section 40-802 Determining If an Area Is Suitable for Inclusion Within a Rd District

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

### Section 40-803 Boundaries of RD Districts

The Official Zoning Map shows the boundaries of all RD districts within the City.

### Section 40-804 Development Standards for RD Districts

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within RD districts:

1. **Minimum Off-street Parking Space Shall Be as Follows.** Single-family dwellings, two (2)-family dwellings: Three hundred sixty square feet (360 sq. ft.) per dwelling unit; off-street parking shall be located on the same lot on which the dwelling unit it serves is located.
2. **Minimum Lot Area.** Twenty-one thousand seven hundred eighty square feet (21,780 sq. ft.); however, a lot of record existing at the time of passage of this Oxford Zoning Ordinance and having insufficient area to conform with this minimum lot area standard may nevertheless be developed with a use which is permitted within an RD district.
3. **Minimum Floor Area per Dwelling Unit.** Nine hundred square feet (900 sq. ft.).
4. **Minimum Lot Width at Building Line.** One hundred feet (100').
5. **Minimum Setback from the Street Right-of-way Shall Be as Follows.**
  - A. **Major Thoroughfares.** Fifty feet (50').
  - B. **Other Streets** Fifty feet (50').
6. **Minimum Setback from Side Lot Line.** Fifteen feet (15').
7. **Minimum Setback from Rear Lot Line.** Thirty feet (30').
8. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to monuments, chimneys, flagpoles, aerials and television antennas.
9. **Maximum lot coverage by principal building.** Twenty-five percent (25%).
10. **Only One Principal Building per Lot.** Only one (1) principal building and its accessory buildings may be erected on any lot.

### Section 40-805 Uses in RD Districts

1. **Permitted Uses.** Permitted uses in the RD districts are as follows:

- A. Single-family dwellings meeting development standards of R-30 or R-20 districts;
  - B. Two-(2)-family dwellings;
  - C. Customary home occupations;
  - D. Facilities for the distribution of utility services (e.g. electrical substations or gas regulator stations); provided that the structures are enclosed by a woven wire fence at least eight feet (8') high, the perimeter of such a lot is suitably landscaped with evergreen trees or shrubs that grow at least eight feet (8') tall and provide an effective visual screen from adjacent properties, and no vehicles or equipment are stored on the premises.
  - E. Accessory uses as specified in paragraph 2 of Section 40-805.
2. **Accessory Uses.** Accessory uses in the RD districts are as follows:
- A. Private garage or carport not to exceed the storage capacity of two automobiles per lot.
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  - C. Structure for a children's playhouse and the storage of children's play equipment.
  - D. Private swimming pools and bath houses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high.
  - E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
  - F. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet (8') in height.
  - G. Decks, patios, barbecue grills and other such facilities.
  - H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.
  - I. Signs as permitted by the Oxford Sign Ordinance.

**ARTICLE IX. RZT SINGLE-FAMILY RESIDENTIAL - HIGH DENSITY**

**Section 40-901 Purpose**

RZT zoning districts are intended to establish and preserve quiet neighborhoods of single-family attached and detached residences of relatively high density. Both house and land are individually owned; spaces which are jointly owned and typically used for recreation and open space for owners are also permitted. Such housing types as townhouses and zero-lot-line homes (see Section 40-01 for definitions) may be located in an RZT district. Such housing types usually would not meet the development standards of other residential districts. When they are developed within an RZT district, they are protected from the detrimental effects of intrusion by incompatible land uses. Stable, attractive residential neighborhoods can be established and preserved, while the higher permitted density reduces the costs of the housing and the costs of providing public services to them.

**Section 40-902 Determining if an Area is Suitable for Inclusion within a RZT District**

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

**Section 40-903 Boundaries of RZT Districts**

The Official Zoning Map shows the boundaries of all RZT districts within the City.

**Section 40-904 Development Standards for RZT Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within RZT districts:

- 1. **Minimum Off-street Parking Space.** Three hundred sixty square feet (360') per dwelling unit; off-street parking space shall be located on the same lot on which the dwelling unit it serves is located.

2. **Minimum Lot Area Shall Be as Follows.**
  - A. **Zero-lot-line Dwelling.** One thousand six hundred square feet (1,600 sq. ft.).
  - B. **Townhouse Dwelling.** One thousand six hundred square feet (1,600 sq. ft.).
3. **Minimum Floor Area per Dwelling Unit Shall Be as Follows.**
  - A. **Zero-lot-line Dwelling.** Eight hundred square feet (800 sq. ft.).
  - B. **Townhouse Dwelling.** Eight hundred square feet (800 sq. ft.).
4. **Minimum Lot Width Shall Be as Follows.**
  - A. **Zero-lot-line Dwelling.** Forty feet (40').
  - B. **Townhouse Dwelling.** Eighteen feet (18').
5. **Minimum Setback from Street Right-of-way Shall Be as Follows.**
  - A. **Major Thoroughfares.** Fifty feet (50').
  - B. **Other Streets.** Thirty feet (30').
6. **Minimum Setback from Side Lot Line Shall Be as Follows.**
  - A. **Zero-lot-line Dwelling.** Zero feet (0').
  - B. **Townhouse Dwelling.** Zero feet (0').
  - C. If side lot line adjoins an R-30, R-20, R- 15, or RD district, minimum setback from the lot line is thirty feet (30'), regardless of the type of dwelling unit on the lot.
7. **Minimum Setback from Rear Lot Line Shall Be as Follows.**
  - A. **Zero-lot-line Dwelling.** Zero feet (0').
  - B. **Townhouse Dwelling.** Twenty-five feet (25').
  - C. If a rear lot line adjoins an R-30, R-20, R- 15 or RD district, the minimum setback from the lot line is thirty feet (30'), regardless of the type of dwelling unit on the lot.
8. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to chimneys, flagpoles and television antennas.
9. **Screening.** When property in an RZT district adjoins property in an R-30, R-20, R-15 or RD district, parking, service and activity areas in the RZT district shall be separated from the R-30, R-20, R- 15 or RD district by a suitable planting screen, fence or wall at least six feet (6') in height above the finished grade. The required screen, fence or wall shall provide reasonable visual separation between the properties.
10. **Length of Townhouse Row.** More than four (4) attached townhouse dwellings shall be arranged in adjacent sets of dwelling units, each set having a front foundation line offset of at least ten feet (10') from the front foundation line of the adjacent set of dwelling units.
11. **Separation of Townhouses from Other Buildings.** A minimum distance of twenty feet (20') shall be preserved between a townhouse dwelling (along with its related accessory structure, if any) and any other building (and its related accessory structure, if any).
12. **Private Yard or Patio.** Each attached single-family dwelling unit shall have at least one (1) private or reasonably secluded outside yard or patio.
13. **Firewalls.** All side and rear walls of zero-lot-line dwellings and townhouse dwellings which are less than ten feet (10') from the lot line shall have firewalls. Building code requirements regarding construction of firewalls shall be met.
14. **Rear Yard Access.** Access to the rear of dwellings shall be provided for firefighters, meter readers, and others providing community services. Where no access is available to the rear yard of a lot from the street in front of the lot, alternative access shall be provided.
15. **Maximum Lot Coverage by Principal Building.** Fifty percent (50%).
16. **Municipal Water and Sewage Service Required.** All dwellings within RZT districts shall be served by municipal water and sewage lines. Where such lines do not already exist, the developer is responsible for installation of them (see the Oxford Subdivision Ordinance for construction standards). Underground stormwater management shall also be required for all dwellings within RZT districts. Additionally, all utility lines for electricity, cable, telephone and the like shall be buried underground.
17. **Curb Cuts.** Curb cuts for vehicular access from public streets to dwellings on RZT lots are allowed only on minor streets (see the Oxford Major Thoroughfare Plan for explanation of street classification system). This restriction is necessary to ensure safety of traffic movement within these areas of high-density development.
18. **Street Rights-of-way.** Minor streets within RZT districts are required to have a right-of-way width of thirty feet (30') (see [the] Oxford Subdivision Ordinance). This restriction is necessary in order to ensure that the setback from street centerlines permitted in RZT districts does not result in structures possibly



encroaching on street rights-of-way.

- 19. **Only One Principal Building per Lot.** Only one (1) principal building and its accessory buildings may be erected on any lot.

**Section 40-905 Uses in RZT Districts**

- 1. **Permitted Uses.** Permitted uses in the RZT districts are as follows:
  - A. Single-family dwellings meeting development standards of R-30, R-20 or R- 15 districts;
  - B. Two(2)-family dwellings meeting development standards of RD district;
  - C. Zero-lot-line dwellings;
  - D. Townhouse dwellings;
  - E. Customary home occupations;
  - F. Facilities for the distribution of utility services (e.g. electrical substations or gas regulator stations); provided that the structures are enclosed by a woven wire fence at least eight feet (8') high, the perimeter of such a lot is suitably landscaped with evergreen trees or shrubs that grow at least eight feet (8') tall and provide an effective visual screen from adjacent properties, and no vehicles or equipment are stored on the premises.
  - G. Accessory uses as specified in paragraph 2 of Section 40-905.
- 2. **Accessory Uses.** Accessory uses in the RZT district are as follows:
  - A. Private garage or carport not to exceed the storage capacity of two automobiles per lot;
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds;
  - C. Structure for a children's playhouse and the storage of children's play equipment;
  - D. Private swimming pools and bathhouses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high;
  - E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height;
  - F. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet (8') in height;
  - G. Decks, patios, barbecue grills and other such facilities;
  - H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities;
  - I. Signs as permitted by the Oxford Sign Ordinance.
- 3. **Trailer Parking.** No trailer, recreational vehicle, travel trailer, camper, pickup coach, motorized home, boat trailer or boat is allowed to be parked in front of or at the side of the main building unless it is parked or stored completely within a private garage or carport.

**ARTICLE X. RM MULTIPLE-FAMILY RESIDENTIAL**

**Section 40-1001 Purpose**

RM zoning districts are intended to establish and preserve attractive and convenient communities of multifamily housing, with open space areas and recreational facilities shared by residents of a number of units. Such housing efficiently utilizes available public utilities and services, and provides an affordable housing alternative.

**Section 40-1002 Determining if an Area is Suitable for Inclusion within a RM District**

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

**Section 40-1003 Boundaries of RM Districts**

The Official Zoning Map shows the boundaries of all RM districts within the City.

**Section 40-1004            Development Standards for RM Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within RM districts:

1. **Minimum Off-street Parking Space.** Two hundred fifty square feet (250 sq. ft.) per dwelling unit; off-street parking space shall be located within one hundred feet (100') of the dwelling unit it serves.
2. **Minimum Lot Area.** Six thousand square feet (6,000 sq. ft.) per dwelling unit; however, a lot of record existing at the time of passage of this Oxford Zoning Ordinance and having insufficient area to conform with minimum lot area standard may nevertheless be developed with a use which is permitted within an RM district.
3. **Minimum Floor Area per Dwelling Unit.** Seven hundred fifty square feet (750 sq. ft.).
4. **Minimum Lot Width at Building Line.** One hundred feet (100').
5. **Street Frontage.** One hundred feet (100') of street frontage is required on each street abutting a lot.
6. **Minimum Setback from Street Right-of-way Shall Be as Follows.**
  - A. **Major Thoroughfares.** Fifty feet (50').
  - B. **Other Streets.** Thirty-five feet (35').
7. **Minimum Setback from Side and Rear Lot Line.** Fifteen feet (15'), provided that if such lot line adjoins an R-30, R-20, R- 15, RD or RZT district, then the minimum setback from such lot line is thirty feet (30').
8. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to monuments, water towers, chimneys, smokestacks, conveyors, flagpoles, masts, aerials and television antennas.
9. **Maximum Lot Coverage by Principal Buildings.** Thirty percent (30%).
10. **Municipal Water and Sewage Service Required.** All multiple-family dwellings within RM districts shall be served by municipal water and sewage lines. Where such lines do not already exist, the developer is responsible for installation of them. (See Oxford Subdivision Ordinance for construction standards.) Underground stormwater management shall also be required for all dwellings within RM districts. Additionally, all utility lines for electricity, cable, telephone and the like shall be buried underground.

**Section 40-1005            Uses in RM Districts**

1. **Permitted Uses.** Permitted uses in RM districts are as follows:
  - A. Multiple-family dwellings, with no fewer than three (3) and no more than eight (8) dwelling units per multiple-family building;
  - B. Single-family dwellings meeting development standards of R-30, R-20 or R- 15 districts.
  - C. Two (2)-family dwellings meeting development standards of RD districts.
  - D. Facilities for the distribution of utility services (e.g. electrical substations or gas regulator stations); provided that the structures are enclosed by a woven wire fence at least eight feet (8') high, the perimeter of such a lot is suitably landscaped with evergreen trees or shrubs that grow at least eight feet (8') tall and provide an effective visual screen from adjacent properties, and no vehicles or equipment are stored on the premises.
  - E. Accessory uses as specified in paragraph 2 of Section 40-1005.
2. **Accessory Uses.** Accessory uses in the RM districts are as follows:
  - A. Garages or carports for the storage of automobiles, serving dwelling units located within one hundred feet (100') of the garages or carports.
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  - C. Swimming pools and bathhouses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high.
  - D. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
  - E. Decks, patios, barbecue grills and other such facilities.
  - F. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.

- G. Signs as permitted by the Oxford Sign Ordinance.

**ARTICLE XI. C COMMERCIAL**

**Section 40-1101 Purpose**

C zoning districts are intended to establish and preserve a compact business district that is convenient and attractive for retail activities, business transactions and services to the public designed primarily to meet the day-to-day shopping and service needs of residents of the City and nearby surrounding areas.

**Section 40-1102 Determining if an Area is Suitable for Inclusion within a C District**

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

**Section 40-1103 Boundaries of C Districts**

The Official Zoning Map shows the boundaries of all C districts within the city.

**Section 40-1104 Development Standards for C Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within C districts:

1. **Minimum Off-street Parking Space Shall Be as Follows.**
  - A. **Filling Station.** Two (2) spaces for each gas pump plus three spaces for each grease rack or similar facility.
  - B. **General Offices, Professional Offices, Banks.** One (1) space for each two hundred square feet (200 sq. ft.) of total floor area, plus one space for each two (2) employees; for banks consisting entirely of a mechanical teller, the Planning Commission will determine the minimum off-street parking space requirements at the time of application for a building permit.
  - C. **Beauty Shop.** One (1) space for every one hundred square feet (100 sq. ft.) of total floor area, plus one (1) space for each employee.
  - D. **Retail Business.** One (1) space for every one hundred square feet (100 sq. ft.) of total floor area, plus one (1) space for each employee.
  - E. **Wholesaling, Warehousing.** One (1) space for every two (2) employees at maximum employment on a single shift.
  - F. **Accessory Apartment Within the Principal Building.** Two hundred fifty square feet (250 sq. ft.) per dwelling unit; off-street parking space shall be located within one hundred feet (100') of the dwelling unit it serves.
  - G. **Single-family Dwellings, Two-family Duplex Dwellings.** Three hundred sixty square feet (360 sq. ft.) per dwelling unit; off-street parking space for dwellings shall be located on the same lot on which the dwelling unit it serves is located.
  - H. Minimum off-street parking space requirements for uses not listed here will be determined by the Planning Commission at the time of application for a building permit.
2. **Minimum Lot Area.** One hundred square feet (100 sq. ft.).
3. **Minimum Floor Area of Building.** None required.
4. **Minimum Lot Width at Building Line.** Twenty feet (20').
5. **Minimum Setback from Street Right-of-way Shall Be as Follows.**
  - A. **Major thoroughfares.** Six feet (6').
  - B. **Other Streets.** Six feet (6').
6. **Minimum Setback from Side and Rear Lot Line.** Zero feet (0'), provided that if such lot line adjoins an R-30, R-20, R-15, RD or RZT district, then the minimum setback from such lot line is thirty feet (30').
7. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to

monuments, water towers, chimneys, smokestacks, conveyors, flagpoles, masts, aerials and television antennas.

- 8. **Maximum Lot Coverage by Principal Building.** Eighty percent (80%).
- 9. **Only One (1) Principal Building per Lot.** Only one (1) principal building and its accessory buildings may be erected on any lot (see parking requirements for such residential apartments in this Section).

**Section 40-1105            Uses in C Districts**

- 1. **Permitted Uses.** Permitted uses in C districts are as follows:
  - A. Retail business involving the sale of merchandise on the premises.
  - B. Business involving the rendering of a personal service on the premises.
  - C. Office for business, professional or general purposes in which no merchandise is sold on the premises.
  - D. Building, facility or land for the distribution of utility services.
  - E. Building, facility or land for off-street automobile parking.
  - F. Wholesale business involving the sale of merchandise on the premises.
  - G. Banks.
  - H. Single-family dwellings meeting development standards of R-30, R-20 or R- 15 districts. 9.
  - I. Two (2)-family dwellings meeting development standards of RD districts.
  - J. Accessory uses as specified in paragraph 2 of Section 40-1105.
- 2. **Accessory Uses.** Accessory uses in the C districts are as follows:
  - A. Garages or carports for the storage of automobiles serving dwelling units permitted in paragraph 8 of Section 40-1104.
  - B. Signs as permitted by the Oxford Sign Ordinance.
  - C. Accessory apartments (See Section 40-201 for definition.).

**ARTICLE XII.        PI PUBLIC-INSTITUTIONAL**

**Section 40-1201            Purpose**

PI zoning districts are intended to establish and preserve districts for public, educational and religious activities. The development standards are designed to encourage the formation and continuance of a stable compatible environment in which public uses may be protected from encroachment by other uses capable of adversely affecting the limited character of the district. The standards are also intended to reduce traffic congestion and provide adequate off-street parking.

**Section 40-1202            Determining If an Area Is Suitable for Inclusion Within a Pi District**

The factors contained this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

**Section 40-1203            Boundaries of PI Districts**

The Official Zoning Map shows the boundaries of all PI districts within the City.

**Section 40-1204            Development Standards for P1 Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within PI districts:

- 1. **Minimum Off-street Parking Space Shall Be as Follows.**
  - A. Minimum off-street parking space requirements for uses not listed here, including all public-institutional uses, will be determined by the Planning Commission at the time of application for a building permit.

- B. **Accessory Apartment Within the Principal Building.** Two hundred fifty square feet (250 sq. ft.) per dwelling unit; off-street parking space shall be located on the same lot on which the dwelling unit it serves is located.
- 2. **Minimum Lot Area.** Eight thousand square feet (8,000 sq. ft.).
- 3. **Minimum Floor Area of Building.** No requirement.
- 4. **Minimum Lot Width at Building Line.** One hundred feet (100').
- 5. **Minimum Setback from Street Right-of-way.**
  - A. **Major thoroughfares.** Ten feet (10').
  - B. **Other Streets.** Ten feet (10').
- 6. **Minimum Setback from Side and Rear Lot Line.** Fifteen feet (15'), provided that if such lot line adjoins an R-30, R-20, R- 15, RD or RZT district, then the minimum setback from such lot line is thirty feet (30').
- 7. **Maximum Building Height.** Forty-five feet (45'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to monuments, water towers, chimneys, conveyors, flagpoles, masts, aerials and television antennas.
- 8. **Maximum Lot Coverage by Principal Building.** Fifty percent (50%).

**Section 40-1205            Uses in PI Districts**

- 1. **Permitted Uses.** Permitted uses in PI districts are as follows:
  - A. Publicly owned building, facility or land;
  - B. Building, facility or land for the distribution of utility services;
  - C. College or university buildings, facilities or lands;
  - D. Building, facility or land for noncommercial park, recreation or open space purposes;
  - E. Building, facility or land for off-street automobile parking to service the principal building;
  - F. Reserved;
  - G. Single-family dwellings meeting development standards of R-30 or R-20 districts;
  - H. Accessory uses as specified in paragraph 2 of Section 40-1205.
- 2. **Accessory uses.** Accessory uses in the PI districts are as follows:
  - A. Private garage or carport not to exceed the storage capacity of two (2) automobiles per dwelling unit.
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  - C. Structure for a children's playhouse and the storage of children's play equipment.
  - D. Private swimming pools and bathhouses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high.
  - E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
  - F. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet (8') in height.
  - G. Decks, patios, barbecue grills and other such facilities.
  - H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.
  - I. Signs as permitted by the Oxford Sign Ordinance.
  - J. Accessory apartments (See Section 40-201 for definition.).

**ARTICLE XIII.    AR AGRICULTURAL-RESIDENTIAL - LOW DENSITY**

**Section 40-1301            Purpose**

AR zoning districts are composed of areas having primarily a rural character which will generally be maintained for some length of time. These areas are characterized by large acreage lots devoted to agricultural uses and sparsely populated residential areas. AR districts are intended to serve as a buffer zone between major agricultural uses and residential neighborhoods.

**Section 40-1302 Determining if an Area is Suitable for Inclusion within an AR District**

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the Planning Commission when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

**Section 40-1303 Boundaries of AR Districts**

The Official Zoning Map shows the boundaries of all AR districts within the City.

**Section 40-1304 Development Standards for AR Districts**

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within AR districts:

1. **Minimum Off-street Parking Space Shall Be as Follows.** Single-family dwellings: Three hundred sixty square feet (360 sq. ft.) per dwelling unit; off-street parking shall be located on the same lot on which the dwelling unit it serves is located.
2. **Minimum Lot Area.** Sixty thousand square feet (60,000 sq. ft.) where both private well and individualized septic tank are required; Forty-three thousand five hundred sixty square feet (43,560 sq. ft.) where public water and/or sewer systems are utilized.
3. **Minimum Floor Area per Dwelling Unit.** One thousand eight hundred square feet (1,800 sq. ft.).
4. **Minimum Lot Width at Building Line.** One hundred fifty feet (150').
5. **Minimum Setback from Street Right-of-way Shall Be as Follows.**
  - A. **Major Thoroughfares.** Fifty feet (50').
  - B. **Other streets.** Fifty feet (50').
6. **Minimum Setback from Side Lot Line.** Fifteen feet (15').
7. **Minimum Setback from Rear Lot Line.** Forty feet (40').
8. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to monuments, water towers, chimneys, conveyors, flagpoles, masts, aerials and television antennas.
9. **Maximum Lot Coverage by Principal Building.** Twenty-five percent (25%)
10. **Only One (1) Principal Building per Lot.** Only one (1) principal building and its accessory buildings used for farming operations may be erected on any lot.

**Section 40-1305 Uses in AR Districts**

1. **Permitted Uses.** Permitted uses in AR districts are as follows:
  - A. Single-family dwellings meeting the development standards of R-30 districts;
  - B. Agricultural, including the raising of field crops, horticulture, animal husbandry and poultry farms. Farm structures for raising or keeping animals shall be set back One hundred feet (100') from all property lines.
  - C. **Customary Home Occupations.**
  - D. Facilities for the distribution of utility services (e.g. electrical substations or gas regulator stations), provided that the structures are enclosed by a woven wire fence at least eight feet (8') high, the perimeter of such a lot is suitably landscaped with evergreen trees or shrubs that grow at least eight feet (8') tall and provide an effective visual screen from adjacent properties and no vehicles or equipment are stored on the premises.
  - E. Accessory uses as specified in paragraph 2 of Section 40-1305.
2. **Accessory Uses.** Accessory uses in the AR districts are as follows:
  - A. Private garage or carport not to exceed the storage capacity of three (3) automobiles per lot.
  - B. Structures used for farming operations and for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  - C. Structure for a children's playhouse and the storage of children's play equipment.
  - D. Private swimming pools and bath houses; however, they shall be located at least fifteen feet (15')

- from any lot line and be enclosed by a wall or fence at least six feet (6') high.
- E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed such that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
- F. Noncommercial garden, including a greenhouse and other customary garden structures not over (8') eight feet in height.
- G. Decks, patios, barbecue grills and other such facilities.
- H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.
- I. Signs as permitted by the Oxford Sign Ordinance.

#### ARTICLE XIV. OP OFFICE-PROFESSIONAL

##### Section 40-1401 Purpose

OP zoning districts are intended to establish and preserve districts for professional office oriented activities compatible with surrounding residential areas. The development standards are designed to allow office uses without encouraging other uses capable of adversely affecting the limited character of the district. The standards are also intended to reduce traffic congestion, provide adequate off-street parking and avoid the development of strip office areas.

##### Section 40-1402 Determining if an Area is Suitable for Inclusion within an OP District

The factors contained in this Oxford Zoning Ordinance shall be thoroughly considered by the Mayor and Council as well as the when determining in which zoning district an area of land is to be placed. This will ensure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of the City.

##### Section 40-1403 Boundaries of OP Districts

The Official Zoning Map shows the boundaries of all OP districts within the City.

##### Section 40-1404 Development Standards for OP Districts

In addition to the standards contained in Article IV of this Oxford Zoning Ordinance, the following standards are required within OP districts:

1. **Minimum Off-street Parking Space Shall Be as Follows.**
  - A. **Offices**, One (1) space for every two hundred square feet (200 sq. ft.) of total floor area, plus one (1) space for every two (2) employees.
  - B. **Accessory Apartment Within the Principal Building** Two hundred fifty square feet (250 sq. ft.) per dwelling unit; off-street parking space shall be located on the same lot on which the dwelling unit it serves is located.
  - C. Minimum off-street parking space requirements for uses not listed here will be determined by the Planning Commission at the time of application for a building permit.
2. **Minimum Lot Area.** Eight thousand square feet (8,000 sq. ft.).
3. **Minimum Floor Area of Building.** No requirement.
4. **Minimum Lot Width at Building Line.** One hundred feet (100').
5. **Minimum Setback from Street Right-of-way.**
  - A. **Major Thoroughfares.** Ten feet (10').
  - B. **Other streets.** Ten feet (10')
6. **Minimum Setback from Side and Rear Lot Line.** Fifteen feet (15'), provided that if such lot line adjoins an R-30, R-20, R- 15, RD or RZT district, then the minimum setback from such lot line is thirty feet (30').
7. **Maximum Building Height.** Thirty-five feet (35'); however, this height limitation does not apply to spires, belfries, cupolas and domes not intended for human occupancy. Moreover, it does not apply to monuments, water towers, chimneys, conveyors, flagpoles, masts, aerials and television antennas.

- 8. **Maximum Lot Coverage by Principal Building.** Fifty percent (50%).
- 9. **Only One Principal Building per Lot.** Only one (1) principal building and its accessory buildings may be erected on any lot.

**Section 40-1405            Uses in OP Districts**

- 1. **Permitted Uses.** Permitted uses in OP districts are as follows:
  - A. Professional and business offices in which no merchandise is sold on the premises, (including accounting offices; architecture and engineering offices, doctor, dentist or chiropractor offices; insurance offices; law offices; medical clinics; real estate offices; and other professional offices;
  - B. Building, facility or land for the distribution of utility services;
  - C. Publicly owned building, facility or land;
  - D. Building, facility or land for off-street automobile parking to service the principal building;
  - E. Single-family dwellings meeting development standards of R-30 or R-20 districts;
  - F. Accessory uses as specified in paragraph 2 of Section 40-1405.
- 2. **Accessory Uses.** Accessory uses in the OP districts are as follows:
  - A. Private garage or carport not to exceed the storage capacity of two (2) automobiles per dwelling unit.
  - B. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  - C. Structure for a children's playhouse and the storage of children's play equipment.
  - D. Private swimming pools and bath houses; however, they shall be located at least fifteen feet (15') from any lot line and be enclosed by a wall or fence at least six feet (6') high.
  - E. Private tennis courts and/or basketball facilities; if lighted, lights shall be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet (10') in height.
  - F. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet (8') in height.
  - G. Decks, patios, barbecue grills and other such facilities.
  - H. Fences, walls, exterior lighting fixtures and other general landscaping and site development facilities.
  - I. Signs as permitted by the Oxford Sign Ordinance.
  - J. Accessory apartments (See Section 40-201 for definition.).

**ARTICLE XV.    H HISTORIC DISTRICTS**

**Section 40-1501            Purpose**

The H historic district is an overlay district, which applies additional standards to specific areas which may lie within any of the districts referred to in Articles V through XII. In each zoning district located within the boundaries of the H district, both the regulations of that district and the regulations of the H district apply.

The purpose of the H district is to promote the education, cultural, economic and general welfare of the City as authorized by the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et seq., which empowers counties and municipalities to enact and create ordinances concerning historic sites and structures.

The regulations set forth for the H district are intended to protect and preserve the historic and architecturally worthy buildings, sites, structures, monuments, streetscapes and neighborhoods within the H district.

**Section 40-1502            Features which Make Land Suitable for Inclusion within a H District**

Areas containing structures, sites or buildings that are significant in American history, architecture, archaeology and culture are desirable for inclusion within the boundaries of the H district.

**Section 40-1503            Boundaries of the H District**



1. The boundaries of the H district are established by the Mayor and Council based upon recommendations by the Historic Preservation Commission, in a manner consistent with the procedure stated in the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et. seq. The following specific reference materials are used, in addition to the general guidelines contained in Section 40-1502, to fix the boundaries of the H district:
  - A. The original 1838 plat of the Town of Oxford drawn by surveyor Edward Lloyd Thomas for the Methodist Church, for which the town is now one of a number of international Methodist historic shrines.
  - B. The boundaries of the Oxford Historic District as presently registered with the National Register of Historic Places.
2. Before the Mayor and Council may designate a parcel of property to be included within the H district, the owners of such property shall be informed of the proposal to include their property within the boundaries of the H district through the following process:
  - A. When the Historic Preservation Commission proposes to the Mayor and Council that a parcel of property be included in the H district, the mayor and council will notify property owners within the proposed boundary in writing within thirty (30) days of such proposal.
  - B. Property owners within the proposed boundaries shall be notified in writing by the Mayor and Council that they will be required to make written application to the Mayor and Council if they desire to be included in the H district. No property owners will be included in the H district unless they make written application so stating their desires.
  - C. A property owner within the proposed H district boundary who has requested that his property be included in the H district but decides later that he wants these restrictions removed, may make a written application to the Mayor and Council in order to have his property excluded.
  - D. Landowners wishing to have their property within the historic district may make written application to the Historic Preservation Commission.

The locations of the boundaries of the H district are shown on the Official Map, Section 40-1701 of this Oxford Zoning Ordinance.

**Section 40-1504      Certificate of Appropriateness Required**

A developer or other person wishing to engage in any of the following activities within the H district shall first apply to the City for a certificate of appropriateness:

1. The demolition of any building classified as historic. (See Section 40-1506.)
2. The moving or relocation of any historic building.
3. Any material change in the exterior appearance of existing historic buildings by additions, reconstructions, rehabilitation, alteration or any maintenance involving material changes.
4. Any new construction of a principal building or accessory building or structure subject to view from a public street.
5. Changes in existing walls, fences, steps or paving, as well as new walls or fences, if along a public street or alley right-of-way.
6. Material change in the exterior appearance of existing contemporary buildings (See Section 40-1506.) by additions, reconstruction, alterations, rehabilitation or maintenance involving (a) material change, if (the) building is subject to view from a public street.
7. The erection or display on any building, lot or structure of any sign or conspicuous appurtenant fixture.

Where an activity requires a building permit, the building permit will not be issued until after a certificate of appropriateness has been obtained by the applicant, as well as other requirements for the building permit (have been) satisfied.

No forms are needed to apply for a Certificate of Appropriateness. A written request should be submitted to the City Clerk at least ten (10) days before the next scheduled meeting of the Historic Preservation Commission at which the application is to be considered. Sketches, drawings, photographs, descriptions and other information showing the proposed exterior alterations, additions, changes or new construction should be included.

Owners of any property likely to be materially affected by the application for a Certificate of Appropriateness shall be notified and the applicant and interested parties shall be granted opportunity to be heard. If it is deemed

necessary, the Historic Preservation Commission may hold a public hearing concerning an application for Certificate of Appropriateness.

The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change in appearance would not have a substantial adverse effect on the esthetic, historical, or architectural significance and value of the historic property or the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance; architectural style; general design, arrangement, texture, and material of the architectural features involved; and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood.

The Historic Preservation Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property or of a structure, site, or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Failure of the commission to act within the forty-five (45) day period shall constitute approval, and no other evidence of approval shall be needed.

In the event that the Commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such action and the reasons therefor, in writing, to the applicant. The Commission may suggest alternative courses of action it things proper if it disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

Any person adversely affected by any determination made by the Historic Preservation Commission may appeal such decision to the Mayor and Council, which shall consider such appeal at the next regularly scheduled meeting of the Mayor and Council. The procedure for such appeal shall be the same as that provided by this Ordinance for a hearing before the Mayor and Council for an amendment to the zoning map. Upon finding that the Historic Preservation Commission abused its discretion, the Mayor and Council may approve, modify and approve, or reject the determination of the Historic Preservation Commission. The decision of the Mayor and Council may be appealed to the superior court in the same manner as an appeal of a municipal court ordinance violation conviction.

## **Section 40-1505            Development Standards for Historic Districts**

As stated in Section 40-1501, the H district applies additional development standards to specific areas which may lie within any one of the other districts referred to in Articles V through XIV hereof. In each zoning district located within the boundaries of the H district, both the development standards for that district and the standards of the H district apply.

1.    **Classification of Buildings and Structures.** Within the H district, all buildings and structures are classified and designated by the Mayor and Council based upon recommendations by the Historic Preservation Commission. Buildings and structures classified as historic are designated on the Official Map (Section 40-1701 of this Oxford Zoning Ordinance). The Historic Preservation Commission will periodically review classifications of structures and buildings within the H district and may recommend to the Mayor and Council that it amend classifications when appropriate (See Section 40-408 for amendment procedure.). Buildings and structures within the H district are divided into two (2) classes as follows:
  - A.    **Historic.** Those buildings and structures possessing identifiable historic or architectural merit of a degree that warrants their preservation are classified as historic.
  - B.    **Contemporary.** Buildings and structures other than those classified as historic are considered to be contemporary.
2.    **Preservation of Historic Buildings.** A building or structure classified as historic can be moved, reconstructed, altered or maintained only in a manner that preserves the historical and architectural integrity of the building or structure. This standard also applies to portions of buildings and structures as well as related elements including, but not limited to, walls, fences, light fixtures, steps, paving and signs.
3.    **Protective Maintenance of Historic Buildings.** Buildings classified as historic shall be maintained according to the requirements of the building code of the City. Notices from the Mayor and Council to owners of unsafe historic buildings will follow the same procedures that are used for notification on any

building in the City.

4. **Construction or Modification of Contemporary Buildings.** The construction of new buildings or structures as well as the moving, reconstruction, demolishing, alteration, repair materially affecting the exterior, or major maintenance of any existing contemporary building or related element shall be generally of a design, form, mass, configuration, building material, texture and location on the site that will be compatible with other buildings and structures in the H district. It is especially important that the contemporary building be compatible with buildings designated as historic and with streets and buildings to which the contemporary building is visually related.

## **ARTICLE XVI. POWERS AND DUTIES OF VARIOUS CITY OFFICIALS CONCERNING THIS CHAPTER**

### **Section 40-1601 Purpose**

This Article formalizes the powers and duties of the City Clerk, the Building Inspector, the Planning Commission, the Board of Appeals and the Mayor and Council where this Chapter is concerned. It also provides a convenient list of services provided by such official to aid in complying with the requirements of this Chapter.

### **Section 40-1602 Powers and Duties of the City Clerk**

The City Clerk has the power and duty to provide the following services related to this Chapter:

1. Provide initial information about this Chapter upon request;
2. Advise how to contact members of the Planning Commission or the Mayor and Council for services provided by those bodies;
3. Dispense forms and receive applications for actions or services provided by the Building Inspector or the Mayor and Council, and transmit those applications to the appropriate body for action;
4. Maintain complete records concerning this Chapter and related matters, and make such records available to the public upon request;
5. Coordinate the issuance of development permits under procedures outlined in the Oxford Building Ordinance;
6. Maintain the Official Zoning Map and provide it for public inspection when requested.

### **Section 40-1603 Powers and Duties of the Building Inspector**

The Building Inspector has the power and duty to provide the following services related to this Chapter:

1. Determine in which zoning district a parcel of land lies under the guidance of the Planning Commission.
2. Issue building permits under procedures outlined in the Section 42.105.1.B of this Code.
3. Administer building inspections.
4. Issue Certificates of Occupancy under procedures outlined in the Oxford Building Ordinance, part 3 of this Chapter.
5. Offer practical suggestions on how to comply with the requirements of this Chapter.

### **Section 40-1604 Powers and Duties of the Planning Commission**

The Planning Commission has the power and duty to provide the following services related to this Chapter:

1. Advise the Mayor and Council on applications for amendment to this Chapter by examining amendment applications and providing written recommendations with reasons for the recommendations to the Mayor and Council.
2. Advise the Mayor and Council on the issuance of variances to development standards by examining the building permit application and providing written recommendations with reasons for the recommendations to the Mayor and Council.
3. Advise the Mayor and Council. on applications for land subdivisions by examining the subdivision application in accordance with the procedures set forth in the Oxford Subdivision Ordinance and providing written recommendations with reasons for the recommendations to the Mayor and Council.
4. Review building permit applications and consult with the building inspector regarding compliance with the provisions of this Oxford Zoning Ordinance.
5. Dispense general information about this Chapter to the public upon request.
6. Propose amendments to this Chapter.

7. Maintain and update the Oxford Land Use Plan so that it may provide a current data base with which decisions on proposed amendments to this Chapter may be made that utilize sound planning principles.
8. Carry out an ongoing comprehensive planning program which, like the land use plan, will provide current data on which decisions regarding this Chapter may be based that utilize sound planning principles.
9. Establish minimum off-street parking requirements for certain land uses, as contemplated by the development standards for a particular zoning district (See Articles V through XII hereof.).

**Section 40-1605            Reserved**

**Section 40-1606            Powers and Duties of the Mayor and Council**

The Mayor and Council have the power and duty to provide the following services related to this Chapter:

1. Accept applications for amendment of this Chapter and render official decisions on them after referring them to the Planning Commission for review and recommendations as specified in Section 40-405.
2. Propose amendments to this Chapter.
3. Accept applications for appeal of an action of the Building Inspector and render official decisions on them according to procedures specified in Section 40-406.
4. Enforcement of this Chapter.

**Section 40-1607            Powers and Duties of the Historic Preservation Commission**

The activities of the Historic Preservation Commission are limited to areas lying within H districts. (See Article XVII, which details the establishment of the Historic Preservation Commission.) The Historic Preservation Commission has the power and duty to provide the following services:

1. Prepare an inventory of all properties eligible for inclusion in the H district and having the potential for designation as historic property.
2. Recommend to the Mayor and Council specific places, districts, sites, buildings, structures or works of art to be designated by ordinance as historic properties for inclusion in the H district.
3. Review applications for Certificates of Appropriateness and recommend to the Mayor and Council whether to grant or deny them in accordance with procedures contained in Section 40-1504 of this Oxford Zoning Ordinance.
4. Recommend to the Mayor and Council that the designation of any place, district, site, building, structure or work of art as an historic property or as a historic district be removed or revoked.
5. Recommend the restoration or preservation of any historic properties owned or acquired by the City.
6. Conduct an educational program on historic properties located within the H district.
7. Make such investigations and studies of matters relating to historic preservation as the Mayor and Council or the Historic Preservation Commission itself may, from time to time, deem necessary or appropriate.
8. Seek out state and federal funds for historic preservation and make recommendations to the Mayor and Council concerning the most appropriate use of any funds acquired.
9. Consult with historic preservation experts within the local region or the state of Georgia.
10. Submit to the Historic Preservation Section of the Georgia Department of Natural Resources or its successor a list of historic properties or historic districts designated as such by the City.

**ARTICLE XVII.    OFFICIAL ZONING MAP, CITY OF OXFORD, GEORGIA (OFFICIAL MAP)**

**Section 40-1701            Official Zoning Map, City of Oxford, Georgia (Official Map)**

The Official Zoning Map, City of Oxford, Georgia, is hereby incorporated into and made a part of this Section of this Ordinance. Any reference to the Official Map in this Oxford Zoning Ordinance refers to the Official Zoning Map, City of Oxford, Georgia.

**Section 40-1702            Identification, Alteration and Replacement of the Official Map**

The Official Zoning Map is signed by the Mayor, with witnessing signature of the City Clerk, and bears the seal

of the City or that of a notary public under the following words: "This certifies that this is the Official Zoning Map, City of Oxford, Georgia, referred to in Article XVII of the Zoning Ordinance of the City of Oxford, Georgia," together with the date of adoption of the ordinance.

The Official Map may be altered only if the proposed alterations are in conformance with the Oxford Land Use Plan (this does not necessarily mean a one-to-one correspondence) and sound comprehensive planning principles. Any alteration to the Official Zoning Map is an amendment to this Oxford Zoning Ordinance. The procedure by which amendments are proposed and approved is contained in Section 40-405. Any amendment involving changes in zoning district boundaries shall be entered on the Official Zoning Map as soon as the amendment has been approved by the Mayor and Council. The entry shall be as follows: "On (date) by official action of the Mayor and Council the following change (or changes) were made in the Official Zoning Map, City of Oxford, Georgia: (Brief description of change)." It shall be signed by the Mayor, with the witnessing signature of the City Clerk. Alterations to the Official Map may be made only by the procedures contained in Section 40-405 and this Section 40-1702 of this Oxford Zoning Ordinance. Any unauthorized alteration of the Official Map by any person is a violation of this Oxford Zoning Ordinance. (See Section 40-408.) The official map shall be on display in the office of the City Clerk, and is the final authority as to the current status of zoning district boundaries.

If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and Council may adopt a new Official Zoning Map which will replace the previous Official Zoning Map. The new Official Zoning Map is identified as such in the same manner as described above in this Section. When the new Official Zoning Map is adopted, a notation shall be made on the previous map that it is no longer valid, indicating the date that the new map was adopted, as a reference aid. The previous map should be preserved, if it has not been lost or destroyed, for possible future reference.

**Section 40-1703            Reserved**

**Section 40-1704            Zoning District Designation for Additional Land Annexed to the City**

Whenever additional land is to be annexed to the City, the Mayor and Council shall receive an application for annexation (request for annexation) as provided by chapter 36 of the Official Code of Georgia Annotated, "Annexation of Territory." Designation of zoning districts for additional land annexed to the City involves amendment to this Oxford Zoning Ordinance and alteration of the Official Zoning Map. Procedures contained in Sections 40-405 and 40-1702 of this Oxford Zoning Ordinance shall be followed.

The Mayor and Council will then hold a public hearing on amending this Oxford Zoning Ordinance under procedures contained in Section 40-405. Following this public hearing, the Mayor and Council will make a decision concerning the district in which the additional land will be placed if it is annexed. This decision will be recorded in the official minutes of the meeting.

If it is decided to approve the annexation request, the ordinance to annex the additional land and the ordinance to amend the Oxford Zoning Ordinance will be officially adopted at the same time. Procedures contained in Section 140-702 to alter the Official Map according to the amendment will then immediately be carried out.

**Section 40-1705            Zoning District Boundaries**

Where uncertainty exists with respect to the exact location of the boundary of a zoning district shown on the Official Map, the following guidelines should be followed in establishing the exact location of the boundary:

1. Where a zoning district boundary line as appearing on the Official Map divides a lot in single ownership at the time of the enactment of this Oxford Zoning Ordinance, the requirements for the zoning district in which the greater portion of the lot lies shall be extended to the balance of the lot up to a distance of thirty-five feet (35') beyond the actual boundary line of the zoning district.
2. Where a zoning district boundary is indicated as approximately following the corporate limit line of the City, the corporate limit line shall be considered to be the boundary.
3. Where a zoning district boundary is indicated as approximately following a property line or such line extended, the line or line extended should be considered to be the boundary.
4. Where a zoning district boundary is indicated as approximately following the centerline of a stream bed, such a centerline shall be considered to be the boundary.

5. Where a zoning district boundary is indicated as approximately parallel to the centerline of a street, road, railroad or other right-of-way, the zoning district boundary shall be considered to be parallel to the line and at a distance from it as indicated by scale on the Official Map.

**Section 40-1706 Relationship between Official Map and Oxford Land Use Plan**

1. The Oxford Land Use Plan was prepared by the Planning Commission and adopted by the Mayor and Council. It should provide the best possible indication of desirable future land use patterns that will meet projected future demand for land uses of various types. The Oxford Land Use Plan supplies a body of information on which decision on future development may be made that are guided by sound planning principles. It contains a future land use map, which shows suitable areas for various types of land uses. The zoning districts contained on the Official Map carry standards which must be met by all new development and construction in the City. The arrangement of zoning districts is based on land use information contained in the Oxford Land Use Plan. Establishment and amendment of zoning district boundaries shall be in conformance with the Oxford Land Use Plan. (This does not necessarily mean a one-to-one correspondence.) This ensures that such amendments to the Official Map are based upon defensible findings of fact as well as sound comprehensive planning principles.

**ARTICLE XVIII. ESTABLISHMENT AND COMPOSITION OF PLANNING COMMISSION**

**Section 40-1801 Purpose**

The purpose of this Article is to establish the Planning Commission and specify conditions of its operation.

**Section 40-1802 Establishment**

A Planning Commission of the City of Oxford is hereby created. The terms governing the establishment and operation of the Planning Commission are given in the following sections. The Planning Commission shall have the right, power and duty of setting up outlines and plans for zoning, urban renewal and other matters which will be brought before the Mayor and Council of the City for action thereon.

**Section 40-1803 Composition**

The Planning Commission shall be comprised of six (6) members, residents of the City.

**Section 40-1804 Terms of Office**

Members of the Planning Commission are to be appointed by the Mayor and Council to three (3)-year terms on a rotating basis. Appointment of the first membership of the Planning Commission shall be two members for three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year. Thereafter, all appointments will be for terms of three (3) years. Members may succeed themselves on the Planning Commission.

**Section 40-1805 Organization**

The Planning Commission shall organize and elect a chairman and vice-chairman and appoint a secretary annually at a regular meeting of the Planning Commission in the month of January. The officers may succeed themselves. The Planning Commission may adopt rules for the conduct of its activities as long as they do not conflict with any of the provisions of this Chapter. The chairperson votes as a regular member of the Planning Commission.

**Section 40-1806 Meetings**

The Planning Commission shall hold regular monthly meetings to conduct its responsibilities. A quorum shall consist of four (4) members. All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the Planning Commission shall be public record.

**Section 40-1807 Compensation**

Members of the Planning Commission serve without pay.

**Section 40-1808 Planning Documents**

The Planning Commission shall use the following documents as a guide for conducting its responsibilities:

1. **Land Use Plan.** The City has adopted a comprehensive land use plan to serve as a guide for future development decisions and as a basis for laws set up on the zoning ordinance and subdivision regulations. Copies of said land use plan are kept on file at the Oxford City Hall and may be viewed at the office of the City Clerk.
2. **Major Thoroughfare Plan.** The City has adopted a major thoroughfare plan for use by the City government officials in assessing the load on the transportation system and in making future decisions on land use matters. Copies of said major thoroughfare plan are kept on file at the Oxford City Hall and may be viewed at the office of the City Clerk.

**ARTICLE XIX. SPECIAL EXCEPTION PERMITTED USES**

**Section 40-1901 Approval of Special Exception Permitted Use**

1. A special exception permitted use may be approved, only if:
  - A. A proper application has been filed in accordance with the requirements of the Mayor and Council;
  - B. A recommendation has been received from the Planning Commission;
  - C. The applicant is in compliance with the particular conditions for the proposed use that are required by this Ordinance;
  - D. The applicant is in compliance with conditions imposed by the Mayor and Council for the purpose of reducing the harmful effects of the use on surrounding uses and assuring compatibility with surrounding uses; and
  - E. The Mayor and Council determines that the benefits of and need for the proposed use are greater than any possible depreciating effects and damages to the neighboring properties.

**Section 40-1902 Hearing Procedures**

Hearings on conditional use permits shall follow the procedures of hearings on rezoning amendments.

**ARTICLE XX. ESTABLISHMENT OF HISTORIC PRESERVATION COMMISSION**

**Section 40-2001 Purpose**

The purpose of this Article is to establish the Historic Preservation Commission and specify conditions of its operation.

**Section 40-2002 Establishment**

An Historic Preservation Commission of the City of Oxford is hereby created. The terms governing the establishment and operation of the Historic Preservation Commission are given in the following sections.

**Section 40-2003 Composition**

The Historic Preservation Commission consists of five (5) members, all of whom shall be residents of an H zoning district within the City. Of the five (5) members, at least three (3) shall have special interest, experience or education in such fields as history, historical preservation or architecture, as will give them demonstrable knowledge of historic preservation.

**Section 40-2004            Terms of Office**

Members of the Historic Preservation Commission are appointed by the Mayor and Council for overlapping terms of three (3) years. Appointment of the first membership of the Historic Preservation Commission will be three (3) persons for terms of three (3) years, and two (2) persons for terms of two (2) years. Thereafter, all appointments will be for terms of three (3) years. Members may succeed themselves on the Historic Preservation Commission.

**Section 40-2005            Organization**

The Historic Preservation Commission elects its own chairperson, vice-chairperson and secretary for terms of one (1) year. Officers may succeed themselves. The Historic Preservation Commission may adopt bylaws, rules and regulations for the performance of historic preservation functions as long as they do not conflict with any of the provisions of this Chapter. A majority of the members of the Historic Preservation Commission present at a meeting constitutes a quorum. The chairperson votes as a regular member of the Historic Preservation Commission.

**Section 40-2006            Meetings**

The Historic Preservation Commission shall hold regular meetings to review applications made to the City for Certificates of Appropriateness and to conduct its other responsibilities. All meetings are open to the public, and a public record of the actions of the Historic Preservation Commission shall be kept.

**Section 40-2007            Compensation**

Members of the Historic Preservation Commission serve without pay.

**ARTICLE XXI.    LEGAL STATUS PROVISIONS**

**Section 40-2101            Conflict with other Regulations**

Whenever the regulations of this Ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other ordinance or statute, the regulations and requirements of this Ordinance shall govern.

Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this Ordinance, the provisions of such statute or ordinance shall govern.

**Section 40-2102            Separability**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 40-2103            Repealer**

This Ordinance replaces the prior Zoning Ordinance of the City of Oxford, Georgia, as adopted and amended. In the event all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect.

**Section 40-2104            Effective Date**

This Ordinance shall take effect and be in force as of the date of its adoption, the public welfare of the City of Oxford, Georgia demanding.

*(Adopted 5/7/07)*





# CHAPTER 41: LAND SUBDIVISION REGULATIONS

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**ARTICLE I. SHORT TITLE, PURPOSE, AND INTENT**

**Section 41-101 Short Title**

This Part is entitled “Land Subdivision Regulations of the City of Oxford, Georgia.” It may also be known by and cited by the short title of “Oxford Subdivision Ordinance.”

**Section 41-102 Purpose and Intent**

This Oxford Subdivision Ordinance is enacted pursuant to the authority contained in Art. IX, Sec. II, Paragraphs I, II, & IV of the Constitution of Georgia (1983) for the following purposes:

1. Encourage the development of economically sound and stable communities;
2. Assure the provision of required streets; and where practical, utilities and other facilities and services to new land development;
3. Assure the adequate protection of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land development;
4. Assure the provision of needed public open spaces and building sites in new land developments through

5. the dedication or reservation of land for recreational, educational, and other public purposes; and
5. Assure, in general, the wise development of new areas, in harmony with the Oxford Land Use Plan and the Oxford Comprehensive Plan as they now exist or may hereafter be established.

## ARTICLE II. DEFINITION OF TERMS

### Section 41-201 Interpretation of Certain Terms and Words

For the purpose of these Oxford Subdivision Regulations, certain words or terms used herein are interpreted as follows (See Section 40-201 of the Oxford Zoning Ordinance for additional definitions):

1. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular.
2. The word "shall" is always mandatory, and the word "may" is permissive.
3. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
4. The word "lot" includes the words "plot" or "parcel."
5. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
6. The word "structure" includes the word "building."

### Section 41-202 Definitions

1. **Administrator.** The person or persons designated by the City, to be responsible for the administrative functions required in connection with the enforcement of these Oxford Subdivision Regulations.
2. **Block.** An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
3. **County.** Newton County, Georgia.
4. **Crosswalk.** A right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and lots.
5. **Design Standards.** The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum, or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.
6. **Easements.** A grant by a property owner for the use of a strip of land for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
7. **Final Plat.** A finished drawing or map of a subdivision prepared by a licensed surveyor, and meeting all of the requirements of this Oxford Subdivision Ordinance in such form as required by the local jurisdiction, and showing, completely and accurately, all legal design and engineering information, and certified as necessary for recording.
8. **Hearing.** An unadvertised but official session of the Planning Commission, held to afford a subdivider or his or her agent an opportunity to present and confer on a plat of subdivision with the Planning Commission.
9. **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection.
10. **Lot, Double Frontage.** A lot other than a corner lot abutting two (2) streets.
11. **Lot Remnant.** Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of said lot to adjoining lots.
12. **Lot Width.** The width of the lot at the front building line measured parallel to the street right-of-way or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.
13. **Owner(s) of Record.** The owner(s) of property as specified on the deed of the lot of record.
14. **Parks and Playgrounds.** Public or community land, open spaces, or recreation areas represented on a plat of subdivision as dedicated, or reserved or to be reserved, for recreational purposes.
15. **Pedestrian Way.** Crosswalk or other areas designed and marked specifically for pedestrian traffic.
16. **Percentage of Grade.** On street center line, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred feet (100') of horizontal distance.
17. **Pre-Application Review.** An initial and informal stage of subdivision review at which the developer may make known preliminary plan proposals and the Planning Commission may respond and/or advise

- the developer concerning the subdivision regulations.
18. **Preliminary Plat.** A drawing or map of a proposed subdivision prepared by a licensed surveyor, and meeting the requirements herein and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.
  19. **Private Drive.** A non-public, privately owned accessway.
  20. **Protective Covenants.** Contracts made between private parties, or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of any given area.
  21. **Public Hearing.** An official session of the Mayor and Council, advertised according to law and called for purposes specified in the public notice.
  22. **Required Improvements.** The physical improvements which are required to be made in connection with the development of a subdivision as set forth in Article VII of this Oxford Subdivision Ordinance.
  23. **Reserve Strip.** A strip or parcel of land along, around, or between properties, the purpose of which is to restrict access.
  24. **Review Agency.** Any so designated agency other than the Planning Commission which may review appropriate parts of plat submissions by reason of technical capability, authority or interest.
  25. **Right-of-way.** A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.
  26. **Road.** A public or private right-of-way affording primary access by pedestrians and vehicles to and between properties, however designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.
    - A. **Alley or Service Drive.** A minor access way used for service access, or property access under specified circumstances, to the back or side of properties otherwise abutting on a street.
    - B. **Cul-de-sac.** A local street or road with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
    - C. **Half Street.** A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.
    - D. **Road Width.** The shortest distance between lines of lots delineating the road right-of-way.
    - E. **Minor Street.** A street used primarily for access to the abutting properties and serving travel demands in the immediate area.
    - F. **Collector Street.** A street so designated on the Oxford Major Thoroughfare Plan; and a street which otherwise functions to serve local traffic movements by collecting or distributing traffic from or to minor, other collector, and/or major thoroughfare streets. Such a street may also function to provide access to abutting properties in the same manner as a local street.
    - G. **Major Thoroughfare.** A street so designated on the Oxford Major Thoroughfare Plan; and a street which otherwise functions to move high volumes of traffic between principal traffic generators (such as residential, and commercial sectors) at moderate speeds and with minimum conflict to movements.
    - H. **Tangent.** A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.
  27. **Subdivider.** Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Oxford Subdivision Ordinance.
  28. **Subdivision.** The division of a lot of record which exists at the time of enactment of this Oxford Subdivision Ordinance into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided, however, that the following are not included within this definition:
    - A. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards set forth in this Oxford Subdivision Ordinance.
    - B. The transfer of property by the owner to a member of the immediate family (parent, spouse or child).

- C. The transfer of unsubdivided land or the transfer of a lot or parcel of land established by deed or plat recorded in the Office of the Clerk of the Superior Court prior to the initial effective date of this Oxford Subdivision Ordinance.
- D. The division of land among heirs by judicial decree.
- E. The division of land into parcels of three (3) acres or more in all district except R-60 Residential where no new street is involved.
- F. The division of land into parcels of five (5) acres or more in R-60 Residential zoned areas where no new street is involved.

**ARTICLE III. PLATTING JURISDICTION AND ENFORCEMENT**

**Section 41-301 Application**

Any "person" proposing to subdivide land within the City shall submit to the Planning Commission, plats of the proposed subdivision which shall conform to all regulations set forth in this Oxford Subdivision Ordinance.

**Section 41-302 Jurisdiction**

This Oxford Subdivision Ordinance covers all areas in the City.

**Section 41-303 Platting Authority**

From and after the passage of this Oxford Subdivision Ordinance, the Mayor and Council shall be the official platting authority and no plat of a land subdivision shall be entitled to record in the Office of the Clerk of the Superior Court of Newton County, Georgia unless it shall have the approval of the Mayor and Council.

The filing or recording of a plat of a subdivision without the approval of the Mayor and Council as required by this Oxford Subdivision Ordinance is declared to be a misdemeanor.

**Section 41-304 Physical Development**

No "subdivider" or "person" shall proceed with any construction work on a proposed subdivision before obtaining Preliminary Plat Approval from the Mayor and Council, certified thereon.

**Section 41-305 Use of Plat**

The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of plat of a subdivision, as herein defined, that has not been given a Certificate of Approval for Recording by the Mayor and Council and recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia is prohibited, and the description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from penalties.

**Section 41-306 Opening and Improving Streets**

No land designated, reserved, proposed or dedicated as a street shall be accepted, opened, or improved, nor shall any utilities or other facilities be installed therein, unless (i) such street shall have been accepted or opened as, or otherwise shall have received the legal status of, a public street prior to the adoption of this Oxford Subdivision Ordinance, or (ii) such street corresponds in its location and lines with a public or private street shown on a Preliminary Plat or Final Plat approved by the Mayor and Council, or (iii) such street corresponds in its location and lines with a public or private street shown on a plat made and adopted by the Mayor and Council; provided, however, that the Mayor and Council may locate and construct or may accept any other street if first submitted to the Planning Commission for review and comment. Approval of a plat by the Planning Commission shall not be deemed as acceptance of any street shown thereon, by the Mayor and Council.

**Section 41-307 Erection of Buildings**

No building permit shall be issued and no building shall be erected on any lot in any subdivision, unless (i) the

Final Plat for such subdivision has been approved by the Mayor and Council and recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia, and (ii) the street giving access thereto has been approved by the Mayor and Council as meeting the standards of a public street in accordance with this Oxford Subdivision Ordinance or such street has attained the status of a public street prior to the effective date of this Oxford Subdivision Ordinance.

## ARTICLE IV. PLATTING PROCEDURES

### Section 41-401 General Platting Procedures

The procedure for the formal review and approval of a subdivision plat consists of one (1) recommended stage and three (3) required stages. These are the pre-application review stages (recommended), preliminary plat stage (required), final plat stage (required), and recording and dedication (required), respectively.

1. **Pre-Preliminary Plat Stage.** Whenever the subdivision of a tract of land is proposed, the subdivider is urged to consult early and informally with the Planning Commission. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity, and the proposed development layout of the subdivision. The purpose of the pre-preliminary plat stage is to facilitate the subsequent preparation of plans and plats by clarifying matters relating to the proposed subdivision, and this Oxford Subdivision Ordinance.
2. **Preliminary Plat Stage.** Prior to making any street improvements or installing any utilities or selling any lots, the developer shall submit to the Planning Commission, for review and recommendation to the Mayor and Council, a Preliminary Plat of the proposed subdivision prepared in accordance with the provisions of this Oxford Subdivision Ordinance. Developer also shall furnish copies of such Preliminary Plat to all utility companies serving the area. Approval of the Mayor and Council shall be indicated on the face of the Preliminary Plat.
3. **Final Plat Stage.** After completion of the required improvements, or proper arrangements for same, of all or part of the area shown on the Preliminary Plat as approved by the Mayor and Council and before selling any lots or constructing any structure thereon, a Final Plat together with the required certificates shall be submitted to the Planning Commission for review and recommendation to the Mayor and Council. Developer also shall furnish copies of such Final Plat to all utility companies serving the area.
4. **Recording and Dedication Stage.** After the Final Plat is approved and duly signed by the Mayor and Council, the Final Plat and appropriate documents become the instrument to be recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia. After recording, the appropriate deeds and documents shall be presented to the City Clerk for dedication and acceptance by the City in accordance with Section 40-406 hereof.
5. **Exception of Minor Subdivisions.** Subdivisions which do not involve the platting, construction, or opening of new streets, sewers, or water facilities, or improvement to existing streets shall be defined as minor subdivisions, and as such, are subject to only the requirements of the final plat stage and the recording and dedication stage. Subdivisions so defined shall be submitted to the Planning Commission for review and recommendation to the Mayor and Council in the form of a Final Plat and the Final Plat shall comply in all respects to this Oxford Subdivision Ordinance.

### Section 41-402 Preliminary Plat Procedures

1. **Preliminary Plat Submission.** At least fifteen (15) days prior to the Planning Commission's regularly scheduled monthly meeting at which the subdivider desires Planning Commission action, the subdivider shall submit to the City Clerk:
  - A. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of hearing and approval or disapproval by the Mayor and Council on the Preliminary Plat shall be sent; and
  - B. Three (3) copies of the preliminary plat and supporting data. At such time, the Planning Commission may direct the subdivider to furnish additional copies to the review agencies having appropriate technical expertise or proper authority, for consideration and comment.
2. **Official Date of Submission.** The official date of submission of the plat shall be the date of the next regularly scheduled monthly meeting of the Planning Commission after timely submission of the

- Preliminary Plat to the City Clerk.
3. **Preliminary Plat Review.** The Planning Commission shall review the Preliminary Plat for conformance to this Oxford Subdivision Ordinance, the Oxford Zoning Ordinance and other relevant regulations, and shall consider the comments or suggestions of the appropriate review agencies requested to review the Preliminary Plat. The Planning Commission shall indicate on the plat, or by a written memorandum attached thereto, any comments and suggested changes that are necessary to meet the intent of this Oxford Subdivision Ordinance or to serve the best interests of the City.
  4. **Hearing.** No plat shall be acted upon by the Planning Commission without affording the subdivider a hearing thereon. Said hearing will be held at the next regularly scheduled monthly meeting of the Planning Commission after submission of the Preliminary Plat to the City Clerk, notice of the time and place of which shall be sent by first class mail not less than five (5) days before the date fixed therefor.
  5. **Recommendation to the Mayor and Council.** Not more than forty-five (45) days after the hearing on the Preliminary Plat, the Planning Commission shall make a recommendation for approval or disapproval to the Mayor and Council.
  6. **Action on the Preliminary Plat.** Not more than thirty (30) days after receipt of the recommendation from the Planning Commission, the Mayor and Council may take any one of the following actions: (i) issue a certificate approving the plat; (ii) issue a certificate conditionally approving the plat with the conditions of approval noted on the plat or attached thereto; or (iii) disapprove the plat or any portion thereof in which case the City Clerk shall notify the subdivider in writing, stating the reasons therefor. Action of the Mayor and Council shall be noted on two (2) copies of Preliminary Plat and on the original if approved. The original shall be returned to the applicant and one (1) copy retained by the City Clerk. The other copy will be retained and made a part of the City's records. In the case of conditional approval, once the subdivider has satisfactorily completed or complied with the conditions indicated, the Mayor and Council shall issue a certificate of approval of the Preliminary Plat.
  7. **Approval of Preliminary Plat.** Approval of a Preliminary Plat is only tentative, pending submission of the Final Plat, and shall be effective and binding upon the City for a period not to exceed two (2) years and thereafter expire and be null and void except to the extent that work on the subdivision has progressed, unless a request for an extension of time has been submitted to the Planning Commission and is subsequently approved by the Mayor and Council.
  8. **Improvements Authorized.** Approval of the Preliminary Plat is authorization to proceed with installation of any required improvements, subject to the approval of agencies having the proper authority, and the preparation of the Final Plat, or unit division or phase thereof as provided in Section 41-403.1D.

### Section 41-403 Preliminary Plat Specifications

The Preliminary Plat shall meet the minimum standards of design set forth in this Oxford Subdivision Ordinance and shall include the following:

1. **General.**
  - A. **Title Block Including.** Proposed name of subdivision and name of former subdivision if any or all of proposed subdivision has been previously subdivided.
  - B. **Plat Key Including.**
    - (1) Name and address of person in charge of plat preparation.
    - (2) Date of plat preparation with space for revision dates.
    - (3) Graphic scale of one inch (1") equals two hundred feet (200') or larger.
    - (4) North point, identified as magnetic, true, or grid north.
    - (5) Area of proposed subdivision in acres.
    - (6) Appropriate legend of symbols used on plat.
  - C. Location sketch map locating the subdivision in relation to the immediately surrounding area and showing generally:
    - (1) Well-known landmarks such as railroads, highways, bridges, creeks, etc.
    - (2) Zone district classification(s) of land to be subdivided and adjoining properties.
    - (3) City and/or county jurisdictional boundaries and land lot lines, if applicable.
  - D. The subdivider may and is encouraged to submit a preliminary plat of his or her entire tract even though his or her present plans call for the actual development of only a small part of the property. Regardless of the area covered by the preliminary plat, any unit divisions or phases thereof intended in the preparation of the final plats shall be represented on the preliminary plat.



- E. In the case of resubdivision, a copy of the existing plat with the proposed resubdivision superimposed thereon shall be provided.
  - F. All elevations shall refer to Mean Sea Level Datum.
  - G. **Sheet Size.** Sheet size shall be no larger than thirty-six inches (36") wide and twenty-four inches (24") long leaving a margin two inches (2") in width on left end for binding purposes, and a one-half inch (½") margin on the other three (3) sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.
2. **Exhibit Conditions.**
- A. Location, estimated dimensions, of all property boundary lines of the subdivision.
  - B. Where requested by the Planning Commission, topography by contours at vertical intervals of not more than five feet (5') as determined by a field survey or accurate aerial survey (where deemed necessary).
  - C. Location of natural features including streams and water courses with direction of flow and acreage of the drainage area affecting the proposed subdivision, water bodies, swamps, and flood plains.
  - D. Location and/or size of existing cultural features on or adjacent to the proposed subdivision including:
    - (1) Right-of-way and pavement widths and names of existing and platted streets.
    - (2) Railroads and railroad rights-of-way.
    - (3) Bridges, buildings, and other structures.
    - (4) All surface utility lines within easements or rights-of-way on or adjoining
    - (5) The tract (showing the location of towers or poles). Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or adjoining the tract (grades and invert elevation of sewers shall be shown).
    - (6) All other easements and rights-of-way.
3. **Proposed Conditions.**
- A. Layout of all streets and other accessways with right-of-way and pavement widths and proposed street names.
  - B. Such street cross sections, grades, and center line profiles as may be required.
  - C. Layout of all lots, including building setback lines, scaled dimensions on lots, utility easements with width and use, block number, and lot numbers.
  - D. Indicate provisions for sewerage disposal systems (individual, community, and/or public) with such preliminary or tentative approval by type of system proposed.
  - E. Indicate provisions for water supply (individual, community, or public systems) with such preliminary or tentative approvals by type of system proposed.
  - F. Provisions for proper drainage.
  - G. Such soil erosion and sediment control plans (or evidence of official approval of such plans) separately attached to the plat, as are required by local ordinance.
  - H. Designation of lands to be reserved or dedicated to public use.
  - I. All land including area to be used for uses other than single family dwellings:
    - (1) Multi-family.
    - (2) Commercial.
    - (3) Office.
    - (4) Recreation, open space, or other facilities and areas.

**Section 41-404 Final Plat Procedures**

1. **Final Plat Submission.** After the Preliminary Plat of proposed subdivision has been given tentative approval by the Mayor and Council, and required improvements have been completed or proper arrangements made therefor, the subdivider may, within two (2) years from tentative approval, apply for Final Plat approval. The subdivider shall submit to the City Clerk at least fifteen (15) days prior to the Planning Commission's regular monthly meeting at which the subdivider desires Planning Commission action, the following:
- A. A letter requesting review and approval of a Final Plat and giving the name and address of the person to be notified of the Mayor and Council's action on the Final Plat.

B. Three (3) paper copies of the Final Plat and other documents, as may be specified, and the original tracing or reproducible print thereof drawn in the permanent ink or equivalent on drafting cloth or film. The scale on the plat shall not be less than two hundred feet (200') to the inch.

2. **Tree Canopy Cover on New Development.** Each new development within the City shall be required to conserve, or plant if trees are not available for conservation, a specified amount of tree canopy cover as a percent of the buildable land area. The tree canopy cover requirements are as follows:

AR	Agricultural/Residential	60%
C	Commercial	40%
OP	Office/Professional	50%
PI	Public/Institutional	50%
R-15	Single Family	40%
R-20	Single Family	50%
R-30	Single Family	60%
RD	Duplex	50%
RM	Residential Multi-Family	40%
H	Historic Areas	50%
RZT	Single Family-High Density	30%

The tree canopy shall be well-distributed throughout the property. Trees planted to achieve tree canopy cover requirements shall be chosen from the City of Oxford tree species list.

Further, all parking areas with five (5) or more parking spaces shall be required to have fifty percent (50%) tree canopy cover within fifteen (15) years after completion of construction or renovation. Tree canopy cover credits for newly planted trees are included in the City of Oxford tree species list.

All plans for development shall be approved by the Trees, Parks, and Recreation Board prior to any site disturbance including tree removal, soil disturbance including grading, grubbing, or timber harvesting or the issuance of any permits for such activities.

3. **Official Date of Submission.** The official date of submission of the Final Plat shall be the date of the next regularly scheduled monthly meeting of the Planning Commission after timely submission of the Final Plat to the City Clerk.

4. **Review of the Final Plat.** The Planning Commission shall check the Final Plat for conformance with the tentatively approved preliminary plat.

5. **Hearing.** No plat shall be acted upon by the Planning Commission without affording the subdivider a hearing thereon. Said hearing will be held at the next regularly scheduled monthly meeting of the Planning Commission after submission of the Final Plat to the City Clerk, notice of the time and place of which shall be sent by first class mail not less than five (5) days before the date fixed therefor.

6. **Recommendation to Mayor and Council.** Not more than thirty (30) days after the official date of submission of the Final Plat, the Planning Commission will recommend approval or disapproval of the Final Plat to the Mayor and Council.

7. **Action on the Final Plat.** Not more than thirty (30) days after the recommendation from the Planning Commission, the Mayor and Council may take any one of the following actions: (i) issue a Certificate of Approval for Recording; (ii) approve the plat conditionally with the conditions of approval noted on the plat or attached thereto; or (iii) disapprove the plat or any portion thereof in which case the City Clerk shall notify the subdivider in writing, stating the reasons therefor. Action of the Mayor and Council shall be noted on two (2) copies of the Final Plat and on the original, if approved. The original shall be returned to the applicant and one copy retained by the City Clerk. The other copy will be made a part of the City's records. In the case of conditional approval, once the subdivider has satisfactorily completed or complied with the conditions indicated, the Mayor and Council shall issue a final Certificate of Approval for Recording.

8. **Approval of Final Plats.** Approval of the Final Plat authorizes the subdivider to proceed with the Recording and Dedication procedures.

**Section 41-405 Final Plat Specifications**

The Final Plat shall conform substantially to the Preliminary Plat and it may constitute only that portion of the

approved Preliminary Plat which the subdivider proposes to record and develop at any one time, provided that such portion conforms to the unit phasing established in the approved Preliminary Plat. The Final Plat shall meet the minimum standards of design set forth in this Oxford Subdivision Ordinance and shall include the following:

1. **General.**
  - A. **Title Block Including.**
    - (1) Proposed name of subdivision and name of former subdivision if any or all of proposed subdivision has been previously subdivided.
    - (2) Name and address of owner(s) of record.
  - B. **Plat Key Including.**
    - (1) Name and address of person in charge of plat preparation.
    - (2) Date of plat preparation with space for revision dates.
    - (3) Graphic scale of one inch (1") equals two hundred feet (200') or larger.
    - (4) North point, identified as magnetic, true, or grid North.
    - (5) Area of proposed subdivision in acres.
    - (6) Appropriate legend of symbols used on plat.
  - C. **Location Sketch Map Locating the Subdivision in Relation to the Immediately Surrounding Area and Showing Generally:**
    - (1) Well-known landmarks such as railroads, highways, bridges, creeks, etc.
    - (2) Zone district classification(s) of land to be subdivided and adjoining properties.
    - (3) City and/or county jurisdictional boundaries and land lot lines, if applicable.
    - (4) Sheet sizes shall be fourteen inches (14") wide and sixteen inches (16") long leaving a margin of two inches (2') wide on left end for binding purposes and one-half inch (½") margin on the other three (3) sides, and where more than one (1) sheet is required an index map shall be required at the same sheet size.
2. **Required Conditions.**
  - A. Courses and distances to the nearest existing street intersections or bench marks or other recognized permanent monuments shall be provided.
  - B. Accurate location, material, and description of monuments and markers.
  - C. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-tenth foot (1/10') and angles to the nearest minutes, which shall be balanced and closed with an error of closure not to exceed one (1) to fifteen thousand (15,000). The error of closure shall be stated.
  - D. Topography by contours at vertical intervals of not more than five feet (5') as determined by a field survey or accurate aerial survey (where lots are less than forty thousand square feet (40,000 ft.<sup>2</sup>)).
  - E. Location of physical features such as streams and water courses with direction of flow, water bodies, swamps, floodplains, rock outcroppings, springs, etc.
  - F. Location of adjoining property lines and the names of owner(s) of record and/or the location of adjoining subdivision lines and names.
  - G. All existing buildings and structures to be maintained within the proposed subdivision.
  - H. Exact locations, widths, and names of all streets and public accessways within and immediately adjoining the platted property.
  - I. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
  - J. Lot lines with dimensions to the nearest one hundredth foot (1/100') area; necessary internal angles; arcs and chords, and tangent or radii of rounded corners.
  - K. Building setback line with dimensions.
  - L. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building lines shall be shown.
  - M. Lots numbered in numerical order and blocks lettered alphabetically.
  - N. Location, dimensions, and purpose of all drainage structures and of any easement, including slope easements, if required, and public service utility right-of-way lines; any areas to be reserved, donated, or dedicated to public use and sites for other than single family residential, with designations stating purpose or proposed use, area, and, if any, use limitations, and of any areas to be reserved by deed covenants for common uses of all property owners.
  - O. Any private covenants to be recorded with the plat attached.

**3. Certifications.**

- A.** The following certifications shall be in form and substance approved by the Mayor and Council and inscribed directly on the Final Plat:
  - (1) An Engineer's or Surveyor's Certification.
  - (2) An Owner's Certificate.
  - (3) A Certificate of Approval for Recording by the Mayor and Council.
- B.** The following certificates or statement shall be attached to the Final Plat when applicable:
  - (1) Certificate(s) or Statement(s) of Guaranty to Dedicate.
  - (2) Certificate or Statement of Approval of Streets, whether or not the streets are to be dedicated to the public.
  - (3) Certificates or Statements of Approval of the Sewerage Disposal System in the proposed subdivision.
  - (4) A Certificate or Statement of Approval of the Drainage Provisions within the proposed subdivision.

**Section 41-406 Recording and Dedication Procedures**

- 1. Recording of Final Plat.** Upon approval of a Final Plat by the Mayor and Council, the subdivider shall have the Final Plat recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia. The subdivider shall be responsible for the payment of the recording fee at the time of recording of the Final Plat.
- 2. Dedication of Platted Streets, Other Public Spaces, and Utilities.** Final Plat approval by the Mayor and Council shall not be deemed acceptance of any dedications to the public. After Final Plat approval by the Mayor and Council, the subdivider shall prepare appropriate documents and plans as constructed, if required, and request the City and other appropriate authorities to accept dedicated streets, other public spaces, and utilities. Before submitting a request to the City to accept the dedication of a street, the street shall have been built and used for a period of one (1) year.

**ARTICLE V. GENERAL DESIGN REQUIREMENTS**

**Section 41-501 Suitability of the Land**

Land subject to flooding, improper drainage, or erosion or that is, due to topographical or other reasons, unsuitable for development, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or property destruction, unless hazards can be and are corrected.

**Section 41-502 Name of Subdivision**

The name of the subdivision must have approval of the Mayor and Council. The name shall not duplicate nor closely approximate the name of an existing subdivision.

**Section 41-503 Access**

Access to every subdivision shall be provided over a public street and every lot within a subdivision shall be served by a publicly dedicated street, or a private street meeting the standards of a public street and approved.

**Section 41-504 Conformance to Oxford Land Use Plan**

Proposed Subdivisions shall conform to the adopted Oxford Land Use Plan and development policies in effect at the time of submission to the Planning Commission, When features of the adopted Oxford Land Use Plan, such as schools or other public building sites, parks, major streets, or other land for public uses are located in whole or in part in a proposed subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

**Section 41-505 Reservation or Dedication of Public Use Areas**

- 1. Reservation of Plan Features.** Where the features of the comprehensive plan, such as school sites,

parks, playgrounds, and other public spaces are located in whole or in part in a proposed subdivision, such features shall be reserved by the subdivider; provided, however, that no more than ten percent (10%) of the total area of the subdivision shall be required for reservation to fulfill the requirements of this Section. Whenever the land required for such plan features is not purchased, acquired, optioned or condemned by the appropriate public agency within a two (2) year period from the date of recording the subdivision or by the time that at least seventy-five percent (75%) of the lots are built on and occupied, whichever is sooner, the subdivider may claim the original reservation and cause it to be subdivided in a manner suitable to the subdivider, subject to the provisions of this Oxford Subdivision Ordinance. Whenever a public body responsible for land acquisition executes a written release, stating that the reserved land is not to be acquired, the Mayor and Council shall waive the reservation requirements.

2. **Reservation Omissions.** The Mayor and Council shall not approve any plats of subdivision when such planned features, as specified by the Oxford Land Use Plan, are not incorporated into the plat, and the reservation requirements for such features have not been waived.
3. **Unnecessary or Unsuitable Reservations.** Whenever the Mayor and Council finds that proposed reservation of land or dedication of land for public use is not required or suitable for such public use, it may require the rearrangement of lots to include such land.

#### **Section 41-506                    Conformity to Ordinances**

In all subdivisions due regard shall be shown for all natural features such as large trees, and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property. Provisions of the following ordinances shall be followed: Tree Ordinance; Soil Erosion Control Ordinance; and the Wetlands Protection Ordinance.

#### **Section 41-507                    Blocks**

The length shall not exceed one thousand two hundred feet (1,200') or be less than four hundred feet (400') with the width sufficient to provide for two (2) tiers of lots, but irregularly shaped lots intended by cul-de-sac streets and containing interior parks will be acceptable when properly designed and provision made for the maintenance of interior parks.

#### **Section 41-508                    Fire Hydrants**

Fire hydrants are required to be built along all new water lines. No hydrants shall be separated by a distance of greater than five hundred feet (500').

### **ARTICLE VI.                    DESIGN STANDARDS**

#### **Section 41-601                    Streets**

All streets which shall hereafter be established in connection with the development of a subdivision shall comply with the following design standards:

1. **Continuation of Existing Streets.** Wherever topography will permit, the arrangement of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets into adjoining areas. Existing streets shall be continued at the same or greater width, but in no case less than the required width.
2. **Street Names.** Streets or roads that are extensions of, or obviously in alignment with, existing named streets, shall bear the name. The names of new streets and roads shall be subject to the approval of the Mayor and Council and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place or court.
3. **Development Along Major Highway or Railroad Right-of-way.** Where a subdivision abuts or contains a major arterial highway, a limited access highway, or a railroad right-of-way, the Mayor and Council may require a street approximately parallel to and on each side of such right-of-way either as a marginal access or at a suitable distance for an appropriate use of the intervening land, with double fronting lots, reverse frontage, and a non-access reservation suitably planted, if applicable. In such

cases, due regard should be given to requirements for approach grades and future grade separations in determining distances, and lots should have access only from the access street.

4. **Intersections.** The center lines of no more than two (2) streets shall intersect at any one (1) point. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. The angle of intersection is to be measured at the intersection of the street center lines.
5. **Street Jogs.** Street jogs with center line offsets of less than one hundred twenty five feet (125') shall not be permitted.
6. **Cul-de-sacs or Dead-end Streets.** Local streets or courts designed to have one (1) end permanently closed shall be provided with a turnaround at the closed end, having a minimum right-of-way of at least one hundred twenty feet (120') in diameter and pavement with a minimum outside diameter of one hundred feet (100').
7. **Half Streets.** Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.
8. **Alleys.** Alleys or service drives may be required at the rear of all lots used for multi-family or commercial developments but shall not be provided in one (1) and two (2) family residential developments unless the alley or service drive is to provide secondary access to a lot(s) whose natural grade is (are) more than six feet (6') above the finished street grade, or unless the subdivider produces evidence satisfactory to the Mayor and Council of the need for an alley or service drive.
9. **Minor Streets.** Streets which are constructed so as to provide secondary access only. No more than six (6) lots may abut any such street, and no such street may exceed one thousand feet (1,000') in length. Such streets may not be used as through streets and should be permitted only when lots abut an arterial or collector street.
10. **Street Rights-of-way and Pavement Widths.** The right-of-way shall be the perpendicular distance across a street from property line to property line. In commercial subdivisions, specifications for street and right-of-way width, thickness of base and approved street materials shall be set by the Mayor and Council or their designee, and shall be in accordance with Georgia Department of Transportation requirements for load limits and traffic volume. Minimum street rights-of-way and pavement widths shall be as follows:

Street Rights-of-Way and Pavement Widths are described in the following chart:

Type of Street	Pavement Width** (Minimum)	Pavement Width with Curb & Gutter**	Right-of-Way (Minimum)
Major Thoroughfare*	-	-	80'
Collector Street*	24'	28'	60'
Minor Street	22'	27'	50'
Cul-de-sac	100' Diameter	105' Diameter	120' Diameter

\* As shown or represented in the Oxford Major Thoroughfare Plan or on the Official Map.

\*\* Pavement width is measured from the back of the curb to the back of the curb.

11. **Additional Right-of-way on Proposed Streets.** The right-of-way width in the above table is minimum, and in areas of cut or fill the right-of-way must be increased two feet (2') for each one foot (1') of material removed for the cut or added for the fill. This additional right-of-way must be added to the side or sides where the cut or fill takes place. The minimum allowable degree of slope on a back slope shall be one and five tenths to one (1.5:1) and on a fill slope the degree of slope shall be two to one (2:1).
12. **Additional Width on Existing Streets.** In subdivisions that adjoin existing streets, the subdivider shall dedicate additional right-of-way to meet the above minimum street width requirements as follows:
  - A. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the street.
  - B. When the subdivision is located on one side of an existing street, one-half (½) of the required right-of-way measured from the center line of the existing roadway, shall be provided.
13. **Reserve Strips.** Reserve strips or non-access reservations which control access to streets, alleys, and public grounds should be avoided, but if permitted shall be at least five feet (5') wide and shall be

- dedicated to the City.
14. **Street Grades.** All street grades shall conform to the Georgia Department of Transportation Geometric Design Standards for each class of road as follows:
    - A. Major Thoroughfares, to conform to Class IV roads.
    - B. Collector Streets, to conform to Class V roads.
    - C. All other streets, to conform to Class VI roads.
  15. **Horizontal Curvature.** The minimum radii of centerline curvature shall conform to the Georgia Department of Transportation's Geometric Design Standards for each class of roads as follows:
    - A. Major Thoroughfares to conform to Class IV roads.
    - B. Collector Streets to conform to Class V roads.
    - C. All other streets to conform to Class VI roads.
  16. **Tangents.** The tangents between reverse curves, shall conform to the Georgia Department of Transportation's Geometric Design Standards for each class of road as follows:
    - A. Major Thoroughfares to conform to Class IV roads.
    - B. Collector Streets to conform to Class V roads.
    - C. All other streets to conform to Class VI roads.
  17. **Vertical Alignment.** Vertical alignment (stopping sight distance) measured between points four and one-half feet (4-1/2') above the center line of the street, shall conform to the Georgia Department of Transportation's Geometric Design Standards for each class of road as follows:
    - A. Major Thoroughfares to conform to Class IV roads.
    - B. Collector Streets to conform to Class V roads.
    - C. All other streets to conform to Class VI roads.
  18. **Curb-line Radii.** Property lines at street intersections shall be rounded with a curb radius of twenty feet (20'); where the angle of intersection is less than ninety degrees (90°), the Planning Commission may require a greater radius. The Planning Commission also may permit comparable cut-offs or chords in place of rounded comers.
  19. **Right-of-way Radius.** The right-of-way radius at street intersections shall parallel the curb line radius.
  20. **Steep Slope Development.** Street design and construction in areas of steep slopes in the City are subject to variance from the uniform standards established in this Oxford Subdivision Ordinance if deemed necessary by the Planning Commission and the Mayor and Council to carry out the intent and purpose of this Oxford Subdivision Ordinance. If such variance is required the Mayor and Council or its designee shall establish appropriate design and construction standards on an individual subdivision basis.

**Section 41-602                      Lots**

All lots which shall hereafter be established in connection with the development of a subdivision shall comply with the following design standards in addition to the appropriate provisions of the Oxford Zoning Ordinance:

1. **Lot Lines.** Insofar as practical, side lot lines shall be perpendicular or radial to street lines.
2. **Jurisdictional Limits of Lot Lines.** Lots shall not be divided by City or county boundary lines.
3. **Lot Frontage Arrangements.** The subdividing of the land shall be such as to provide each lot with direct abutting access to an existing public street or to an approved street contained within the proposed subdivision. Each lot must front for at least forty feet (40') upon an approved street or road.
4. **Adequate Building Sites.** Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this Oxford Subdivision Ordinance and any existing ordinance as is appropriate.
5. **Double or Reverse Frontage Lots.** Double and reverse frontage, unless required by the Mayor and Council, shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planting screen reservation of at least five feet (5') in width, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use.
6. **Commercial Lots.** Size, shape, and arrangements of commercial lots, where platted and classified as a subdivision, as herein defined, shall be subject to review of the Planning Commission and the approval of the Mayor and Council. Where public water and/or sewer are not available, minimum lot size and minimum coverage shall be based on lot area needed for proper sewerage disposal and/or

water supply. In no case shall the building set back on all streets be closer than fifteen feet (15') from the front property line of the lot, and within such space no permanent surface structures or facilities shall be constructed.

7. **Lot Remnants.** Lot remnants shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.
8. **Easements.** Easements shall be required in subdivisions for the following purposes:
  - A. **Utility Easements.** When it is found to be necessary and desirable to locate public utility lines in other than street right-of-ways, easements shall be shown on the plat for such purposes. Such easements shall not be less than twelve feet (12') in width and where possible, shall be centered on rear or side lot lines.
  - B. **Water Course and Drainage Easements.** Where a proposed subdivision is traversed by a water course, drainage way, or stream, appropriate provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. Such easement shall conform substantially with the lines of said water course and be of sufficient width or construction, or both, as to be adequate for the purpose.

## ARTICLE VII. REQUIRED IMPROVEMENTS

### Section 41-701 Performance and Specifications

A well designed subdivision means little to a prospective lot buyer until he can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers may get usable products and new subdivisions may be an asset rather than a liability to the community, every subdivider shall be required to make the improvements outlined in this Article in accordance with the specifications herein or otherwise adopted by the Mayor and Council.

### Section 41-702 Grading

All streets, roads, and alleys shall be graded by the subdividers in such a manner that pavements and other improvements (sidewalks and curb and gutter, if provided or required) can be constructed to the required cross section. The minimum width of grading shall be the pavement width as specified in Section 41-601.10, plus six feet (6') on each side measured from the back of curb or pavement edge. Deviation from the above will be allowed only when due to special topographical conditions.

1. **Preparation.** Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.
2. **Cuts.** All tree stumps, boulders, and other obstructions shall be removed to a depth of two feet (2') below the subgrade. Rock, when encountered shall be scarified to a depth of twelve inches (12") below the subgrade.
3. **Fill.** All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clay, etc., shall be removed from the roadway. The fill shall be spread in layers not to exceed twelve inches (12") loose and compacted. The filling of utility trenches and other places not accessible to the roller shall be mechanically tamped.
4. **Subgrade.** The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the lines, grades, and typical cross sections as shown on drawings if required, and approved by the Mayor and Council after review by the designated Review Agency. Unsuitable material shall be excavated and replaced with acceptable compacted material.

### Section 41-703 Storm Drainage

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water according to curb and gutter plans and specifications as required, and approved by the Mayor and Council after review by the designated Review Agency. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full width roadway and the required slopes. The size of pipe to be provided shall be determined and approved by the Mayor and Council after review by the designated Review Agency.



**Section 41-704 Sidewalks**

Sidewalks may be required by the Mayor and Council where in their opinion safe and convenient pedestrian movement are essential, leading to or going through commercial areas, school sites, places of public assembly or across unusually long blocks. Required sidewalks or those installed at the option of the subdivider shall have a minimum width of three feet (3'), shall not be adjacent to curbs, and shall otherwise be installed according to plans and specifications as required, and approved by the Mayor and Council after review by the designated Review Agency.

**Section 41-705 Installation of Utilities**

After grading is completed and approved and before any base is applied, all of the underground work within the street right-of-way--water mains, gas mains, etc., shall be installed completely and approved throughout the length of the road and across the flat section. At the same time, all service connections shall be stubbed out to each lot.

**Section 41-706 Water Supply System**

1. **Public Water System.** If a public water supply is available to a proposed subdivision and connection thereto is permitted, water mains and fire hydrants within the subdivision along with connections to each lot shall be provided, according to plans and specifications as required, and approved by the Mayor and Council after review by the designated Review Agency.

**Section 41-707 Sanitary Sewer Disposal**

1. **Public Sewerage System.** When a public sewerage system is feasibly available to a proposed subdivision and connection to the system is permitted, the subdivider shall install and connect to the sewerage disposal facilities within the proposed subdivision or feasible portions thereof, in accordance with plans and specifications as required, and approved by the Mayor and Council after review by the designated Review Agency.
2. **Individual Sewer Disposal System.** When a public sanitary sewerage system is not available an alternate method of sewerage disposal for each lot or a community sewerage disposal system may be approved. When an individual sewerage disposal method (septic tank) is proposed, appropriate data and information in compliance with the regulations of the County Health Department shall be provided to and approved by the County Health Department.
3. **Community Sewerage Disposal System.** When a community sewerage disposal system is proposed, or a public sewerage system is not available and individual sewerage disposal systems are disapproved, thereby necessitating a community sewerage disposal system, the developer shall install the system in accordance with plans and specifications as required, and approved by the Environmental Protection Division of the Department of Natural Resources.

**Section 41-708 Street, Alley, and Service Drive Improvements**

All streets to be paved must be prepared and paved according to the following methods or by equivalent methods that are acceptable to the Mayor and Council after review by the designated Review Agency.

1. **Base.** The base shall consist either of select topsoil, sand clay, or other approved material having a minimum thickness of five inches (5") after being thoroughly compacted; and, shall be constructed on a prepared subgrade in accordance with these specifications and in conformity with the lines, grades, and typical cross section as shown on the drawings required and approved by the Mayor and Council after review by the designated Review Agency.
  - A. All materials shall be of an approved type.
  - B. All materials shall be mixed to the extent necessary to produce a thoroughly pulverized and homogeneous mixture.
  - C. As soon as the base material has been spread and mixed, the base shall be brought to approximate line, grade and cross section and then rolled with a sheepfoot roller until the roller walks out and finally with a pneumatic tire or general purpose roller until full thickness of the

base course has been compacted thoroughly. Defects shall be remedied as soon as they are discovered.

- D. The base course shall be maintained under traffic and kept free from ruts, ridge and dustings, true to grade and cross section until it is primed.
  - E. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.
2. **Pavement.** Wearing surface shall conform to mixes found suitable by the Georgia Department of Transportation or an independent testing laboratory and shall be applied after prime coat. Unless otherwise approved by the Mayor and Council or its designee, pavement shall be constructed as follows:
- A. Prime coat shall be cut-back asphalt or cut-back asphalt-emulsion applied on a clean slightly damp surface in the amount of from ten hundredth to thirty hundredth gallons per square yard (0.10 - 0.30 gal./yd.<sup>2</sup>), depending upon the nature and condition of the surface.
  - B. Wearing surface shall consist of an approved plant mix prepared in a central plant and composed of aggregate and bituminous material having an in place minimum compacted thickness of one and five-tenth inches (1.5"); or, in Residential Subdivisions where no lot is less than two (2) acres in size, a triple surface treatment consisting of the following materials per square yard: a first application of AC-15 [thirty-hundredth to forty hundredth gallons (0.30-0.40 gal.)] first spreading an aggregate [forty-five hundredth to fifty-five hundredth cubic feet (0.45-0.55 ft.<sup>3</sup>, size 5), second application of AC-15 [thirty-five hundredth to forty hundredth gallons (0.35-0.40 gal.)], second spreading of aggregate [thirteen hundredth cubic feet (0.13 ft.<sup>3</sup>), size 7], third application of AC-15 [fifteen hundredth to twenty hundredth gallons (0.15-0.20 gal.)], and third spreading of aggregate [fourteen hundredth cubic feet (0.14 ft.<sup>3</sup>), size eight (8)
3. **Seals.** Care and precaution shall be taken that all points between such structures as manholes and curbs, and the surface mixture are well sealed.

**Section 41-709                      Required Signs**

Street name signs, as well as other traffic control or informational signs as required by the City, shall be installed within subdivisions. The location and design of such signs shall be approved by the Mayor and Council.

**Section 41-710                      Street Trees**

The planting of street trees is not required, however, if the subdivider chooses to plant trees along the street to enhance the appearance of a subdivision, such trees shall be planted on any street right-of-way in a manner to insure that there will be no conflict with utility lines either above or below the ground surface and in accordance with the Tree Ordinance.

**Section 41-711                      Monuments**

Two concrete monuments at least thirty-six inches (36") in length and four inches square (4"sq.) with a suitable center point shall be at each street intersection on the street right-of-way line. Solid steel rods at least one-half inch (½") in diameter or square, two feet (2') long, shall be set at all other street corners, at all points where street lines intersect the exterior boundaries of the subdivision, at angle points and points of curve in each street, and at points of change of direction in the exterior boundaries of the subdivision. The top of the monument shall have an indented cross to identify the location and shall be set flush or up to six inches (6") above the finished grade. All other lot corners shall be marked with solid steel rods not less than one half inch (½") in diameter, and at least twenty-four inches (24") long and driven so as to be flush with the finished grade.

**ARTICLE VIII.                      SURETY FOR COMPLETION OF IMPROVEMENTS**

**Section 41-801                      Surety for Completion of Improvements**

In lieu of the completion of the required improvements in a subdivision, the subdivider may provide surety for the completion of such improvements and present a Final Plat for approval.

**Section 41-802                      Requirements**

To assure the construction and installation of required improvements, the subdivider shall deliver to the City Clerk a certified check, letter of credit, or cash escrow, bond, or other acceptable surety, whichever is specified by the City, in such amount as is estimated by the City, to be the total cost of the construction and installation of the required improvements, which are the responsibility of the subdivider.

**Section 41-803                    Conditions**

Bonds posted or other surety provided shall run to the City, and provide that the subdivider, his or her heirs or successors, and their agents and servants, will comply with all applicable terms, conditions, provisions, and requirements of this Oxford Subdivision Ordinance, other laws and regulations, and requirements as specified by the City. If bond is offered, it shall be executed by a surety and guaranty company qualified to transact business in the State of Georgia.

**Section 41-804                    Duration and Release**

Bonds posted or other surety provided pursuant to this Oxford Subdivision Ordinance shall be released, returned or otherwise disposed of by the holder as the case may be, at such time as the facilities guaranteed or provided therefor, have been installed and approved. Approval shall be in writing accurately describing the improvements covered. Facilities shall not be accepted or approved unless they conform to the specifications and requirements of this Oxford Subdivision Ordinance and the City.

**Section 41-805                    Default**

If the construction or installation of any improvements or facilities by the subdivider, for which a bond is posted or other surety is provided, is not completed within the period of performance specified by the City at the time the surety is provided, or if said construction or installation by the subdivider is not in accordance with the applicable specifications and requirements of the appropriate authority, said construction or installation may be completed using the proceeds from such surety deposits to pay for such work. Such work may be done under contract or by the City and shall be completed within six (6) months after the date that said construction or installation is determined to be in violation of this Oxford Subdivision Ordinance.

To the extent that any portion of a surety deposit is not required or used, said excess surety shall be repaid to the person or entity making the deposit.

**Section 41-806                    Certification of Receipt of Surety for Required Improvements**

A certificate or statement of receipt of surety by the City Clerk shall be inscribed on or attached to the Final Plat and executed by the City Clerk for the required improvements) for which separate surety is provided.

**ARTICLE IX.                    ADMINISTRATION**

**Section 41-901                    Administration and Enforcement**

In addition to other responsibilities and authorities noted in other sections of this Oxford Subdivision Ordinance, the duty of administering, interpreting, and enforcing the provisions of this Oxford Subdivision Ordinance, is hereby conferred upon the Mayor and City Council.

**Section 41-902                    Administrative Procedures**

The Mayor and City Council shall define and establish the procedures for the administration of this Oxford Subdivision Ordinance except as otherwise provided by this Oxford Subdivision Ordinance, and may designate an administrator to carry out certain administrative functions.

**Section 41-903                    Other Regulations and Authorities**

When other local or state agencies have regulations and authority affecting any aspect of the development of a subdivision, it shall be the duty of that or those agencies to enforce those regulations, and it shall be the

responsibility of the subdivider to submit appropriate documents and materials to those agencies and receive statements of acceptance or approval, accordingly before submitting any plats to the Planning Commission.

**Section 41-904 Relief**

Whenever the administration, or interpretation of those regulations, or the application of standards herein results in extreme difficulties, injustice or hardship in the opinion of the subdivider, the subdivider may seek relief from the Mayor and Council. The Mayor and Council, after a report from the Planning Commission, may make reasonable changes in its interpretation of this Oxford Subdivision Ordinance, alter its administrative procedures, or exercise its authority under Sections 41-1001 or 41-1002 in varying or waiving any standards or requirements of this Oxford Subdivision Ordinance, as long as the public welfare and interests of the City are protected and the general intent and spirit of this Oxford Subdivision Ordinance are preserved.

**ARTICLE X. VARIANCES AND WAIVERS**

**Section 41-1001 Variances**

Any request for a variance from the requirements of this Oxford Subdivision Ordinance shall be governed by the standards and procedures set forth in Section 40-404 of the Oxford Zoning Ordinance.

**Section 41-1002 Waivers**

When there is a request from a subdivider, in written form, and where the Mayor and Council finds that, due to the special circumstances of a particular plat, the provisions of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Mayor and Council may waive such requirements subject to appropriate conditions.

**ARTICLE XI. VIOLATIONS AND REMEDY**

**Section 41-1101 Violations and Remedy**

Any person, firm, corporation, or entity accused of a violation of this Oxford Subdivision Ordinance shall, upon conviction, be punished as provided by law. Each offense shall constitute a separate offence for each day such violation shall continue.

**ARTICLE XII. AMENDMENTS**

**Section 41-1201 Changes and Amendments**

Any regulations or provisions of this Oxford Subdivision Ordinance may be changed and amended from time to time by the Mayor and Council as provided by Georgia law; provided, however, that such changes or amendments shall not become effective until after a study and recommendation by the Planning Commission and until after a public hearing has been held thereon, the time and place of which shall have been published in a newspaper of general circulation, at least fifteen (15) days prior to such public hearing. At least fifteen (15) days prior to the public hearing, information on the proposed amendments may be examined by the public at the office of the City Clerk. If the Planning Commission fails to deliver its recommendations regarding such changes to the Mayor and Council prior to the public hearing on such changes, the Mayor and Council may take action without the recommendation of the Planning Commission.

# CHAPTER 42: CITY OF OXFORD BUILDING CONSTRUCTION AND RELATED ACTIVITIES

Section

42-101	Short Title
42-102	General Requirements
42-103	Adoption of Building Codes
42-104	Adherence to Oxford Zoning Ordinance and Oxford Subdivision Ordinance
42-105	Requirements and Procedures for Issuance of Development Permits and Building Permits
42-106	Certificate of Occupancy Required



**Section 42-101            Short Title**

This Part is entitled “Building Construction and Related Activities in the City of Oxford, Georgia.” It may also be known by and cited by the short title of “Oxford Building Ordinance.”

**Section 42-102            General Requirements**

No building permit shall be issued, no light or water service shall be issued and all utility companies operating within the City are forbidden to connect any services to any building not complying with this Chapter.

**Section 42-103            Adoption of Building Codes**

The City hereby adopts the following building codes:

1. Georgia State Minimum Standard Building Codes, as currently adopted and used by Newton County, Georgia.
2. National Electrical Code with the 1996 Georgia State Minimum Standard Electrical Code Amendments.
3. Other codes and regulations currently adopted by Newton County, Georgia pertaining to standards for building construction and electrical, plumbing, heating, air conditioning and gas installation.

A copy of all such building codes is on file in the Office of the City Clerk.

**Section 42-104            Adherence to Oxford Zoning Ordinance and Oxford Subdivision Ordinance**

In addition to the requirements of this Oxford Building Ordinance, all construction and related activities in the City shall conform to the Oxford Zoning Ordinance and the Oxford Subdivision Ordinance.

**Section 42-105            Requirements and Procedures for Issuance of Development Permits and Building Permits**

1. **Development Permit.**
  - A. A development permit shall be required for any proposed use of land or buildings to indicate and ensure compliance with all provisions of the Oxford Zoning Ordinance before any building permit is issued or any improvement, grading or alteration of land or buildings commences. The development permit shall be applied for either by the owner of the land or by the contractor doing the work. The applicant shall obtain a development permit application from the office of the City Clerk.

An applicant for a development permit shall submit the application form, together with the following materials, to the City Clerk: A survey, site plan or other formal plans signed by the author and drawn to scale with dimensions thereon indicating the shape, size, and location of the lot as well as the shape, size, height, use, and location of any buildings or other improvements to be erected, constructed, altered, or moved and of any buildings already on the lot. The number of dwelling units (if any) the building(s) are designed to accommodate, the setback line from adjoining streets and lots, and other information concerning the lot or adjoining lots, as may be essential for determining whether the provisions of this Oxford Zoning Ordinance are being observed shall also be provided. If the lot is located in the Historic District, then the applicant must include a copy of the certificate of appropriateness with the application for a development permit.

Immediately following submission of the completed application for a development permit, the applicant shall cause the corners of the lot for which the development permit is sought and any proposed buildings or other improvements on the lot to be staked out on the ground.

The City Clerk shall transmit the application package to the Planning Commission for review of compliance with the development standards and permitted uses for the zoning district in which the property is located. All applications for development permits shall be reviewed by the Planning Commission at its first regular monthly meeting following the date such application is submitted to the City Clerk; provided that such application is submitted at least fifteen (15) days prior to such scheduled meeting. The Planning Commission may require the submission of additional materials if it decides that additional information is needed in order to determine if the proposed project meets the requirements of the Oxford Zoning Ordinance. The development permit will be issued by the City if, upon review of the application and inspection of the staked-out site, it is determined that the proposed project will meet the requirements of the Oxford Zoning Ordinance. No development permit will be issued by the City for the use, construction, or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Chapter or any other ordinances and laws of the City, except as provided herein.

The City Clerk will notify the applicant whether the application for a development permit has been approved or denied within fifteen (15) days following the Planning Commission meeting where the completed application is reviewed and considered. A development permit shall be valid for two (2) years after it has been issued; provided, that if the work described in any development permit application has not begun within six (6) months from the date the development is issued, the permit shall expire. Any extension request for a development permit shall be brought before the Mayor and Council and decided upon by them.

- B. Building Permit.** The developer, landowner, or other person wishing to do any of the following shall first apply for a building permit: (I) excavation or filling of a lot for the construction of a building; (ii) erection, construction, movement, extension, or enlargement of a building; or (iii) any new construction or work on an existing building or structure involving the installation or extension of electric current, natural gas, water, or sewage facilities. No electric current, natural gas, water, or sewage hookup will be made available to the site of new construction until a building permit is secured.

The building permit shall be applied for either by the owner of the land upon which the proposed building or alteration is to be located, or by the contractor doing the work. The applicant shall obtain a building permit application from the office of the Building Inspector. An applicant for a building permit shall be responsible for the payment of all required fees and such payment shall be made directly to the Building Inspector.

The Building Inspector is responsible for issuing building permits. No building permit will be issued for a proposed project unless and until a development permit for such project has been issued by the City. If the Building Inspector determines that the proposed project as presented in the building permit application, satisfies the requirements of this Chapter, he shall issue a building permit. If the Building Inspector determines that the proposed project as presented in

the building permit application will not satisfy the requirements of this Chapter, he shall not issue a building permit. The applicant will then need to confer with the Building Inspector to determine what needs to be done in order to comply with this Chapter and be eligible for a building permit.

Construction on an approved project shall start within six (6) months from the date of issuance of the building permit, or the permit will become invalid and a new one must be applied for if construction of the project is desired at a future date. On property requiring use of a septic tank for waste water disposal, the applicant shall provide a septic tank permit and an approved percolation test approved by the Newton County Health Department. All construction shall be completed within twelve (12) months after it has been started. Any extension request for a building permit shall be brought before the Mayor and Council and decided upon by them.

All newly constructed buildings, as well as additions, extensions, or enlargements of structures involving new plumbing or wiring, must meet the standards set forth in the building codes adopted by the City and the minimum standards pertaining to sanitation set by the Newton County Department of Public Health.

Upon completion of work on the electrical, water, and sewage systems, the owner/contractor shall obtain certifications on the building permit from the persons responsible for the work on each system that all work on the system has been completed and inspected by applicable health agencies or utility companies. After obtaining required certification, the building permit shall be submitted to the Building Inspector.

**Section 42-106 Certificate of Occupancy Required**

A certificate of occupancy is required before a structure for which a building permit has been issued may be occupied or used. The building permit shall become the certificate of occupancy when the Building Inspector signs it in the appropriate space, certifying that to the best of his or her knowledge all requirements of this Chapter have been met. The Building Inspector shall consult with the City to determine whether the completed project complies with the applicable development standards. The certificate of occupancy when issued shall serve as confirmation that the owner/contractor has complied with the provisions of this Chapter.

Within ten (10) days after receiving the building permit with all required certifications indicating that the work has been completed, the Building Inspector shall either (i) issue a certificate of occupancy if the Building Inspector finds that all requirements of this Chapter have been met, or (ii) notify the owner/contractor that a certificate of occupancy will not be issued and stating reasons for such action if the Building Inspector finds that all requirements of this Chapter have not yet been met at the time the owner/contractor seeks a certificate of occupancy. If a certificate of occupancy is not issued, the owner/contractor will then need to confer with the Building Inspector to determine what action must be taken in order to comply with this Chapter and be eligible for a certificate of occupancy.

**Comparison of Selected Development Standards by Zoning District**

<b>Development Standards</b>	<b>R-30</b>	<b>R-20</b>	<b>R-15</b>
Minimum Off-Street Parking Space	360 sq. ft.(1); Determined by P.C. for other permitted uses	360 sq. ft. (1); Determined by P.C. for other permitted uses	360 sq. ft.(1); Determined by P.C. for other permitted uses
Minimum Lot Area	30,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.
Minimum Floor Area Per Dwelling Unit	1,800 sq. ft.	1,500 sq. ft.	1,200 sq. ft.
Minimum Lot Width at Building Line	100 ft.	100 ft.	75 ft.
Minimum Setback from Street Right-of-Way Line	50 ft. for Major; 50 ft. for Other	50 ft. for Major; 35 ft. for Other	50 ft. for Major; 30 ft. for Other
Minimum Setback from Side Lot Line	15 ft.	15 ft.	15ft.





**Comparison of Selected Development Standards by Zoning District**

<b>Development Standards</b>	<b>C</b>	<b>PI</b>	<b>AR</b>	<b>OP</b>
Minimum Off-Street Parking Space	Stated by Use	Stated by Use	360 sq. ft. (1); Determined by P.C. for other permitted uses	Stated by Use
Minimum Lot Area	100 sq. ft.	8,000 sq. ft.	60,000 sq. ft. with well and septic tank; 43,560 sq. ft. with public water or sewer	8,000 sq. ft.
Minimum Floor Area Per Dwelling Unit	0 sq. ft.	0 sq. ft.	1,800 sq. ft.	0 sq. .ft.
Minimum Lot Width at Building Line	20 ft.	100 ft.	150 ft.	100 ft.
Minimum Setback from Street Right-of-Way Line	6 ft.	10 ft.	50 ft.	10 ft.
Minimum Setback from Side Lot Line	0 ft.; 30 ft., if adjoins R-30, R-20, R-15, RD or RZT	15ft.; 30 ft. if adjoins R-30, R-20, R-15, RD or RZT	15 ft.	15ft.; 30 ft. if adjoins R-30, R-20, R-15, RD or RZT
Minimum Setback from Rear Lot Line	0 ft; 30 ft. if adjoins R-30, R-20, R-15, RD or RZT	15ft.; 30 ft. if adjoins R-30, R-20, R-15, RD or RZT	40 ft.	15ft.; 30 ft. if adjoins R-30, R-20, R-15, RD or RZT
Maximum Building Height	35 ft.	35 ft.	35 ft.	35 ft.
Maximum Lot Coverage by Principal Building	80 percent	50 percent	25 percent	50 percent

**NOTES: (1): Single-family Dwelling**  
**(2): Two-family Dwelling**  
**(3): Zero-lot-line Dwelling**  
**(4): Townhouse Dwelling**

**Major: Major Road**  
**Other: Road other than a Major Road**

**Minor: Minor Road**  
**P.C.: Planning Commission**  
**ROW: Width of street right-of-way**



## **CHAPTER 43: COMPREHENSIVE PLAN**

The Joint City/County Comprehensive Plan for Newton County and the cities of Covington, Mansfield, Newborn, Oxford, and Porterdale, October 1999, is incorporated by reference as if fully set out herein.

*(Adopted 4/1/00)*



**ORDINANCE**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE CITY OF OXFORD, GEORGIA ADOPTING A CODE OF THE ORDINANCES FOR THE TOWN ENTITLED "THE CODE OF THE CITY OF OXFORD PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN AND FOR OTHER PURPOSES:

Be it ordained by the Mayor and City Council of the City of Oxford, Georgia, and it is hereby ordained by the authority of the same as follows:

Section 1: There is hereby adopted by the City Council a code entitled, "The Code of the City of Oxford, Georgia, 20\_\_\_\_," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, of which code no fewer than two (2) copies have been and are now filed in the Office of the City Clerk, authenticated by the signatures of the Mayor, City Clerk and City Attorney, and signed by the members of the City Council of the City of Oxford, said code being hereto attached and made a part hereof.

Section 2: The provisions of this Code shall be in force and effect on \_\_\_\_\_, 20\_\_\_\_ and all ordinances of a general and permanent nature in force on such date and not contained in the Code are repealed by this Ordinance from and after such date, except as may be provided hereinafter.

Section 3: The repeal provided for in the preceding Section of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before \_\_\_\_\_, 20\_\_\_\_; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City or authorizing the issue of any bonds, including revenue certificates, of the City of Oxford or any evidence of the City's indebtedness or any contract or obligation assumed by the City; nor shall such repeal affect the administrative ordinances or resolutions of the Town Council not in conflict or inconsistent with the provisions of the Code; nor shall it affect any right or franchise conferred by any ordinance or resolution of the City or any person or corporation; nor shall it affect any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to \_\_\_\_\_, 20\_\_\_\_.

Section 4: It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance or of the Code hereby adopted shall be declared unconstitutional or otherwise invalid by Valid Judgment or Decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance or of the Code hereby adopted.

Read and adopted in the regular meeting of the City Council held on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor Pro Tem

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

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