

Amendments to Code of Ordinances

Lexington, Georgia

Since February 2012

Code Section	Date	Amendment
Chapter 10.102	05/15/2014	Fire Protection Fees: Renewal fees not paid by July 1 will incur \$50 penalty
Chapter 10.102	09/08/2016	Fire Protection Fees: Late renewal fees incur \$10 per month penalty until fee is paid
Chapter 11.103	06/11/2020	Traffic Control: Errata Notice/Correction Stopping, Standing, Parking of Motor Vehicle
Chapter 11.103	08/10/2023	Traffic Control: Engine ‘jake breaking’ – prohibits excessive loud noise in City of Lexington
Chapter 12	09/12/2013	Restaurant Pouring Licenses: Malt Beverages and wine (New Chapter)
Chapter 12	02/13/2020	Correction: Chapter 11 (Traffic Control) was erroneously under Chapter 12 (now corrected)
Chapter 13	09/08/2016	Microbreweries: Application, Licensing, and Operations - New chapter
Chapter 13.004	09/14/2017	Microbreweries: Application, Licensing, and Operations – Replaces Section 13.004
Chapter 14	09/14/2017	Distilleries: Application, Licensing, & Operation - New
Chapter 19	09/08/2016	Solid Waste Management: New Chapter
Chapter 20.110	01/12/2017	Water Service: Collection of Delinquent Water Bills – Replaces Section 20-110
Chapter 30.105	09/14/2017	Dangerous Dog Ordinance: Identification and Inoculation
Chapter 30	10/08/2020	Dangerous Dog Ordinance: MOU 30.101-121
Chapter 31.104	06/13/2018	Regulation of Pets within City Limits: Number Dogs & Cats 31.104
Chapter 31.106	05/10/2018	Regulation of Pets within City Limits: Containment Requirements 31.106
Chapter 33.202	09/10/2020	Nuisances: Rules & Regulations for Abatement of Unsafe or Unhealthful Premises
Chapter 36.103.01	02/10/2022	Construction Codes: Adoption of GSMSC (Georgia State Minimum Standard Dodes for Construction)
Chapter 36 106.3 & 106.4	02/10/2022	Construction Codes: Violations & Penalties 36.106.3; Right of Entry & Inspection Warrant 36.106.4
Chapter 37.102	03/10/2021	Franchise Ordinance: New franchise agreement with Tri-county Gas
Chapter 40.102.3	01/10/2013	Historic Preservation: Deleted sentence, “Members may not serve more than two (2) consecutive terms.”
40.104.14	08/08/2024	Historic Preservation: Violations and Penalties

Section 10-1-2 - Fire Protection Fees

The City of Lexington Fire Department will not answer a call to a structure fire outside the city limits unless an annual fee of \$50 has been paid and is current, unless human life is at risk. Fire protection fees are due and payable on July 1 of each year. Any renewal fee not paid by July 1 will incur a penalty of \$10 for each month the payment is late. (Adopted September 8, 2016)



STATE OF GEORGIA
CITY OF LEXINGTON

City of Lexington
Post Office Box 35
Lexington, Georgia 30648

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LEXINGTON, GEORGIA, TO AMEND CHAPTER 11: TRAFFIC CONTROL

Section 11-103- ENGINE OR 'JAKE BRAKING'. TO PROHIBIT EXCESSIVE LOUD NOISE IN THE CITY OF LEXINGTON

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th of March 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of the Lexington , Georgia; and

WHEREAS, the governing authority of the City determines that the City's ability to regulate excessive noise would be desirable contribution to the community.

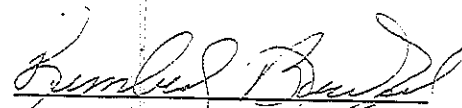
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of City of Lexington is hereby amended by adding the attached section 11.103 and made a part of "Chapter 11-Traffic Control."

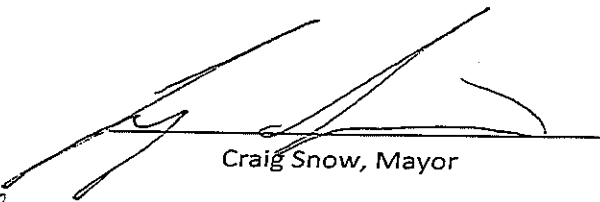
All code sections, ordinances, resolutions, or part thereof in conflict with this Amendment are hereby repealed. The Amendment shall become effective as the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular council meeting of the Mayor and Council, on this 10 th day of

August 2023.


Kimberley Bradford, City Clerk


Craig Snow, Mayor



STATE OF GEORGIA
CITY OF LEXINGTON

City of Lexington
Post Office Box 35
Lexington, Georgia 30648

Notice of Errata and Correcting Amendment to Engine Brake Ordinance

A notice of errata, correcting the Ordinance number of the Engine Brake Ordinance adopted August 10, 2023 by the Mayor and Council to govern engine braking in the city limits.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and council of Lexington on the 8th day of March 2012, and

WHEREAS, on August 10, 2023 the Mayor and Council adopted an amendment to the Code of Ordinances to govern the engine brake noise within the City's Limits and

Whereas due to scrivener's error, the Engine Brake Ordinance was incorrectly assigned to Chapter 11-103 Code of Ordinances, which had previously been assign to another ordinance (Stopping, Standing, and Parking of Motor Vehicle Ordinance adopted June 11, 2020); and

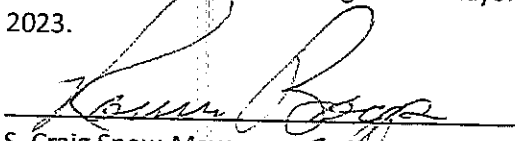
WHEREAS, the Mayor and Council now seek to correct this error and reassign the Engine Brake Ordinance, which is restated in full with corrected Chapter and Section numbers below, so that it may properly be added to the Official Code of the City of Lexington as Chapter 11 Section 104: Engine Brake Ordinance.

NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the Chapter attached hereto and make part hereto by reference entitled "Chapter 11 Section 104-Engine Brake Ordinance"

All code section, ordinances, resolutions or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date it was originally approved, August 10, 2023.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this 14 day of Sept 2023.


S. Craig Snow-Mayor *Mayor, Pro-Tem*


Kimberley Bradford-City Clerk

Section 11-104 - Engine braking.

(a) *Title.* This section shall be referred to as the City of Lexington Engine Braking Ordinance.

(b) *Definitions.*

(1) *Engine braking* means:

- a. The utilization of any mechanical device which uses a motor vehicle's exhaust to aid in the braking, slowing, stopping, or deceleration of the motor vehicle; or
- b. The utilization of a "jake brake," retarder, or compression release brake to aid in the braking, slowing, stopping, or deceleration of a motor vehicle.

(2) *Emergency* means a situation in which no other means is available to avoid an imminent collision with another vehicle, person, or property.

(3) *Excessively loud noise* means a sound generated by engine braking which is audible to a person of ordinary hearing at least 100 feet away from the vehicle which is the source of said sound.

(c) *Prohibition on engine braking resulting in an excessively loud noise in the City of Lexington.* It shall be unlawful, while on any public road, street, or highway in the City of Lexington, except in the case of an emergency, for the operator of a motor vehicle to engage in engine braking which results in an excessively loud noise.

(d) *Enforcement.* The Oglethorpe County Sheriff's Department or any other approved law enforcement agency shall have the authority to enforce this ordinance within the City of Lexington. All fines and fees collected through citations issued pursuant to this Section shall be paid to the City of Lexington.

(e) *Violation and penalties.*

(1) Any person charged with violating the City of Lexington Engine Braking Ordinance shall be tried in the City of Lexington Recorder's Court in accordance with the provisions of this Code. Prosecution for such violations shall be upon citation issued and served upon the accused violator by the Oglethorpe County Sheriff or his deputy or any other law enforcement agency approved by the City of Lexington.

(2) Any person convicted of a violation of the City of Lexington Engine Braking Ordinance shall be punished by a fine of not more than \$1,000.00 per offense or by imprisonment in the county jail for a period not to exceed 30 days. Each act in violation of this City of Lexington Engine Braking Ordinance shall constitute a separate offense.



City of Lexington

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STATE OF GEORGIA
CITY OF LEXINGTON

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LEXINGTON, GEORGIA, TO AMEND CHAPTER 11: TRAFFIC CONTROL

Section 11-103- ENGINE OR 'JAKE BRAKING'. TO PROHIBIT EXCESSIVE LOUD NOISE IN THE CITY OF LEXINGTON

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th of March 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of the Lexington, Georgia; and

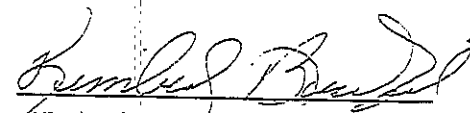
WHEREAS, the governing authority of the City determines that the City's ability to regulate excessive noise would be desirable contribution to the community.

NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of City of Lexington is hereby amended by adding the attached section 11.103 and made a part of "Chapter 11-Traffic Control."

All code sections, ordinances, resolutions, or part thereof in conflict with this Amendment are hereby repealed. The Amendment shall become effective as the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular council meeting of the Mayor and Council, on this 10 th day of August 2023.


Kimberley Bradford, City Clerk


Craig Snow, Mayor

Section 11-103 - Engine braking.

- (a) *Title.* This section shall be referred to as the City of Lexington Engine Braking Ordinance.
- (b) *Definitions.*
- (1) *Engine braking* means:
 - a. The utilization of any mechanical device which uses a motor vehicle's exhaust to aid in the braking, slowing, stopping, or deceleration of the motor vehicle; or
 - b. The utilization of a "jake brake," retarder, or compression release brake to aid in the braking, slowing, stopping, or deceleration of a motor vehicle.
 - (2) *Emergency* means a situation in which no other means is available to avoid an imminent collision with another vehicle, person, or property.
 - (3) *Excessively loud noise* means a sound generated by engine braking which is audible to a person of ordinary hearing at least 100 feet away from the vehicle which is the source of said sound.
- (c) *Prohibition on engine braking resulting in an excessively loud noise in the City of Lexington.* It shall be unlawful, while on any public road, street, or highway in the City of Lexington, except in the case of an emergency, for the operator of a motor vehicle to engage in engine braking which results in an excessively loud noise.
- (d) *Enforcement.* The Oglethorpe County Sheriff's Department or any other approved law enforcement agency shall have the authority to enforce this ordinance within the City of Lexington. All fines and fees collected through citations issued pursuant to this Section shall be paid to the City of Lexington.
- (e) *Violation and penalties.*
- (1) Any person charged with violating the City of Lexington Engine Braking Ordinance shall be tried in the City of Lexington Recorder's Court in accordance with the provisions of this Code. Prosecution for such violations shall be upon citation issued and served upon the accused violator by the Oglethorpe County Sheriff or his deputy or any other law enforcement agency approved by the City of Lexington.
 - (2) Any person convicted of a violation of the City of Lexington Engine Braking Ordinance shall be punished by a fine of not more than \$1,000.00 per offense or by imprisonment in the county jail for a period not to exceed 30 days. Each act in violation of this City of Lexington Engine Braking Ordinance shall constitute a separate offense.

Section 11-104 - Engine braking.

- (a) *Title.* This section shall be referred to as the City of Lexington Engine Braking Ordinance.
- (b) *Definitions.*
- (1) *Engine braking* means:
 - a. The utilization of any mechanical device which uses a motor vehicle's exhaust to aid in the braking, slowing, stopping, or deceleration of the motor vehicle; or
 - b. The utilization of a "jake brake," retarder, or compression release brake to aid in the braking, slowing, stopping, or deceleration of a motor vehicle.
 - (2) *Emergency* means a situation in which no other means is available to avoid an imminent collision with another vehicle, person, or property.
 - (3) *Excessively loud noise* means a sound generated by engine braking which is audible to a person of ordinary hearing at least 100 feet away from the vehicle which is the source of said sound.
- (c) *Prohibition on engine braking resulting in an excessively loud noise in the City of Lexington.* It shall be unlawful, while on any public road, street, or highway in the City of Lexington, except in the case of an emergency, for the operator of a motor vehicle to engage in engine braking which results in an excessively loud noise.
- (d) *Enforcement:* The Oglethorpe County Sheriff's Department or any other approved law enforcement agency shall have the authority to enforce this ordinance within the City of Lexington. All fines and fees collected through citations issued pursuant to this Section shall be paid to the City of Lexington.
- (e) *Violation and penalties.*
- (1) Any person charged with violating the City of Lexington Engine Braking Ordinance shall be tried in the City of Lexington Recorder's Court in accordance with the provisions of this Code. Prosecution for such violations shall be upon citation issued and served upon the accused violator by the Oglethorpe County Sheriff or his deputy or any other law enforcement agency approved by the City of Lexington.
 - (2) Any person convicted of a violation of the City of Lexington Engine Braking Ordinance shall be punished by a fine of not more than \$1,000.00 per offense or by imprisonment in the county jail for a period not to exceed 30 days. Each act in violation of this City of Lexington Engine Braking Ordinance shall constitute a separate offense.

Sec. 11-103 – Stopping, Standing and Parking of Motor Vehicles

- (1) Definitions. For the purposes of this section, the following terms shall be defined as follows:
- a. *Vehicle* means any vehicle that is self-propelled and designed to travel along the ground, including, but not limited to automobiles, buses, motorbikes, motorcycles, trucks, tractors, go-carts, golf carts, campers and trailers.
 - b. *Public Street* means any road or thoroughfare within the Lexington City limits that is available for use by the general public, is located on property owned by or under the control of the city, county or state government and is not under the dominion or control of any private individual or entity.
 - c. *Public Parking Area* means all areas within the city limits, other than those areas alongside a public street, specifically designated for public parking, including but not limited to the parking areas surrounding the Oglethorpe County Courthouse, Government Complex and Lexington City Hall.
- (2) General Parking Regulations.
- a. There shall be no parking in excess of one (1) hour in any area of the city so designated by the city council and marked with appropriate signs.
 - b. Parking in the roadways.
 - i. No person shall park upon the roadway in such manner as to hinder the free flow of traffic or obstruct the approach of any emergency vehicles.
 - ii. No person shall park upon the roadway unless the vehicle so parked is facing in the direction of the flow of traffic on the side of the roadway where the car is parked.
 - iii. No person shall park a vehicle in such manner that it obstructs any driveway, intersection or traffic sign within the city.
 - iv. No person shall park a vehicle in any place where parking has been prohibited by the city council and where signs are posted designating the area as a "No Parking" area.
 - v. No person shall park in any alleyway or access road.
- (3) Continuous parking in same location. Any vehicle that shall remain parked continuously in the same location on any street in the city for the period of seventy-two (72) hours or more shall be presumed to be abandoned and may be impounded by the designated enforcement officer as provided by law. **State Law reference**— Authority to remove vehicles, O.C.G.A., § 40-6-206; abandoned vehicles, O.C.G.A. § 40-11-1 et seq.
- (4) Parking heavy vehicles at night. The parking of trucks or other vehicles weighing in excess of two thousand five hundred pounds (2,500 lbs.) on any street, between the hours of 6:00 p.m. and 6:00 a.m. for a period of more than one (1) hour, shall be prohibited, unless such truck is in the charge of an attendant awake during all hours and unless the parked truck shall be properly lighted so as to warn the operators of other vehicles of its presence.
- (5) Parking for certain purposes prohibited. No person shall park a vehicle upon any roadway for: (1) Displaying such vehicle for sale; (2) washing, greasing, or repairing such vehicle except repairs necessitated by a sudden emergency, and in such emergency such vehicle shall be moved or towed away with all due haste; and, (3) for displaying advertising.

- (6) City Hall Parking Lot. No person shall park in the city hall parking lot except employees and invitees of the city and then only in such places therein as designated by markings authorized by the mayor or the mayor's designee.
- (7) Court House Parking Lot. No person shall park in the Oglethorpe County Court House parking lot except employees and invitees of the court or city and then only in such places therein as designated by markings or authorized by the mayor or the mayor's designee.
- (8) Tractor-trailer parking. For the safety of motorists, it shall be unlawful to park a tractor-trailer or the cab of a tractor-trailer on any public street within the city except while conducting business for pickup or delivery.
- (9) Inoperable vehicles. Definitions. The following vehicles shall, prima facie, be deemed inoperable:
- a. Any motor vehicle that does not display a valid, current license tag, registration sticker, or motor vehicle emissions sticker;
 - b. Any motor vehicle incapable of being driven or operated;
 - c. Any motor vehicle not covered by a valid, current insurance policy as required by state law;
 - d. Any motor vehicle with the wheels or tires removed; and
 - e. Any motor vehicle without a windshield.
- (10) Parking of inoperable vehicles.
- a. It shall be unlawful for any person to store, retain, park or keep in the Lexington city limits, wrecked or junked vehicles for more than seventy-two (72) hours after being directed to remove such vehicle by the code enforcement officer or any police officer of the city. Notice from the city to remove such inoperative vehicle shall be affixed to the vehicle in the event the owner or the person storing or keeping such vehicle cannot be determined or found and personally served with the notice.
 - b. After expiration of the seventy-two-hour grace period described in subparagraph (a) above, each day in which the inoperative, wrecked or junked vehicle remains in the city shall be deemed a separate and distinct offense and a violation of this ordinance.
- (11) Vehicle repair and maintenance work. Within the city limits, no person, corporation or other business entity shall perform or allow any other person to perform repairs or maintenance work on any vehicle on any public street or in any public parking area, except repairs necessitated by a sudden emergency, and in such emergency such vehicle shall be moved or towed away with all due haste.
- (12) Storage of vehicles used for recreational purposes. No person shall park or permit any other person to park any unlicensed, unregistered, inoperable or junk vehicles which are used for recreation purpose including, but not limited to, boats, snowmobiles, personal watercraft, travel trailers, cargo trailers, campers, all-terrain vehicles and motor homes, on any public street or in any public parking area.
- (13) Storage of machinery, implements and equipment. No person shall park or permit any other person to park any machinery, implements or equipment designed for use in

agriculture, construction or other commercial enterprise, on any public street or in any public parking area for more than twenty-four (24) consecutive hours unless said machinery, implements or equipment is involved in permitted work or improvements in the immediate vicinity or otherwise granted permission by the Mayor and City Council.

(14) Violations and Penalties.

- a. *City to notify violator(s).* Whenever it comes to the attention of the Mayor and City Council, or its designee, that any violation as defined in the previous subsection exists in the city, a notice in writing shall be served upon the owner of the vehicle or his agent, notifying of the existence of the violation and requesting removal in the time specified in the following paragraph.
- b. *City to issue summons.* The owner or agent shall have 14 days after receipt of the written notice specified in subsection (a) above to come into compliance with this section. If compliance has not been completed within said 14 days, a summons shall be personally served upon the owner of the vehicle.
- c. *Penalties.* Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$100.00. Each day such violation is committed, or permitted to continue, shall be deemed a separate offense.

(15) Purpose. This section is intended to eliminate the undesirable conditions caused by the presence of abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded motor vehicles within the city limits. Such undesirable conditions include impeding traffic in the streets; interfering with the enjoyment of property; reducing the value of private property; inviting plundering; creating fire hazards; extending and aggravating blight; or resulting in a hazard to the public health, safety, comfort, convenience, or welfare of the residents of the city.

(16) Enforcement. The rules and regulations set forth in this Chapter shall be enforced by the Oglethorpe County Sheriff's Department or any enforcement officer dually appointed by the Mayor and City Council.



City of Lexington

Post Office Box 35
Lexington, Georgia 30648

STATE OF GEORGIA
CITY OF LEXINGTON

Notice of Errata and Correcting Amendment to Engine Brake Ordinance

A notice of errata, correcting the Ordinance number of the Engine Brake Ordinance adopted August 10, 2023 by the Mayor and Council to govern engine braking in the city limits.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and council of Lexington on the 8th day of March 2012, and

WHEREAS, on August 10, 2023 the Mayor and Council adopted an amendment to the Code of Ordinances to govern the engine brake noise within the City's Limits and

Whereas due to scrivener's error, the Engine Brake Ordinance was incorrectly assigned to Chapter 11-103 Code of Ordinances, which had previously been assign to another ordinance (Stopping, Standing, and Parking of Motor Vehicle Ordinance adopted June 11, 2020); and

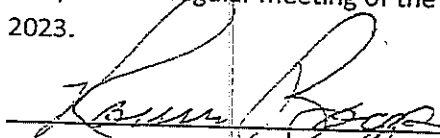
WHEREAS, the Mayor and Council now seek to correct this error and reassign the Engine Brake Ordinance, which is restated in full with corrected Chapter and Section numbers below, so that it may properly be added to the Official Code of the City of Lexington as Chapter 11 Section 104: Engine Brake Ordinance.

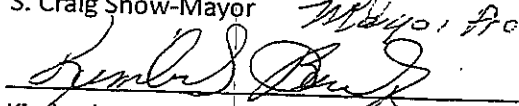
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the Chapter attached hereto and make part hereto by reference entitled "Chapter 11 Section 104-Engine Brake Ordinance"

All code section, ordinances, resolutions or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date it was originally approved, August 10, 2023.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this 14 day of Sept 23 2023.


S. Craig Snow-Mayor


Kimberley Bradford-City Clerk

STATE OF GEORGIA
CITY OF LEXINGTON

Stopping, Standing and Parking of Motor Vehicles

An ordinance, amending the Code of the City of Lexington of 2012 by adding a new chapter, Chapter 12 – Stopping, Standing and Parking of Motor Vehicles, to govern the parking and storage of vehicles within city limits.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

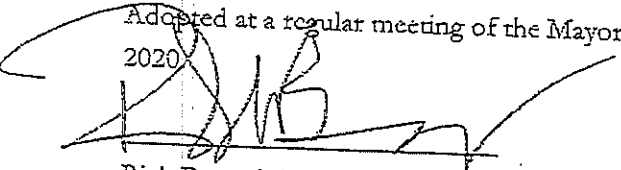
WHEREAS, the governing authority of the City determines that the City's ability to regulate the parking and storage of vehicles on public streets and parking areas would be a desirable contribution to the community.

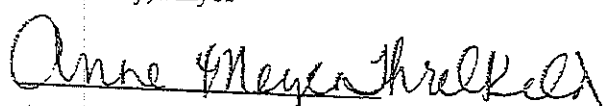
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the Chapter attached hereto and made a part hereof by reference entitled "Chapter 12 – Stopping, Standing and Parking of Motor Vehicles."

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 13th day of FEBRUARY, 2020.


Rick Berry, Mayor


Anne Meyer Threlkeld, City Clerk

STATE OF GEORGIA
CITY OF LEXINGTON

Notice of Errata and Correcting Amendment to Stopping, Standing and Parking of
Motor Vehicles Ordinance

A notice of errata, correcting the Ordinance number of the Stopping, Standing and Parking of Motor Vehicles Ordinance adopted by the Mayor and Council on February 13, 2020, to govern the parking and storage of vehicles within city limits.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, on February 13, 2020, the Mayor and Council adopted an amendment to the Code of Ordinances to govern the parking and storage of vehicles within City Limits (the "Parking Ordinance"); and

WHEREAS, due to a scrivener's error, the Parking Ordinance was incorrectly assigned to Chapter 12 of the Code of Ordinances, which had previously been assigned to another ordinance (the "Pouring Licenses" Ordinance adopted September 12, 2013 and made effective November 15, 2013); and

WHEREAS, the Mayor and Council now seek to correct this error and reassign the Parking Ordinance, which is restated in full with corrected Chapter and Section numbers below, so that it may be properly added to the Official Code of the City of Lexington as Chapter 11, Section 103: Stopping, Standing and Parking of Motor Vehicles.

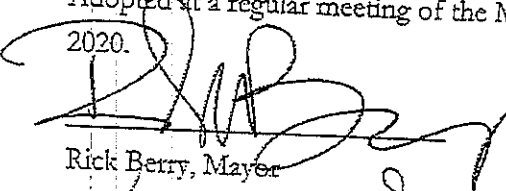
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the Chapter attached hereto and made a part hereof by reference entitled "Chapter 11, Section 103 – Stopping, Standing and Parking of Motor Vehicles."

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date it was originally approved, February 13, 2020.

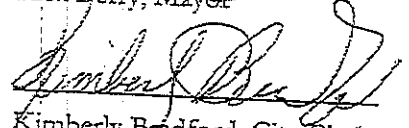
This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such

decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 11 day of June,
2020.



Rick Berry, Mayor



Kimberly Bradford, City Clerk

RESTAURANT POURING LICENSES: Malt Beverages and Wine

An ordinance, amending the Code of the City Lexington of 2012 by adding thereto a new Chapter 12 entitled "Restaurant Pouring Licenses: Malt Beverages and Wine."

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the health, safety, morals, convenience, order, prosperity and welfare of Lexington, Georgia;

NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the language attached hereto and made a part hereof by reference entitled "Restaurant Pouring Licenses: Malt Beverages and Wine."

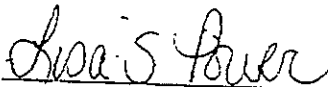
All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective November 15, 2013.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council this 12 day of September 2013.



David R. Montgomery, Mayor



Lisa Power, City Clerk

RESTAURANT POURING LICENSES: MALT BEVERAGES AND WINE

Sec. 12-1. Purpose

This ordinance is enacted to protect people and property; in furtherance of the police powers of the city to promote the health, safety and general welfare of its citizens; to regulate and control the licensing and sale by the drink of malt beverages and wine; to establish reasonable regulations and ascertainable standards for licensees which will ensure the public peace; to protect consumers; to ensure that only qualified persons obtain licenses; and to enhance fine dining opportunities in the city, including the financial, cultural and tourism benefits thereof.

Sec. 12-2. Definitions

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

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

Church means a building primarily used for public religious worship on a regular basis.

City means the city of Lexington.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including but not limited to all fortified wines. The sale of distilled spirits is expressly prohibited.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes but is not limited to brandy. The sale of fortified wine is expressly prohibited.

Governing authority means the Mayor and Council of the City of Lexington.

License ("Pouring License") means the authorization by the Mayor and Council to engage in the retail sale of malt beverages and wine to be consumed only on the licensed premises.

Licensee means any person who has been issued a License by the Mayor and Council to engage in the sale of malt beverages and wine for consumption only on the licensed premises and not for resale.

Lounge means a separate room or clearly distinguishable area where meals are not served and malt beverages and wine are served by the drink which is either connected with or part of and is adjacent to a restaurant and operated in conjunction with and under the same management as the restaurant operations. No lounges shall be permitted.

Malt beverage means any beer, ale or like beverage. The term does not include sake, known as Japanese rice wine.

Package means a bottle, can, keg, barrel or other original consumer container.

Place of business means the premises described in a license issued pursuant to this chapter.

Premises means the location where a licensee is authorized to sell alcoholic beverages. The premises of restaurants shall include outdoor seating areas owned or leased by the licensee.

Restaurant means any public or private place kept, used, maintained, advertised and held out to the general public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations. Such place shall be air conditioned and contain adequate and sanitary kitchen and dining room equipment and inside seating capacity for at least 20 people, and have employed a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations and periods of redecorating. The serving of such meals and food shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental to such business. A restaurant shall derive at least 50 percent of its total annual gross revenues from food and non-alcoholic beverage sales and shall have gross food sales in excess \$40,000 per year.

School means a building, publicly or privately owned, which is used for teaching or giving instruction in any subject to pupils of the school, and includes a school or division of a school below the first grade usually serving pupils of the 4-6 age group and fostering their natural growth and social development through constructive play, including pre-K and kindergarten programs.

Wine means the fermented juice of any fruit or plant having an alcoholic strength of no more than 21 percent alcohol by volume.

Sec. 12-3. Findings and Express Prohibitions

In accordance with the laws of the state, it is necessary and expedient for the city to establish regulations in regard to the sale for consumption on the premises of malt beverages and wine. This chapter does not permit the sale of distilled spirits or fortified wine by the drink. Sale of distilled spirits or fortified wine is expressly prohibited. Sale of malt beverages and/or wine on Sundays is prohibited. Sale of malt beverages and/or wine without the customer's purchase of food is prohibited.

Sec. 12-4. Unlawful Sales without License

It shall be unlawful for any person to sell or offer to sell any malt beverages and/or wine for consumption on the premises without first complying with the rules and regulations set forth in this chapter. It shall be unlawful in any case for any person to sell or offer to sell any distilled spirits or fortified wine. The business of selling malt beverages and/or wine for consumption on the licensed premises is declared to be a privilege, not a right; and such privilege shall not be exercised in the city except as licensed under the terms of this chapter.

Sec. 12-5. Restaurant Applications

No malt beverage and/or wine shall be sold by the drink for consumption on the premises except under a pouring license granted by the Mayor and Council. Application for such license may be made only on behalf of restaurants located within the incorporated areas of the city and shall be made on forms provided by the city, subject to the following requirements:

- (1) All applications for a pouring license shall be presented in person and each applicant must furnish a copy of their driver's license.
- (2) Pursuant to O.C.G.A. § 3-3-2 each applicant shall furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation, who shall search the files of the Georgia Crime Information Center for any instance of criminal activity within the ten-year period immediately preceding the date of such application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the city. Delay in fingerprint analysis shall be accommodated by issuance of a temporary license, assuming all other requirements are met.
- (3) In addition to the completion and submission of the application form as required by the city, each applicant shall attach a completed form with all attachments and requirements for a state license. Upon applicant's receipt of the state license, it shall be promptly forwarded to the city.
- (4) Before any pouring license is granted, the applicant must post with the city, along with his application, a cash bond or a performance bond with an insurance company as surety. This bond shall require the faithful observance and performance by the licensee of the rules and regulations contained in this chapter. Upon the violation of this chapter, or any part of this chapter, the amount of the bond to be forfeited will be determined by the seriousness of the violation as determined by the city. The bond is to be approved by

- the city and shall be properly executed. The bond shall be in the amount of \$5,000 for a pouring license.
- (5) A pouring license shall be valid only for the calendar year indicated on the license, and no such license may be renewed. A licensee who desires to continue in business during the next calendar year must make a new application for such year on or before November 15 of the preceding year.

Sec. 12-6. Minimum Age of Applicant

No pouring license shall be granted to any person or partnership unless the person or all partners shall be at least 25 years of age and has/have been a resident of the state for a minimum of one year prior to filing an application for such license. If a corporation or LLC should be an applicant, the corporation or LLC must designate a person who will be responsible for all matters regarding the operation of the business, and that person shall be at least 25 years of age.

Sec. 12-7. Licensee Qualifications

The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses under this chapter:

- (1) All applicants for a pouring license must show financial responsibility. The governing authority may require all applicants to provide financial statements and other evidence of financial responsibility in conjunction with the application. The form of the application shall be set by the city and must be fully completed by the applicant and filed by the applicant with the clerk of the city. Every person making an application for an initial license shall be required to appear before the city council to answer such questions and provide such information as the city council deems necessary and proper. If the applicant fails to appear at such hearing, the application shall be deferred to the next meeting. If the applicant fails to appear at the next meeting, the application may be treated as having been withdrawn.
- (2) No officials or employees of the city or members of the city government shall be eligible to receive a pouring license.
- (3) All applicants for a pouring license must be the owner or lessee of the premises to be used for the sale and consumption of malt beverages and wine, and must provide evidence of ownership of the premises in the form of a fully executed deed in recordable form; or, if the applicant is leasing the premises, the applicant must provide a copy of the lease.
- (4) All applicants must be persons operating as the proposed licensed place of business a "restaurant" as defined in this section. No lounges shall be permitted.
- (5) All applicants including shareholders/members of corporations/LLC's shall not within the last ten years have had any convictions or pleas of nolo contendere to/of a felony or a misdemeanor of moral turpitude.
- (6) A license may be denied to any applicant where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever.
- (7) The city, in its discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in the judgment of the city circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.

- (8) A corporate license applicant shall appoint and designate to the city an agent authorized to receive service of process under state law. If no such designation is made, the city may serve or notify the applicant or license holder at any address of the applicant or license holder known to the city.
- (9) The city shall give notice in writing to the applicant of any decision to grant or deny an application. The notice shall give the reasons for the decision.
- (10) Whenever the city shall deny an application for a pouring license, the applicant shall have ten days following the date of notice of the denial to request a hearing before the city. The applicant shall be entitled at such a hearing to present evidence and cross examine opposing witnesses.

Sec. 12-8. Transferability

- (1) No pouring license shall be transferable or assignable to any person or other location; and if a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the city. Under no circumstances will the license fee be refunded to the holder.
- (2) No pouring license shall be transferred from one person to another during the year in which the license was obtained.
- (3) Upon the sale of any licensed business under this chapter, the new owner may not operate the business under the old license under this chapter.
- (4) All holders of licenses issued under this chapter shall within six months after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment within such period shall serve as a forfeiture and cancellation of the unused license, and no refund of the license fee shall be made to the license holder.

Sec. 12-9. Separate License

A separate pouring license shall be required for each pouring location of each place of business. Each license will enable the licensee to sell the malt beverages and wine for consumption only in the areas of the premises allowed by state laws and regulations.

Sec. 12-10. Building

No pouring license shall be issued to any person unless complete and detailed diagrams of the building in which the business will be located and the outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the city, regulations of the state revenue commissioner, and the laws of the state. Upon completion, the proposed building shall be subject to final inspection and approval by the building inspector. Each applicant for a license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. Licensees shall provide on the premises for which the license is issued adequate sanitary toilet facilities as required by the city health and building codes; and the building shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by customers in the building.

Sec. 12-11. Requirements

No pouring license shall be granted to any person unless the front door of the building at the proposed location is situated not less than 150 feet from the front door of any school or college campus, not less than 150 feet from the front door of any church and not less than 300 feet from any Housing Authority property or any

ilding used as an alcohol rehabilitation center. This distance is to be measured by the most direct route of travel on the ground. Each application for a license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest school ground or college campus and alcohol rehabilitation center, housing authority property, church or a certificate of a registered surveyor that such location complies with this section.

Sec. 12-12. Days and Hours of Operation

No licensee shall furnish, sell or offer for sale any malt beverages and/or wine under this chapter at any of the following times:

- (1) At any time on Sundays;
- (2) At any time on Christmas Day;
- (3) At any time in violation of a local ordinance or regulation or of a special order of the governing authority;
- (4) At any time in violation of state law or regulation;
- (5) No malt beverage and/or wine may be served before 11:00 a.m. on any day and not later than 10:30 p.m. or not later than 12:00 a.m. on December 31st; and
- (6) Restaurants will close not later than 11:00 p.m., or on New Year's Day, 12:30 a.m.

Sec. 12-13. Reports

- (1) Each licensee under this chapter shall, as a condition of maintaining such license, file with the city clerk quarterly:
 - (a) A sworn statement of the licensee's sales during the preceding quarter on forms approved by the city. The forms for such quarterly verified statements shall reflect the licensee's gross dollar sales amount for total sales for the applicable quarter, the gross dollar sales amount for malt beverages and wine for the applicable quarter, and gross dollar sales amount for food items for the applicable quarter.
 - (b) Certified copies of the licensee's state department of revenue sales and use tax monthly reports as filed with the state department of revenue for each month during the respective quarter.
- (2) Restaurants must derive at least 50% of their total annual gross from food and non-alcoholic beverages. The failure of food sales to meet or exceed 50% of total annual gross shall be prima facie evidence that the establishment is not meeting the definition of a restaurant.
- (3) The quarterly statements shall be confidential in nature and shall not be open for public inspection except as otherwise required by law. These forms shall be used solely by the city clerk for determination of whether or not the licensee remains qualified to hold its pouring license. Failure to timely file such statements shall be a violation of this chapter and cause for suspension or revocation of the license granted under this chapter and also may subject the licensee to criminal prosecution by the proper authority as provided by law and the ordinances of the city.

Sec. 12-14. Posting of Warning

A licensee under this chapter shall post in a conspicuous place in his establishment a sign printed in letters at least four inches high reading as follows: "SALE OF ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE STRICTLY PROHIBITED" and "SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS STRICTLY PROHIBITED." The licensee shall also post in a conspicuous place in the licensed premises a sign printed in letters at least four inches high reading as follows: "WARNING: DRINKING ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS."

Sec. 12-15. Prohibited Sale

No licensee nor any agent or employee of a licensee shall furnish, sell or offer to sell any malt beverage and/or wine to any person who is confined in any jail, penal institution, correctional facility, prison camp, penitentiary or other lawful place of confinement, or to any person who is a patient or inmate in a state hospital, or to any person who is noticeably intoxicated, or is of unsound mind, or is an habitual drunkard whose intemperate habits are known to the licensee or the agent or employee.

Sec. 12-16. Certain Employment Prohibited

No licensee shall employ, require or permit a person less than 18 years of age to sell or take orders for malt beverage and/or wine.

Sec. 12-17. Unbroken Packages

No licensee may sell malt beverages and/or wine in unbroken packages or in any quantity for other than consumption on the premises.

Sec. 12-18. Annual Fees

The fee for a malt beverage and wine pouring license shall be \$500 per annum per requested license and shall be paid prior to the issuance of any license. This fee shall accompany the application and shall be either a cash payment or a bank certified check. The fee for a new alcoholic beverage license for a portion of the year shall be prorated from the first day of the month in which the license is granted, provided, however, that due to the necessity of covering administrative costs, in no event shall the fee for a new license be set below \$400.

Sec. 12-19. Excise Tax

In addition to the annual malt beverage and wine pouring license fee required by this ordinance, there is hereby levied an excise tax in addition to any excise taxes levied by the state, as follows:

(1) **Malt beverages.**

- (a) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons.
- (b) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

12- 23. False Statement

The making of any false statement on an application for a pouring license shall constitute grounds for revocation of the license.

Sec. 12- 24. Gambling

There shall be no gambling, betting, games of chance, punchboards, slot machines, poker machines, lotteries or tickets of chance, or the operation of any schemes for hazarding money or any other thing of value in any licensee's place of business or in any room adjoining the place of business owned, leased or controlled by the licensee.

Sec. 12-25. Soliciting

No retail licensee shall require, permit, suffer, encourage or induce any employee or person to solicit in the licensed premises for himself or for any person other than the patron and guests of the patron, the purchase by the patron of any malt beverage and/or wine, or money with which to purchase a malt beverage or wine; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for himself or for others the purchase by the patron of malt beverage and/or wine.

Sec. 12- 26. Display of License

License issued under this chapter shall be displayed prominently at all times on the premises for which it was issued.

Sec. 12-27. Delivery

It shall be unlawful for any licensee to make delivery of any malt beverage and/or wine except inside of the premises or area licensed for their sale. It shall be unlawful for any such licensee to sell malt beverages and/or wine for consumption off the premises.

Sec. 12- 28. Criminal Record

It shall be unlawful for any licensee to knowingly allow any person with a criminal record for violence or disorder to frequent the premises, or loiter on the premises.

Sec. 12-29. Prostitution

It shall be unlawful for any licensee to knowingly allow any person to frequent the licensee's premises for the purpose of soliciting prostitution.

Sec. 12- 30. Adult Entertainment

Based on the experiences of other counties and municipalities, which experiences are relevant to the problems faced by the City the Mayor and Council note the conditions and occurrences generally associated with adult entertainment establishments. It is the finding of the Mayor and Council that adult entertainment establishments, particularly those where alcoholic beverages are served, result in an increase in criminal

avior and create undesirable community conditions. An increase in instances of disorderly conduct, public drunkenness, prostitution, drug trafficking and loitering of individuals with criminal histories has been the experience of other counties and municipalities that permit adult entertainment establishments, particularly those in which alcoholic beverages are served. The Mayor and Council also find that the increase in criminal behavior which accompanies adult entertainment establishments causes undesirable community conditions. Conditions experienced in other counties and municipalities are depression of property values in neighborhoods surrounding the adult entertainment establishment, community blight, an increased burden on and expenditure for law enforcement, and an increase in the criminal case load in the judicial system due to a greater number of arrests because of the above mentioned crime problems.

In addition to the prohibitions under Georgia law at Georgia Code Section 3-3-41, no alcoholic beverages may be sold in any restaurant which features performances by topless dancers, go-go dancers, strippers or similar entertainers whose performances involve erotic dancing including without limitation the simulation of sexual activities and/or erotic or lewd touching. No such adult entertainment may be located within 1000 ft. of any restaurant selling alcoholic beverages. For the purpose of this subsection, distance shall be by direct measurement between property lines, using the closest property lines of the parcels of land involved.

Sec. 12-31. Police Reports

It shall be unlawful for any licensee to fail to report to the police at the earliest possible time any known incidents of a criminal nature that happen on the licensee's premises. It shall be unlawful for any licensee to willfully withhold from the police any information pertaining to any crime that may have happened on the premises.

Sec. 12-32. Police Records

It shall be unlawful for any licensee to employ on the premises any person who in the preceding ten years has been convicted of or has pled nolo contendere to a felony or misdemeanor involving moral turpitude. It shall also be unlawful for any licensee to knowingly allow any criminal act to be committed on the premises.

Sec. 12-33. Containers

It shall be unlawful for licensees or their agents or employees to add to the contents of a container or to refill empty containers or in any manner to misrepresent the quantity, quality or brand name of any malt beverage and/or wine.

Sec. 12-34. Condition of Premises

- (1) All premises used for the sale and consumption of malt beverages and wine and/or for the storage of malt beverages and wine shall be kept in a sanitary condition and shall be kept in full compliance with the regulations of the county health department.
- (2) All premises shall be subject to inspection by the county health department, the fire department, the city building inspector, law enforcement officers, and the city code enforcement officer and any other duly qualified state, county or city official to determine if the premises are in compliance with all city, county and state rules, regulations, laws and codes.

Sec. 12-35. Telephone

A licensee under this chapter shall maintain on the premises at all times a telephone in good working order.

Sec. 12-36. Employees

- (1) Every licensee under this chapter shall maintain at all times on the premises for which the license has been issued a list of all persons currently employed by such licensee at such premises, which list shall show the current full legal name, alias, date of birth, current address, current home telephone number and social security number of each employee.
- (2) The employee list shall be available during reasonable hours for inspection by any law enforcement officer or city official or his designee. If so required by such person, an employee must submit to a fingerprint identification and criminal history check. Every licensee shall cause each of the licensee's employees during the hours of his employment to be identified by a conspicuous label or badge upon which shall appear the employee's first name.
- (3) No person under 18 years of age shall be employed in any capacity in any place of business licensed under this chapter.

Sec. 12-37. Promotions

No licensee or employee or agent of a licensee shall engage in any of the following practices in connection with sale or other disposition of malt beverages and/or wine:

- (1) The giving away of any ticket, token or any other item that can be exchanged for any malt beverage and/or wine upon the purchase of any other malt beverage and/or wine.
- (2) The sale of two or more malt beverages and/or wine for a single price, or the sale of one serving of malt beverage and/or wine with a ticket, token or any other items redeemable for a subsequent serving of malt beverage and/or wine. Also prohibited is the sale of all such beverages a customer can or desires to drink at a single price.
- (3) There shall be no discounts during certain hours, often known as "Happy Hour" Promotions.

Sec. 12-38. Prohibited Acts

No licensee shall authorize or permit any patron or customer to bring onto the premises one or more alcoholic beverages purchased elsewhere, nor shall any such licensee authorize or permit any patron or customer to take out of the premises one or more alcoholic beverages. No licensee shall authorize or permit any patron or customer to bring or carry any deadly weapon or firearm on the premises except a law enforcement officer or other person authorized by federal or state law to bring or carry any deadly weapon or firearm on the premises; nor shall the licensee act as a keeper or custodian of any kind of deadly weapon or firearm for any customer or patron.

2. 12- 39. Clearing Service Areas . . .

All licensees shall remove or cause to be removed from the area of the premises utilized by the customers or patrons all malt beverages and/or wine at least one-half hour before closing.

Sec. 12- 40. Lock and Key

All malt beverages and/or wine shall be under lock or fully covered by opaque material during those hours when their sale is not permitted. All malt beverages and/or wine owned or possessed contrary to the provisions of this chapter are declared to be contraband and shall be seized by the proper authorities.

Sec. 12- 41. "Brown Bag" and "Bring Your Own Bottle" Practices Prohibited in Restaurants.

It shall be unlawful for a person to bring alcoholic beverages into any restaurant or similar eating facility within the city limits or for any person to permit such.

Sec. 12- 42. Suspension or Revocation of License

- (1) No person shall engage in the sale of malt beverages and/or wine for consumption on the licensed premises in the incorporated areas of the city without first complying with the rules and requirements set out in this chapter. Any license issued under this chapter shall be subject to suspension or revocation upon any of the following grounds:
- (a) The making of any false statement on an application for a license issued under this chapter;
 - (b) A violation of the rules and regulations set out in this chapter and/or the laws and/or regulations of the United States and/or the state and/or the city;
 - (c) The failure to have the financial responsibility upon which issuance of the license was conditioned;
 - (d) Default in any obligation, of any kind whatsoever, lawfully owing to the city;
 - (e) Suspension or revocation of a state to license;
 - (f) Any violation of this chapter; or
 - (g) For any other legal and sufficient cause.
- (b) Any action taken by the Mayor and Council to suspend or revoke a license issued under this chapter shall not preclude and may be in addition to any criminal prosecution by a proper authority as provided by the laws and/or ordinances of the city, the state and/or the United States. Whenever any action is taken by the city to suspend or revoke any license issued under this chapter, the city shall provide written notice to the licensee of the action taken. The notice shall set forth the reasons for such action. The licensee shall have ten days following notification of such action to request a hearing before the city. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.

STATE OF GEORGIA
CITY OF LEXINGTON

MICROBREWERIES: Application, Licensing and Operations

An ordinance, amending the Code of the City of Lexington of 2012 by adding thereto a new Chapter 13 entitled "Microbreweries: Application, Licensing and Operations."

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

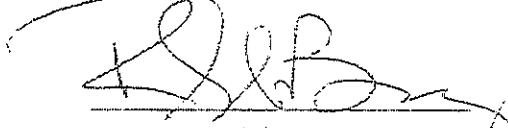
WHEREAS, the governing authority of the City determines that the establishment and operation of microbreweries in certain locations in the City would be a desirable contribution to the community.

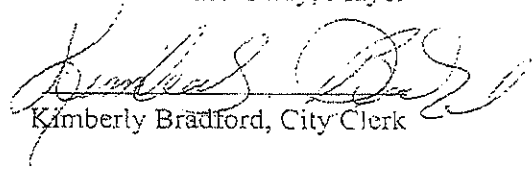
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the language attached hereto and made a part hereof by reference entitled "Microbreweries: Application, Licensing and Operations."

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 8 day of September 2016.


Rick Berry, Mayor


Kimberly Bradford, City Clerk

MICROBREWERIES: Application, Licensing and Operations

Sec. 13-1. Purpose

This ordinance is enacted in furtherance of the police powers of the city to promote the health, safety and general welfare of its citizens; to regulate and control the licensing and operation of microbreweries within the city; to establish reasonable regulations and ascertainable standards which will ensure the public peace; to protect consumers; to ensure that only qualified persons obtain licenses; and to enhance entertainment opportunities in the city, including the financial, cultural and tourism benefits thereof.

Sec. 13-2. Definitions

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

Microbrewery means any establishment where malt beverages are manufactured or brewed.

Malt Beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Sec. 13-3. Microbrewery license.

- 1) The operation of a microbrewery is authorized only for establishments licensed pursuant to this article. The fee amount for a microbrewery license shall be the same as the fee set forth in section 13-7(2).
- 2) A microbrewery license shall be an annual license subject to the renewal process outlined in section 13-13 ET. Seq. below.
- 3) A microbrewery license may be obtained only by establishments engaged in the manufacturing and brewing of malt beverages or beer.
- 4) A licensee obtaining a microbrewery license cannot hold any other category of alcohol beverage license.
- 5) It shall be unlawful for a microbrewery licensee or any employee thereof to be on

duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest); engaging in the sale, directly or indirectly, of any food or beverage; or taking a break during periods of any on-duty employment.

- 6) Subject to subsection (5) of this section, a microbrewery licensee or employee thereof shall be permitted to taste draft beer at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day.

Sec. 13-4. General regulations.

- 1) The building or proposed building to house a microbrewery licensee shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator (if applicable) and shall comply with other ordinances of the city for zoning, storage, parking buffers and other issues.
- 2) All operations by a microbrewery shall be conducted within an enclosed building. If "free tastings" are to be provided by a microbrewery pursuant to section 19-120-3 below, said microbrewery must have a tasting room for conducting said "free tastings."
- 3) No "free tasting" of beer or malt beverages shall be permitted between the hours of 9:00 p.m. and 10:00 a.m. any day of the week. Promotional or educational tours of a microbrewery facility shall also only be permitted within these timeframes. There shall be no tastings on Sunday.
- 4) The state regulations relating to the sale and distribution of beer, as revised, promulgated by the State or State Agency, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
- 5) Any license holder/applicant shall make an immediate report to, and receive approval by, the Mayor and City Council of any change in the interests in, or ownership of or of the license of a microbrewery and/or any change in the information stated in the original application for license.
- 6) No drive-in windows for the sale of beer or malt beverages shall be allowed.

Sec. 13-5. Tastings.

- 1) A microbrewery licensee shall be authorized to provide educational or promotional tours, during which a "free tasting" of malt beverages or beer may be conducted by the microbrewery. Said tastings shall be permitted in accordance with the provisions of O.C.G.A. § 3-5-38, as amended from time to time.
- 2) Samples offered at these "free tastings" shall not exceed four ounces in volume nor shall any one individual be offered more than a total of 32 ounces of samples within a calendar day.
- 3) All malt beverages or beer provided for at the "free tasting" shall be served by a state licensed representative of the microbrewery and shall be malt beverages or beer brewed on-site by said microbrewery.
- 4) The licensed microbrewery may elect to sell non-alcoholic food or beverages to customers or tour-attendees, either directly or indirectly.
- 5) No person who is a participant in an educational or promotional tour may bring alcoholic beverages obtained off the premises of the licensed microbrewery to said microbrewery under any circumstances.
- 6) Souvenirs may be offered for sale by a microbrewery, including souvenir containers that may be used in "free tastings" sponsored by the microbrewery. However, the microbrewery shall disclose, in writing by posted signs, or distributed notices given to the tour participant(s), that there are no requirements to purchase the souvenir container or any other souvenir to participate in the tour or tasting.

Sec. 13-5. Required.

It shall be unlawful for any person to establish and/or operate a microbrewery within the corporate limits of the city without having the appropriate license for such operation, or to carry on such activity in violation of the terms of such license or of this chapter.

Sec. 13-6. Separate license for each microbrewery; surrender.

- 1) A separate license shall be required for each microbrewery, and a separate application shall be made for each such place.
- 2) Immediately upon the sale or closing of a business, it shall be the duty of the licensee to surrender his license to the Mayor and City Council.

Sec. 13-7. Applications for microbrewery license.

Applications for microbrewery licenses shall be as follows:

- 1) Forms; submission. Each initial applicant shall make written application to the Mayor and City Council for the privilege of establishing and operating a microbrewery. such applicant using forms provided by the clerk.
- 2) Where filed; fee. The application shall be filed with the clerk with a fee of FILING FEE, for review of the applicant and of the proposed location and processing of the application.
- 3) Contents. The application shall state:
 - a. As to the applicants, full name, birth date, present address and addresses for the past five years, business address and business addresses of employers and their addresses for the last five years, name of spouse, complete record of all arrests, convictions and guilty pleas for violations of all laws, city, counties, state and federal, and other cities, counties, and states of both applicant and spouse, and the disposition of all charges within the last five years prior to the application.
 - b. As to the applicant's location manager (if not the same as the applicant), the same information as required of the applicant in subsection a.
 - c. Exact location (street address and otherwise) of proposed business, including zoning district. The location must be properly identified.
 - d. Name and address of the owner or landlord and/or resident manager of property proposed for location and whether or not there is a building proposed to be used already erected thereon.
 - e. Trade name (or proposed trade name) of proposed business.
 - f. Names and addresses of all persons having any financial interest in the outlet by way of ownership of building, property, or stock, receipt of income from the business or otherwise.
 - g. Such other information as may be required by the Mayor, city council, the police, the city manager, the city attorney or the clerk.
- 4) Approvals. The application may contain evidence of the following persons' approval of the licensee and of the owner and the manager of the microbrewery:
 - a. Building inspector (i.e., building permit, certificate of occupancy, or other evidence).
 - b. Traffic engineer.
 - c. Fire marshal/fire chief.
 - d. Chief of police/assistant chief of police.

- e. Planning and zoning coordinator.
- 5) Oath. The application shall be sworn to.
- 6) Surveyor's certificate. The application shall be accompanied by a current certificate from a registered surveyor containing the following information:
 - a. A scale drawing of the building or proposed building, as situated on the proposed lot.
 - b. The proposed off street parking facilities available to the building and all outdoor lighting on the premises.
 - c. The exact location of the business, including street address, ward, and county tax map number.
 - d. Current zoning classification of the location.
 - e. The distance in yards as measured in a straight line from nearest property line to nearest property line from each of the following: the nearest school building, school ground or college campus, and the nearest alcoholic treatment center owned and operated by the state or any county or municipal government therein.
 - f. If a business has been licensed since July 1, 1981, or before, the survey shall be required however no license will be denied based upon a failure to meet the distance requirements as set forth under O.C.G.A. § 3-3-21.
- 7) False information. An application under this chapter containing known false information may result in the disapproval, revocation, suspension or failure to renew the license applied for and prosecution as a felony.

Sec. 13-8. Advertisement; proof thereof.

- 1) Each applicant under this article shall advertise his or her application for license at his or her own expense in the legal organ newspaper once a week for two weeks. Advertisements shall not be required for renewals. The advertisement shall appear after the application is filed and before the public hearing provided for in this article. The advertisement shall contain the name of the applicant, the purpose of the application, the proposed location of the business, and its owner's name, and the name of the proposed location manager. An advertisement shall run for each initial application.
- 2) The applicant, before consideration will be given to his application, shall file with the clerk a copy of the advertisement together with affidavits from the newspaper to the effect that it has been printed as required.

Sec. 13-9. Action by Mayor and city council.

- 1) After proof of advertisement is filed, the clerk shall notify an agent for the Mayor and city Council, who shall investigate the applicant and the reputation of the location and make a full report to the Mayor and City Council. The clerk shall also circulate the application to the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator for their investigation and recommendation.
- 2) The clerk or his/her designee, when assured that all requirements have been complied with and the application is complete, shall refer the application, together with any objections filed, to the Mayor and City Council. The Mayor and City Council shall, after review of the applicant and the proposed location, recommend action to the city council. The Mayor and City Council shall afford the applicant a hearing prior to making a final decision.

Sec. 13-10. Approval of application; expiration in 90 days; extension for cause.

Approval of an application under this article by the city council shall expire after 90 days from the date of such approval, unless the applicant has procured, and paid the fee for, the approved license. If the application is approved and all fees paid the same shall lapse if no action is taken on license by applicant within six months of issuance. The city council may extend the approval up to 90 days for good cause shown such as fire, flood, war, and other uncontrollable occurrences, provided the request is made within the original 90-day period.

Sec. 13-11. Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application subject matter being litigated.

No applicant under this article may submit, and the Mayor and City Council shall not review, an application which is substantially the same as an application submitted within the previous six months that has been denied, unless directed by the city council.

Sec. 13-12. Considerations and guidelines for grant or denial.

The Mayor, and the city council, in making its determinations on an initial application,

shall be guided by the following factors as to whether or not to grant a license under this article:

- 1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the same is predominantly residential, industrial or business.
- 2) The proximity of school grounds, school buildings, college campuses, and alcoholic treatment centers owned and operated by the state or any county or municipal government therein.
- 3) Whether the proposed location has adequate off street parking facilities or other parking available for its patrons.
- 4) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
- 5) The criminal record of the applicant and the location manager, and their financial responsibility; provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of lack of financial responsibility.
- 6) A report of the Mayor and City Council's agent, the building inspector, the fire marshal, the traffic engineer, and the planning and zoning manager relating to the use or sale of alcohol at the proposed location.
- 7) The information required in the application or statement and whether all requirements as to notice, advertisement, fire codes, building, zoning, parking, lighting and other matters relating to the use or sale of alcohol at the proposed location have been met.
- 8) Evidence presented for or against the application relating to the sale or use of alcohol at the proposed location.
- 9) Whether or not the granting of the application is in the best interest of the health, safety, and welfare of the city.
- 10) The history or reputation of the building or establishment (proposed for business) for prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol at the proposed location; or the overtaxing of existing city infrastructure and personnel. Such determination of overtaxing will be made based upon reports of crimes and emergencies reported and responses made to the site when compared to the same factors found at all retail facilities averaged together as found in the city established by an annual study.
- 11) Whether or not the applicant or location manager has violated other jurisdictions

laws regarding alcohol beverage licensing.

Sec. 13-13. Renewal; denial of renewal.

- 1) All licenses under this article shall be issued on a calendar-year basis; however, the same may be suspended or revoked at any time for violations set out in this chapter and may be renewable upon payment of the appropriate fee, except as is set out in subsection (d) below.
- 2) Each licensee shall make a written application for renewal on or before October 15 of each year on forms approved by the clerk, and the license fee shall be paid in full no later than December 15 of each year.
- 3) The application shall be referred to city staff, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
- 4) If any city official reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made. All renewals shall be referred to the Mayor and City Council for their consideration.

Sec. 13-14. Revocation, refusal to renew, suspension, probation.

- 1) Summary action. There shall be no summary seizure of licenses under this article, unless there exists in the city a state of emergency duly declared: after any such seizure, a hearing shall be held as soon as practicable except where the applicant/holder has allowed the license to lapse from lack of use.
- 2) The Mayor and City Council shall have full power and authority to recommend: revocation, refusal to renew, suspending, or placing on probation any alcohol beverage license for violation of this chapter, city ordinance or of the state or federal laws where such violation relates to the sale, manufacture or use of alcoholic beverages or when the continued operation of the licensed business is detrimental to the health, safety or welfare of the public as determined by failure to comply with the aforementioned alcohol-beverage-related laws. Before taking any such action, the city council shall require a hearing giving at least five days' notice for said hearing to the affected licensee.

Sec. 13-15. Changes of circumstances.

The recommendation of approval of an application by the Mayor and City Council, and/or the granting of a license by the clerk, may be suspended or revoked, after notice and hearing, if any change in the information supplied, or in the physical layout represented in the plat submitted, occurs without the approval of the Mayor and City Council. An applicant anticipating any such change shall submit all details thereof and shall report the same to the city council.”

Sec. 13-16. Preamble.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Sec. 13-17. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Sec. 13-18. Declarations of Mayor and Council.

- 1) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance 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 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. 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 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- 3) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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

Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Sec. 13-19. Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Sec. 13-20. Effective Date.

The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

STATE OF GEORGIA
CITY OF LEXINGTON

**AMENDMENT TO SECTION 13 - MICROBREWERIES: Application, Licensing
and Operations**

An ordinance, amending the Code of the City of Lexington of 2012 by removing therefrom Section 13.4 – General Regulations in its entirety and replacing it with a new Section 13.4 – General Regulations.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

WHEREAS, the governing authority of the City determines that expanded hours for “Free Tastings” as part of educational and promotional tours of microbreweries in certain locations in the City would be a desirable contribution to the community.

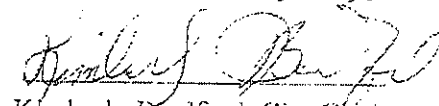
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by Section 13.4 – General Regulations in its entirety and replacing it with a new Section 13.4 – General Regulations.

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 14 day of Sept, 2017.


Rick Berry, Mayor


Kimberly Bradford, City Clerk

Sec. 13-4. General regulations.

- 1) The building or proposed building to house a microbrewery licensee shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator (if applicable) and shall comply with other ordinances of the city for zoning, storage, parking buffers and other issues.
- 2) All operations by a microbrewery shall be conducted within an enclosed building. If "free tastings" are to be provided by a microbrewery pursuant to section 19-120-3 below, said microbrewery must have a tasting room for conducting said "free tastings."
- 3) All "free tastings" of beer or malt beverages shall only be permitted between the hours of 10:00 a.m. and 10:00 p.m., Monday through Friday and 1:00pm through 10:00pm on Sundays. Promotional or educational tours of a microbrewery facility shall also only be permitted within these timeframes.
- 4) The state regulations relating to the sale and distribution of beer, as revised, promulgated by the State or State Agency, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
- 5) Any license holder/applicant shall make an immediate report to, and receive approval by, the Mayor and City Council of any change in the interests in, or ownership of or of the license of a microbrewery and/or any change in the information stated in the original application for license.
- 6) No drive-in windows for the sale of beer or malt beverages shall be allowed.

STATE OF GEORGIA
CITY OF LEXINGTON

DISTILLERIES: Application, Licensing and Operations

An ordinance, amending the Code of the City of Lexington of 2012 by adding thereto a new Chapter 14 entitled "Distilleries: Application, Licensing and Operations."

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

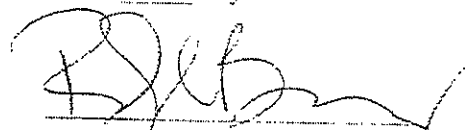
WHEREAS, the governing authority of the City determines that the establishment and operation of distilleries in certain locations in the City would be a desirable contribution to the community,

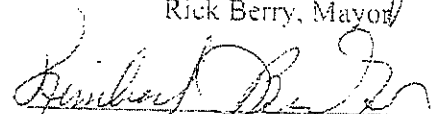
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the language attached hereto and made a part hereof by reference entitled "Distilleries: Application, Licensing and Operations."

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 14 day of Sept, 2017.


Rick Berry, Mayor


Kimberly Bradford, City Clerk

DISTILLERIES: Application, Licensing and Operations

Sec. 14-1. Purpose

This ordinance is enacted in furtherance of the police powers of the city to promote the health, safety and general welfare of its citizens; to regulate and control the licensing and operation of distilleries within the city; to establish reasonable regulations and ascertainable standards which will ensure the public peace; to protect consumers; to ensure that only qualified persons obtain licenses; and to enhance entertainment opportunities in the city, including the financial, cultural and tourism benefits thereof.

Sec. 14-2. Definitions

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

Distiller means any individual or entity engaged in the business of distilling spirits, fortified wines or other alcoholic beverages (excluding beer and wine) for sale to wholesalers and distributors.

Distillery means any establishment where distilled spirits, fortified wine or any other form of alcoholic beverages other than beer and wine are manufactured or distilled.

Distilled Spirits means any alcoholic beverage obtained by distillation or containing more than twenty-one percent (21%) alcohol by volume, including but not limited to all fortified wines.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to brandy.

Sec. 14-3. Distillery license.

- 1) The operation of a distillery within the city limits is authorized only for distillers licensed by the State of Georgia who must be granted a license by the City of Lexington to manufacture distilled spirits for sale to wholesalers.
- 2) A distillery license shall be an annual license subject to the renewal process and fee schedule outlined in section 14-13 ET. Seq. below.

Sec. 14-4. General regulations.

- 1) The building or proposed building to house a distillery licensee shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator (if applicable) and shall comply with other ordinances of the city for zoning, storage, parking buffers and other issues.
- 2) The state regulations relating to local authorization and regulation for the manufacture, distribution and package sales of alcoholic beverages (Title 3, Chapter 4, Article 3), as revised, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
- 3) Any license holder/applicant shall make an immediate report to, and receive approval by, the Mayor and City Council of any change in the interests in, or ownership of or of the license of a distillery and/or any change in the information stated in the original application for license.
- 4) Distillers must comply with all applicable City ordinances and regulations.
- 5) Distillers shall only sell distilled spirits to wholesalers and shall not sell distilled spirits directly to retailers or end consumers.
- 6) Distillers shall not allow consumption of alcoholic beverages on the premises, except that distillers may allow free tastings of distilled spirits as more particularly described in the following Section and in accordance with O.C.G.A. §3-4-180.

Sec. 14-5. Tastings.

- 1) A distillery licensee shall be authorized to provide educational or promotional tours, during which a "free tasting" of distilled spirits may be conducted by the distillery. Said tastings shall be permitted in accordance with the provisions of O.C.G.A. § 3-4-180 as amended from time to time.
- 2) Samples offered at these "free tastings" shall not exceed one (1) ounce in volume nor shall any one individual be offered more than a total of four (4) ounces of samples within a calendar day.
- 3) All distilled spirits provided at any "free tasting" shall be served by a state licensed representative of the distillery and shall be spirits distilled on-site by said distillery.
- 4) The licensed distiller may elect to sell non-alcoholic food or beverages to customers or tour-attendees, either directly or indirectly.
- 5) No person who is a participant in an educational or promotional tour may bring

alcoholic beverages obtained off the premises of the licensed distillery to said distillery under any circumstances.

- 6) Souvenirs may be offered for sale by a distillery, including souvenir containers that may be used in "free tastings" sponsored by the distillery. However, the distillery shall disclose, in writing by posted signs, or distributed notices given to the tour participant(s), that there are no requirements to purchase the souvenir container or any other souvenir to participate in the tour or tasting.
- 7) All operations by a distillery shall be conducted within an enclosed building. If "free tastings" are to be provided, said distillery must have a tasting room for conducting said "free tastings."
- 8) All "free tastings" of distilled spirits or promotional or educational tours of a distillery facility shall only be permitted between the hours of 10:00 a.m. and 10:00 p.m. Monday through Saturday and 1:00pm through 10pm on Sundays.

Sec. 14-5. Required.

It shall be unlawful for any person to establish and/or operate a distillery within the corporate limits of the city without having the appropriate license for such operation, or to carry on such activity in violation of the terms of such license or of this Chapter.

Sec. 14-6. Separate license for each distillery; surrender.

- 1) A separate license shall be required for each distillery, and a separate application shall be made for each such place.
- 2) Immediately upon the sale or closing of a business, it shall be the duty of the licensee to surrender his or her license to the Mayor and City Council.

Sec. 14-7. Applications for distillery license.

Applications for distillery licenses shall be as follows:

- 1) Forms; submission. Each initial applicant shall make written application to the Mayor and City Council for the privilege of establishing and operating a distillery, such applicant using forms provided by the clerk.
- 2) Where filed; fee. The application shall be filed with the clerk with a fee of one thousand dollars (\$1,000.00), for review of the applicant and of the proposed location and processing of the application.
- 3) Contents. The application shall state:

- a. As to the applicants, full name, birth date, present address and addresses for the past five years, business address and business addresses of employers and their addresses for the last five years, name of spouse, complete record of all arrests, convictions and guilty pleas for violations of all laws, city, counties, state and federal, and other cities, counties, and states of both applicant and spouse, and the disposition of all charges within the last five years prior to the application.
 - b. As to the applicant's location manager (if not the same as the applicant), the same information as required of the applicant in subsection a.
 - c. Exact location (street address and otherwise) of proposed business, including zoning district. The location must be properly identified.
 - d. Name and address of the owner or landlord and/or resident manager of property proposed for location and whether or not there is a building proposed to be used already erected thereon.
 - e. Trade name (or proposed trade name) of proposed business.
 - f. Names and addresses of all persons having any financial interest in the outlet by way of ownership of building, property, or stock, receipt of income from the business or otherwise.
 - g. Such other information as may be required by the Mayor, city council, the police, the city manager, the city attorney or the clerk.
- 4) Approvals. The application may contain evidence of the following persons' approval of the licensee and of the owner and the manager of the distillery:
- a. Building inspector (i.e., building permit, certificate of occupancy, or other evidence).
 - b. Traffic engineer.
 - c. Fire marshal/fire chief.
 - d. Chief of police/assistant chief of police.
 - e. Planning and zoning coordinator.
- 5) Oath. The application shall be sworn to.
- 6) Surveyor's certificate. The application shall be accompanied by a current certificate from a registered surveyor containing the following information:
- a. A scale drawing of the building or proposed building, as situated on the proposed lot.
 - b. The proposed off street parking facilities available to the building and all outdoor lighting on the premises.
 - c. The exact location of the business, including street address, ward, and

county tax map number.

- d. Current zoning classification of the location.
 - e. The distance in yards as measured in a straight line from nearest property line to nearest property line from each of the following: the nearest school building, school ground or college campus, and the nearest alcoholic treatment center owned and operated by the state or any county or municipal government therein.
 - f. If a business has been licensed since July 1, 1981, or before, the survey shall be required however no license will be denied based upon a failure to meet the distance requirements as set forth under O.C.G.A. § 3-3-21.
- 7) False information. An application under this chapter containing known false information may result in the disapproval, revocation, suspension or failure to renew the license applied for and prosecution as a felony.

Sec. 14-8. Advertisement; proof thereof.

- 1) Each applicant under this article shall advertise his or her application for license at his or her own expense in the legal organ newspaper once a week for two weeks. Advertisements shall not be required for renewals. The advertisement shall appear after the application is filed and before the public hearing provided for in this article. The advertisement shall contain the name of the applicant, the purpose of the application, the proposed location of the business, and its owner's name, and the name of the proposed location manager. An advertisement shall run for each initial application.
- 2) The applicant, before consideration will be given to his application, shall file with the clerk a copy of the advertisement together with affidavits from the newspaper to the effect that it has been printed as required.

Sec. 14-9. Action by Mayor and city council.

- 1) After proof of advertisement is filed, the clerk shall notify an agent for the Mayor and city Council, who shall investigate the applicant and the reputation of the location and make a full report to the Mayor and City Council. The clerk shall also circulate the application to the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator for their investigation and recommendation.
- 2) The clerk or his/her designee, when assured that all requirements have been

complied with and the application is complete, shall refer the application, together with any objections filed, to the Mayor and City Council. The Mayor and City Council shall, after review of the applicant and the proposed location, recommend action to the city council. The Mayor and City Council shall afford the applicant a hearing prior to making a final decision.

Sec. 14-10. Approval of application; expiration in 90 days; extension for cause.

Approval of an application under this article by the city council shall expire after 90 days from the date of such approval, unless the applicant has procured, and paid the fee for, the approved license. If the application is approved and all fees paid the same shall lapse if no action is taken on license by applicant within six months of issuance. The city council may extend the approval up to 90 days for good cause shown such as fire, flood, war, and other uncontrollable occurrences, provided the request is made within the original 90-day period.

Sec. 14-11. Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application subject matter being litigated.

No applicant under this article may submit, and the Mayor and City Council shall not review, an application which is substantially the same as an application submitted within the previous six months that has been denied, unless directed by the city council.

Sec. 14-12. Considerations and guidelines for grant or denial.

The Mayor, and the city council, in making its determinations on an initial application, shall be guided by the following factors as to whether or not to grant a license under this article:

- 1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the same is predominantly residential, industrial or business.
- 2) The proximity of school grounds, school buildings, college campuses, and alcoholic treatment centers owned and operated by the state or any county or municipal government therein.
- 3) Whether the proposed location has adequate off street parking facilities or other parking available for its patrons.
- 4) Whether the location would tend to increase and promote traffic congestion and

resulting hazards therefrom.

- 5) The criminal record of the applicant and the location manager, and their financial responsibility; provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of lack of financial responsibility.
- 6) A report of the Mayor and City Council's agent, the building inspector, the fire marshal, the traffic engineer, and the planning and zoning manager relating to the use or sale of alcohol at the proposed location.
- 7) The information required in the application or statement and whether all requirements as to notice, advertisement, fire codes, building, zoning, parking, lighting and other matters relating to the use or sale of alcohol at the proposed location have been met.
- 8) Evidence presented for or against the application relating to the sale or use of alcohol at the proposed location.
- 9) Whether or not the granting of the application is in the best interest of the health, safety, and welfare of the city.
- 10) The history or reputation of the building or establishment (proposed for business) for prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol at the proposed location; or the overtaxing of existing city infrastructure and personnel. Such determination of overtaxing will be made based upon reports of crimes and emergencies reported and responses made to the site when compared to the same factors found at all retail facilities averaged together as found in the city established by an annual study.
- 11) Whether or not the applicant or location manager has violated other jurisdictions laws regarding alcohol beverage licensing.

Sec. 14-13. Renewal; denial of renewal.

- 1) All licenses under this article shall be issued on a calendar-year basis; however, the same may be suspended or revoked at any time for violations set out in this chapter and may be renewable upon payment of the appropriate fee, except as is set out in subsection (d) below.
- 2) Each licensee shall make a written application for renewal on or before October 15 of each year on forms approved by the clerk, and the license fee shall be paid in full no later than December 15 of each year.

- 3) The application shall be referred to city staff, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
- 4) If any city official reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made. All renewals shall be referred to the Mayor and City Council for their consideration.

Sec. 14-14. Revocation, refusal to renew, suspension, probation.

- 1) Summary action. There shall be no summary seizure of licenses under this article, unless there exists in the city a state of emergency duly declared; after any such seizure, a hearing shall be held as soon as practicable except where the applicant/holder has allowed the license to lapse from lack of use.
- 2) The Mayor and City Council shall have full power and authority to recommend: revocation, refusal to renew, suspending, or placing on probation any alcohol beverage license for violation of this chapter, city ordinance or of the state or federal laws where such violation relates to the sale, manufacture or use of alcoholic beverages or when the continued operation of the licensed business is detrimental to the health, safety or welfare of the public as determined by failure to comply with the aforementioned alcohol-beverage-related laws. Before taking any such action, the city council shall require a hearing giving at least five days' notice for said hearing to the affected licensee.

Sec. 14-15. Changes of circumstances.

The recommendation of approval of an application by the Mayor and City Council, and/or the granting of a license by the clerk, may be suspended or revoked, after notice and hearing, if any change in the information supplied, or in the physical layout represented in the plat submitted, occurs without the approval of the Mayor and City Council. An applicant anticipating any such change shall submit all details thereof and shall report the same to the city council."

Sec. 14-16. Preamble.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Sec. 14-17. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Sec. 14-18. Declarations of Mayor and Council.

- 1) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance 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 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. 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 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- 3) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Sec. 14-19. Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Sec. 14-20. Effective Date.

The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

STATE OF GEORGIA
CITY OF LEXINGTON

SOLID WASTE MANAGEMENT

An ordinance, amending the Code of the City of Lexington of 2012 by adding thereto a new Chapter 19 entitled "Solid Waste Management."

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

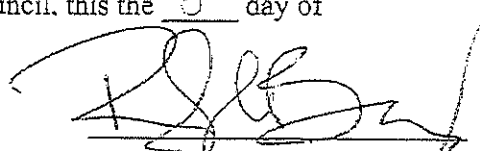
WHEREAS, the governing authority of the City determines that the pickup and disposal of solid waste would be a desirable contribution to the community.

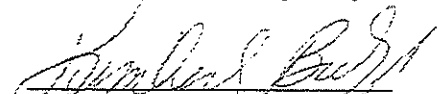
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the language attached hereto and made a part hereof by reference entitled "SOLID WASTE MANAGEMENT."

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective at the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 8 day of
September, 2016.


Rick Berry, Mayor


Kimberly Bradford, City Clerk

SOLID WASTE MANAGEMENT

Sec. 19-1. Purpose

This ordinance is enacted in furtherance of the police powers of the city to provide for the public health by prescribing the manner of storage, collection, and disposal of residential, commercial and industrial waste, rubbish, garbage and refuse.

Sec. 19-2. Definitions

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

Garbage: Putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

Putrescible Wastes: Wastes that are capable of being decomposed by microorganismz, including kitchen wastes, manure, hatchery and poultry wastes, and garbage.

Refuse: Nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding and similar materials.

Sanitary Landfilling: A method of disposing of putrescible waste and/or hazardous waste on land by placing and earth cover thereon.

Scavenge: Uncontrolled picking from discarded waste materials.

Solid Waste: Putrescible and nonputrescible wastes, except water-carried body wastes – including garbage, rubbish, ashes, street refuse, dead animals, animal manures, sewer sludge, industrial wastes, and any other waste material in a solid or semi-solid state not otherwise defined herein.

Sec. 19-3. Enforcement.

The mayor or his designee shall be responsible for the administration and enforcement of the provisions of this chapter. The mayor or his designee shall inspect and regulate the operations of private collectors and private transportation and disposal systems to insure that such operations are in compliance with the provisions of this chapter.

All regulatory actions of the mayor or his designee shall be subject to the review of the mayor and the city council.

Any person aggrieved by a requirement of, or a fee charged by, the mayor or his designee shall have the right to appeal to the mayor and city council, which body may, after a hearing, confirm, modify or revoke such requirement or fee.

Sec. 19-4. Pre-Collection.

No person shall place, sweep, throw or store solid waste outside of any residence or building within the city, except in proper containers for collection or otherwise prepared, as set forth herein or under the express prior approval of the mayor or his designee. Any unauthorized accumulation of solid waste is hereby declared to be a nuisance and is prohibited. The mayor or his designee shall notify the owner or occupant of any premise with solid waste accumulation to remove same. Failure to remove such accumulation within two weeks of the date of such written notice shall be deemed a violation of these provisions and subject to the penalties hereinafter set forth. A separate violation shall be deemed committed each day during or upon which such unlawful accumulation continues.

Except as otherwise provided, garbage containers shall be provided by the owner or occupant of each residence or establishment sufficient to accommodate the waste generated by the residence or establishment between collections. No garbage shall be placed in containers without bottoms. Containers which do not comply with these requirements or which have defects causing them to scatter waste upon the ground during collection or to hamper or injure the persons collecting waste shall be promptly replaced.

Private contractors hired by the city are required to provide each residence with 96 gallon "roll-out" carts for collection purposes. Each residence shall have the option to use said cart, or continue the use of the similar carts provided by the previous private contractor should they so choose. It is the responsibility of the owner or occupant of the residence to care for and maintain the cart.

Rubbish may be stored for collection in paper-board boxes or other throwaway containers strong enough to retain waste. Rubbish containers or bundles should be placed inside the roll-out cart if possible, or placed for collection beside the street or roadway.

No person other than the owner or authorized collection personnel shall sift the contents of or remove anything from containers, carts, boxes or bundles containing garbage or rubbish.

All businesses and industries located in the City generating trash in excess of that which can be secured in the 96 gallon bins provided must make their own arrangements with private contractors for waste collection.

All cardboard boxes must be broken down before disposal.

Sec. 19-5. Collection.

Garbage and rubbish shall be collected from residential areas on a weekly basis, with the day(s) of collection to be set by the city council and/or the private contractor.

Industrial and commercial wastes, dead animals, or waste from construction, demolition, landscaping, or processing operations will not be collected, transported, or disposed of by collection agency. Special arrangements for the collection of motor vehicles or major parts thereof, large appliances, stumps, or logs over four (4) feet in length shall be made by the owner with the city's private contractor.

Vehicles used for collection and transportation of solid waste shall be kept clean and in good repair. They shall be constructed in such manner that the contents thereof cannot be spilled, leaked or blown from the vehicle.

Sec. 19-6. Disposal.

All disposal of solid waste shall be at disposal sites operated in accordance with State laws and with rules and regulations of the Georgia Department of Natural Resources, and at no other place.

Sec. 19-7. Fees.

Monthly charges for public collection and disposal shall be set by resolution by the mayor and council, with said fees billed and collected by the City of Lexington contemporaneously with bills for water service as more particularly described in Chapter 20 of the City Code of Ordinances.

Sec. 19-8. Billing.

Bills to customers for solid waste collection shall be included with monthly water bills and sent out at the first of each month. Bills shall be paid at the city hall of Lexington, by mail, or at another location determined by the Mayor and City Council, and a failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the consumer from payment of the same. The failure of solid waste users to pay charges duly imposed shall result in the automatic imposition of the following penalties:

- 1) Nonpayment after the due date shall result in a penalty of ten percent (10%) of the delinquent account.
- 2) Nonpayment within forty (40) days from the due date shall result in the discontinuance of solid waste collection service to the consumer's property.
- 3) Nonpayment within sixty (60) days from the due date shall give the city the right, in addition to all other rights and remedies, to terminate any or all other city utilities and services given to the consumer.
- 4) Service discontinued for nonpayment of bills will be restored only after the bills are paid in full, including such security as may be required by the Mayor and City Council.

Sec. 19.9. Preamble.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Sec. 19.10. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Sec. 19.11. Declarations of Mayor and Council.

- 1) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance 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 Ordinance is severable from every other section,

paragraph, sentence, clause or phrase of this Ordinance. 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 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

- 3) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Sec. 19.12. Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Sec. 19.13. Effective Date.

The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

STATE OF GEORGIA
CITY OF LEXINGTON

WATER SERVICE

An ordinance, amending the Code of the City of Lexington of 2012, Chapter 20: Water Service by removing Section 20-110: Collection of Delinquent Water Bills and replacing it with an amended Section 20-110: Collection of Delinquent Water Bills.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

WHEREAS, the governing authority of the City determines that the City's ability to attach liens to property for unpaid water service would be a desirable contribution to the community.


NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the language attached hereto and made a part hereof by reference entitled "Section 20-110: Collection of Delinquent Water Bills."

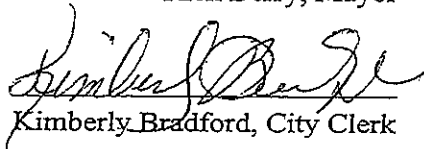
All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 12 day of

January, 2016.


Rick Berry, Mayor


Kimberly Bradford, City Clerk

Section 20-110: Collection of Delinquent Water Bills

1. Water bills unpaid by the 20th of each month may be collected in the same manner as delinquent taxes, except that a ten percent (10%) late charge shall be added to bills not paid by the 20th of each month and for each month the bills remain unpaid.
2. Upon the failure of any person to: (i) pay any water bill or charge against any premises for which the person is responsible; or (ii) to send a written notice of dispute, the person will have water service disconnected as described in Section 20-111, below, and the water superintendent is authorized to turn off and discontinue service until the bill or charge is paid. Subject to OCGA §36-60-17, the delinquent bill or charge shall be a lien on the property where the bill or charge was incurred.
3. All water bills and charges shall become liens on the property benefited by such water service from the date such charges and bills became due and payable. Such liens shall be of equal dignity with liens for taxes in favor of the county.
4. Whenever the owner of any property chargeable for water service shall fail to pay for any bill or charge when it comes due, execution shall issue in the name of the City of Lexington Water Superintendent and shall be signed by the Mayor or designated representative.
5. Such execution shall issue in rem against the property benefited by the service, and shall include a fee for the issuance of the same as may be established from time to time by the City Council
6. All executions issued against the property and the owner thereof shall immediately be recorded on the general execution docket in the office of the clerk of the superior court of the county. All executions issued under this section shall be subject to enforcement in the same manner as now provided for the enforcement of state and county tax fi fas., including levy thereon and the filing and subsequent proceeding in connection with affidavits of illegality.
7. No lien as provided herein shall be imposed against real property unless the past or current owner thereof incurred the charge or assessment.

STATE OF GEORGIA
CITY OF LEXINGTON

AMENDMENT TO CODE OF THE CITY OF LEXINGTON

Section 30-105; Dangerous Dog Ordinance – Identification and Inoculation

An ordinance, amending the Code of the City of Lexington of 2012, *Section 30-105; Dangerous Dog Ordinance – Identification and Inoculation* by removing *Section 30-105; Dangerous Dog Ordinance – Identification and Inoculation* in its entirety and replacing it with an amended *Section 30-105; Dangerous Dog Ordinance – Identification and Inoculation*.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

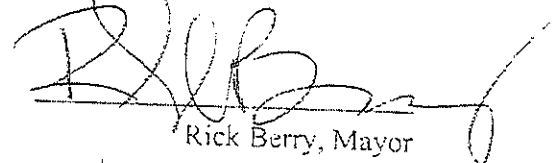
WHEREAS, the governing authority of the City determines that explicit authority requiring dog owners to produce proof of inoculation for any dog involved in physical confrontation, as well as the authority to assess penalties for the failure to do so, would be a desirable contribution to the community.

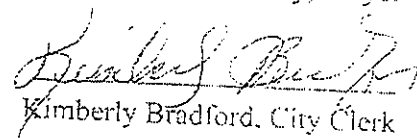
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the language attached hereto and made a part hereof by reference entitled "Section 30-105; Dangerous Dog Ordinance -- Identification and Inoculation."

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 14 day of Sept., 2017.


Rick Berry, Mayor


Kimberly Bradford, City Clerk

Section 30-105; Dangerous Dog Ordinance – Identification and Inoculation

It shall be unlawful for any person to own, possess or maintain any dangerous, potentially dangerous and vicious dog that does not have a current rabies inoculation, and all such dogs shall wear a securely attached collar about its neck displaying such current rabies tag and owner identification and contact information.

In the event any potentially dangerous, dangerous or vicious dog or any other dog, as required by Georgia State law to possess a current rabies vaccination, is involved in any type of physical confrontation with a human being or other animal, the owners of such animals shall deliver proof of vaccination to City Hall no later than seventy-two (72) hours following the incident, with failure to do so resulting in a one hundred dollar (\$100.00) fine payable to the City of Lexington.

It shall be the duty of any person bitten by any animal reasonably suspected of being rabid to immediately notify the Oglethorpe County Board of Health. It shall be the duty of the owner, custodian or person having possession and knowledge of any animal which has bitten any person or animal or of any animal which exhibits any signs of rabies to notify the Oglethorpe County Board of Health or its designee and to confine or destroy such animal in accordance with the rules and regulations of the Oglethorpe County Board of Health. (O.C.G.A. §§ 31-19-3; 31-19-5; 31-19-10)

It is further requested, but not required, that all dog owners residing in the City of Lexington endeavor to keep their animals contained on private property as well as provide the City Council with the following information so that a record of dogs can be kept and maintained by the City:

- The name, address and telephone number for the owner
- The name and proof of vaccination for each dog, along with a current photo by which it might be identified

Any person who violates any provisions of this chapter or any rule or regulation adopted pursuant thereto shall be guilty of a misdemeanor. (O.C.G.A. §31-19-10)

STATE OF GEORGIA
CITY OF LEXINGTON

Regulation of Pets within City Limits: Conrainment Requirement

An ordinance, amending the Code of the City of Lexington of 2012, by adding Chapter 31, Regulations of Pets within City Limits.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

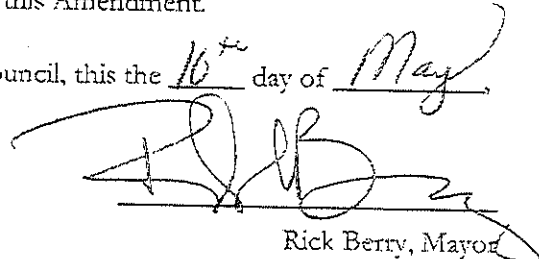
WHEREAS, the governing authority of the City determines that the safety and security of the citizens of Lexington, as well as their pets, would be well served by enacting a requirement that dogs within the city limits be leashed at all times unless otherwise secured within the boundaries of their respective owner's property.

NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the chapter attached hereto and made a part hereof by reference entitled "Chapter 31. Regulations of Pets within City Limits."

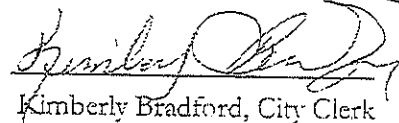
All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 16th day of May, 2018.



Rick Berry, Mayor



Kimberly Bradford, City Clerk

Chapter 31. Regulation of Pets within City Limits

Section 31-101 – RESERVED

Section 31-102 - RESERVED

Section 31-103 - RESERVED

Section 31-104 - Number of Dogs and Cats Per Residential Lot; Penalties for Violation

1. It shall be unlawful for there to be more than six dogs or six cats on any residential lot within the City Limits, subject to the following exceptions:
 - A. Pet owners in compliance with any prior ordinance limiting the number of dogs and cats shall be allowed to continue to keep said number of animals.
 - B. A litter of puppies or kittens will be permitted to remain on property for a period of 12 weeks after their birth.
 - C. Limitation does not apply to residential lots of five (5) or more acres.
 - D. Limitation does not apply to licensed foster home operators, breeders, boarding facilities or other individuals who have been granted a waiver by the City Council consistent with the procedures and criteria outlined in Section 31-105, supra.
2. Any citizen found in violation of this Section who is denied a waiver thereof pursuant to Section 31-105 shall be subject to the following penalties:
 - A. The first two offenses shall be punishable by the imposition of a fine not to exceed \$1,000.00,
 - B. The third offense shall be punishable by the imposition of a fine not to exceed \$1,000.00, imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance.

Section 31-105 – Waiver to Animal Limitations

1. Upon application to and approval by the City Council, a citizen may keep animals in greater numbers than provided in Section 31-104 of this chapter, provided that the City Council finds that:
 - A. There are exceptional and extraordinary circumstances existing such that a waiver should be granted;
 - B. Granting the waiver would not confer upon the applicant any special privileges that are denied to others;
 - C. The waiver will not be injurious to the neighborhood or to the general welfare of the neighborhood; and
 - D. The applicant can demonstrate a special use or need to house animals in greater numbers than provided in Section 31-104. This item shall be deemed to include, but not be limited to, participation in a licensed animal rescue organization, use of animals for therapeutic or other purposes, emergency care of pets owned by other persons, or other circumstances which are specified in the application for waiver.
2. The person making application for such a waiver shall submit, with his/her application a fee of \$100.00. A sign containing information as to the proposed waiver, and the date and time at which the application will be considered by the board of commissioners shall be posted in a conspicuous location on the property not less than 15 days prior to the date of the public hearing.

3. The application shall be sent to the City Council for review, public hearing and approval/denial thereof. The City Council shall have 30 days in which to make a decision.
4. Any waiver approved by the City Council may be revoked upon the applicant being found in violation of the nuisance provisions of this Code of Ordinances.

Section 31-106 – Confinement of Pets within City Limits

Any citizen of Lexington who keeps any canine within the city limits acknowledges and shall abide by the following:

1. It shall be unlawful for any owner of a canine not to control the animal at all times through one of the following means:
 - A. On a leash when off the property of the owner;
 - B. Within the passenger area of a vehicle driven or parked on the streets;
 - C. Within the property limits of its owner and attended by its owner; or
 - D. Confined within the property limits of its owner or of another with the permission of the person in control of the property. For the purposes of this Section, "confined" shall be defined to mean in a building, pen, electronic fenced area or other structure built to prevent intrusion or escape by any dog.
2. It shall be unlawful for any owner of a canine to chain, tie, fasten or otherwise tether the animal to dog houses, trees, fences, vehicles or other stationary objects as a means of confinement except that the animal may be temporarily confined by a tether for up to two 45 minute periods per day, with at least a two hour break between tethering, while its owner remains at home.
3. Except as otherwise provided in this Code of Ordinances, domestic cats are exempt from these requirements.

Section 31-107: Penalties for Pets Not Confined within City Limits

1. Notwithstanding the penalties described in Chapter 30 of the Code of Ordinances, any citizen found in violation of this Section shall receive written notification of any such violation, with said notification to serve as an official warning to said owner and pet.
2. Any citizen found in violation hereof more than three (3) times shall pay a penalty of \$50 for the fourth offense and \$100 for every subsequent offense.
3. Any animal owner not in compliance at the time of this Section's approval shall be given a 90 day grace period in order to build/purchase a confined area to be in full compliance.

Section(s) 31-108, et. seq. - RESERVED

STATE OF GEORGIA
CITY OF LEXINGTON

NUISANCE ANIMAL POLICY AND PROCEDURE

An ordinance, amending the Code of the City of Lexington of 2012, Chapter 31, Regulation of Pets within City Limits by removing certain provisions thereof and replacing the same with amended sections thereof as described below.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012 (the "Code"); and

WHEREAS, Chapter 31 of the Code provides and describes the policies and procedures which govern the treatment of nuisance animals, as defined herein, within the city limits; and

WHEREAS, the Mayor and Council find that the following amendments promote the public health, safety, and general welfare of Lexington, Georgia by allowing for the efficient and equitable treatment of nuisance animals within the City; and

WHEREAS, the Amendment is intended to incorporate the Code of Ordinances of Oglethorpe County, Georgia, 2007 Edition, Article IV, Chapter 30 of Part IV in to the Code of Ordinances for the City of Lexington to allow for the enforcement thereof by the Oglethorpe County Sheriff's Department as described herein; and

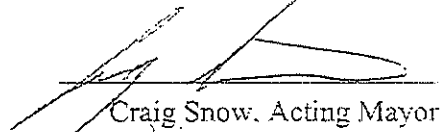
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding a new Section(s) 31-108 to Chapter 31 – Regulation of Pets within City Limits, a true and correct copy of which is included herewith as Exhibit "A".

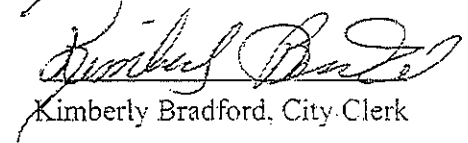
All code sections, ordinances, resolutions, or parts thereof in conflict with this

Amendment are hereby repealed. These Amendments shall become effective as of the date written below.

These Amendments are deemed to be severable, and if any section, subsection, paragraph, clause or provision of thereof shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of that or any other Amendment provided herein.

Adopted at a regular meeting of the Mayor and Council, this the 12 day of August, 2021.


Craig Snow, Acting Mayor


Kimberly Bradford, City Clerk

Section 31-108: Nuisance Animals

1. Responsibility of Owner or Caretaker for Actions of Animal

Any person shall be liable for violating this Ordinance if any animal said individual owns, cares for, possesses, or controls enters the property of another and:

- A. Causes damage to, or destroys, any real property, personal property, or any item of value belonging to another person; or
- B. Aggressively chases, attacks or bites another person; or
- C. Kills or injures any animal that belongs to another person.

2. Enforcement

The responsibility for enforcement of this Ordinance shall be vested in the Oglethorpe County Sheriff's Office and the Oglethorpe County Code Enforcement Officer(s).

3. Impoundment

Any animal violating this ordinance may be impounded and transported to an appropriate facility. Reasonable efforts will be made to identify and notify the owner of an animal impounded pursuant to this Ordinance. If after 72 hours the impounded animal has not been claimed, the animal will be considered abandoned and will be placed for adoption, humanely euthanized or in the case of livestock, auctioned. Any person claiming ownership of an impounded animal shall be responsible for all costs associated with the transport, housing, and care of the impounded animal.

4. Liability of County Officers, Agents and Employees

Oglethorpe County, and its officers, agents, and employees shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded in association with this ordinance, nor for any action to enforce or failure to enforce the provisions of this ordinance. It is hereby recognized that enforcement of this ordinance requires the application of its provisions to specific factual circumstances, thus entailing the necessary application of discretion and judgment in all matters related hereto.

5. Violations and Penalties

Any person that violates the provisions of this ordinance by virtue of owning, caring for, possessing, or controlling an animal that violates the provisions of this Ordinance shall be issued a citation to appear before the Magistrate Court of Oglethorpe County, which Court shall have jurisdiction over violations of this Ordinance. Violations of this Ordinance shall be punishable for each offense by the imposition of a fine not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both a fine and imprisonment. The Court in its discretion may also order restitution to the victim.

STATE OF GEORGIA
CITY OF LEXINGTON

Regulation of Pets within City Limits: Containment Requirement

An ordinance, amending the Code of the City of Lexington of 2012, by adding Chapter 31, Regulations of Pets within City Limits.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

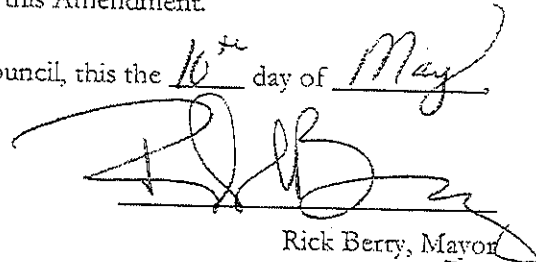
WHEREAS, the governing authority of the City determines that the safety and security of the citizens of Lexington, as well as their pets, would be well served by enacting a requirement that dogs within the city limits be leashed at all times unless otherwise secured within the boundaries of their respective owner's property.

NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the chapter attached hereto and made a part hereof by reference entitled "Chapter 31. Regulations of Pets within City Limits."

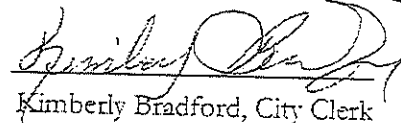
All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 10th day of May, 2018.



Rick Berry, Mayor



Kimberly Bradford, City Clerk

STATE OF GEORGIA
CITY OF LEXINGTON

NUISANCE ABATEMENT COLLECTION PROCEDURES

An ordinance, amending the Code of the City of Lexington of 2012, Chapter 33, Section 202: Rules and Regulations for Abatement of Unsafe or Unhealthful Premises by removing certain provisions thereof and replacing the same with amended sections thereof as described below.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012 (the "Code"); and

WHEREAS, Chapter 33, Section 202 of the Code provides and describes the procedures by which the remediation or demolition of buildings and structures unfit for human habitation or for commercial, industrial or business occupancy may be ordered by the Magistrate Court of Oglethorpe County; and

WHEREAS, Chapter 33, Section 202 of the Code also provides and describes the procedure by which the City may undertake the remediation or demolition ordered by the Magistrate Court when the owner thereof is unwilling or unable to do so; and

WHEREAS, pursuant to the existing ordinance, in the event that the costs of remediation are paid by the City directly, said costs and related expenses incurred shall constitute a lien against the subject property and are to be collected and disbursed by the Oglethorpe County Tax Commissioner in conjunction with its levy and collection of annual ad-valorem property taxes within the County; and

WHEREAS, after coordinating with the Tax Commissioner and Sheriff's Department for Oglethorpe County, the Mayor and Council have determined that the collection procedures could be more effectively and efficiently administered by the City and Sheriff's Department, without the participation or involvement of the Tax Commissioner; and

WHEREAS, the Mayor and Council find that the following amendments, specifically amendments to Section 33-202, Part 1(C)(7), promote the public health, safety, and general welfare of Lexington, Georgia by allowing for the efficient and equitable administration and collection of the existing ordinance regarding the abatement of nuisance properties within the City; and

dwelling, building, or structure shall be by direct appeal to the Superior Court under O.C.G.A. § 5-3-29.

- (f) The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in court of competent jurisdiction prior to issuing a complaint in rem as provided in this Ordinance.
- (g) Nothing in this Ordinance 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 33-202: Rules and Regulations for Abatement of Unsafe or Unhealthful Premises

1. Nuisance Abatement Procedures.

...
C. Duties of Owners; Appointment of Public Officer; Procedure for Determining Premises to be Unsafe or Unhealthful.
...

- (7) The amount of the cost of demolition, repairs or any other court-ordered remediation or corrective action to the subject property, as well as all court costs, appraisal fees and all other costs necessarily associated with the abatement action, including restoration to grade the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- (a) The lien provided for in paragraph (7) of subsection (C) of this Ordinance section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the Clerk of the Oglethorpe County Magistrate's Court 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 the Magistrate's Court shall record and index such certified copy of the order in the deed records of Oglethorpe 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.
- (b) Upon the recordation of the Lien described above, the City Clerk, or any other party selected by the Mayor and City Council, shall attempt to collect the full cost of the Lien directly from the owner using the same methods and practices set forth in this Code of Ordinances for the collection of unpaid water charges or delinquent taxes. If such collection efforts are unsuccessful in recovering all or some of the total lien amount within six (6) months from the date of the Court's order, the City Clerk shall present the Order, along with an affidavit describing the collection efforts in compliance with this ordinance, to the Clerk of the Magistrate's Court and request that a Writ of Fieri Facias (FiFa) be entered, directing the Sheriff of Oglethorpe County to levy and sell the subject property.
- (c) The Sheriff of Oglethorpe County shall remit the amount collected to the governing authority for the City of Lexington, thirty (30) days after imposition of the lien, and the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property and ad valorem taxes.
- (d) The Sheriff of Oglethorpe County 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 Oglethorpe County. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.
- (e) 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

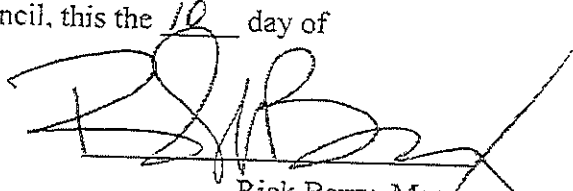
WHEREAS, the governing authority of the City determines that the City's ability to remediate nuisance conditions and have any costs incurred as a result collected from the owner thereof would be a desirable contribution to the community.

NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by removing Section 33-202, Part 1(C)(7) in its entirety and replacing the same with a new Section 33-202, Part 1(C)(7) using the language attached hereto and made a part hereof by reference.

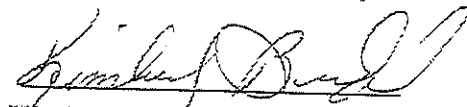
All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. These Amendments shall become effective as of the date written below.

These Amendments are deemed to be severable, and if any section, subsection, paragraph, clause or provision of thereof shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of that or any other Amendment provided herein.

Adopted at a regular meeting of the Mayor and Council, this the 10 day of September 2020.



Rick Berry, Mayor



Kimberly Bradford, City Clerk

3/10/2021
3.5 % for
20 years
2041
See file

**INTERGOVERNMENTAL AGREEMENT
EXCLUSIVE NATURAL GAS FRANCHISE**

STATE OF GEORGIA
COUNTY OF GREENE

DEFINITIONS

1. **Tri-County:** Tri-County Natural Gas, a partnership between Greensboro and Union Point, providers of certain natural gas transmission facilities.
2. **Lexington:** The City of Lexington, Georgia.
3. **Franchise Area:** All that area for which Lexington has the exclusive right to provide natural gas service, also known as Lexington's service delivery area for natural gas, including but not limited to its city limits.

RECITALS

1. Lexington, as the governing authority and sole owner of the franchise right for a natural gas system in Franchise Area, does not operate a natural gas system, but desires to provide natural gas service to its citizens and to those within Franchise Area;
2. Tri-County desires to enter into the business of the supplying and selling of natural gas to customers within Franchise Area in accordance with the standards of construction, operation and services meeting the standards in the natural gas business;
3. Ga. Const. art. IX, § III, ¶ I (a) allows cities to contract with one another for any period not exceeding 50 years for, inter alia, the provision of services; and
4. The citizens and general public will benefit from the above-described arrangements.

TERMS

In consideration of the recitals set forth above and the terms, covenants and other provisions set forth below, and the payment of TEN DOLLARS (\$10.00) consideration, each to the other, the receipt and sufficiency of which are hereby acknowledged, and under the authority granted by the Constitution and laws of the State of Georgia, the parties agree as follows:

1. DURATION OF AGREEMENT

The term of this Agreement begins on the date on which the last Party votes in an open meeting to approve this Agreement and ends on December 31, 2041.

2. EXCLUSIVE NATURAL GAS SERVICE FRANCHISE

In exchange for Tri-County providing natural gas service within Franchise Area and for

STATE OF GEORGIA
CITY OF LEXINGTON

CHAPTER 36: CONSTRUCTION CODES

- Section 36-106.3 Violations and Penalties
- Section 36-106.4 Right of Entry and Inspection Warrant

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2021; and

WHEREAS, the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

An ordinance, amending the Code of the City of Lexington of 2021 by adding thereto a new subsections 36-106.3, Violations and Penalties, and 36-106.4, Right of Entry and Inspection Warrant.

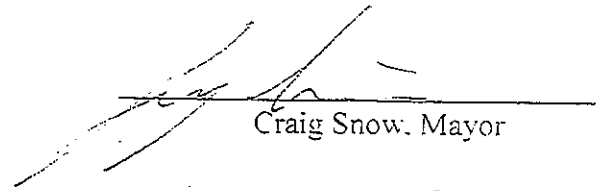
NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended Section 36-106 – Violation and Penalties and 36-106.4, Right of Entry and Inspection Warrant.

All code sections, ordinances, resolutions or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

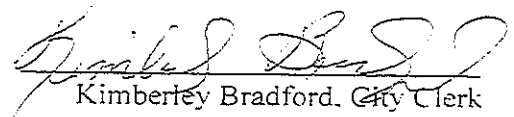
This amendment is deemed to be severable and if any section, subsection, paragraph clause or provision of this Amendment shall be adjudged invalid or help unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the 10th day of

February, 2022.



Craig Snow, Mayor



Kimberley Bradford, City Clerk

Section 36-106.3 Violations and Penalties

- A. *Established.* There is hereby created the position of Code Inspector of the City of Lexington (hereinafter referred to as "Code Inspector"). The Mayor and Commission may fill this position with a qualified inspector of its choosing or use the inspector provided for pursuant to the Service Delivery Strategy of Oglethorpe County, as adopted by the Mayor and Commission on November 29th, 2017.
- B. *Duties and responsibilities.* The primary duties and responsibilities of the Code Inspector shall be as follows:
1. To enforce all provisions of this chapter or any code adopted in this chapter;
 2. To issue warnings, notices of ordinance violations, and citations and summons for court appearances for the violation of the provisions of this chapter or any code adopted in this chapter;
 3. To investigate and collect evidence of these violations;
 4. To respond to complaints of alleged ordinance violations;
 5. To appear and testify in court;
 6. To do any follow-up work that may be necessary;
 7. To ensure proper collection of fines;
- C. *Notice of Violations.* Whenever the Code Inspector determines that any person has violated any of the provisions of this chapter or any code adopted in this chapter or failed to comply therewith, the inspector shall issue a citation that shall identify the section of this chapter violated or any code adopted in this chapter violated, the date of the violation, the date and time of the court hearing on the violation, and the address of the City of Lexington Recorder's Court where the hearing will be held. No person shall be arrested and detained prior to trial for violating any provision of this chapter.
- D. *Notice of discontinuance.* In addition to the procedure set forth in Section 36-106.3(C), whenever the Code Inspector is satisfied that systems, appliances or equipment are being erected, installed, altered or repaired in violation of the provisions or requirements of this chapter, or the codes adopted in this chapter, or in violation of plans or specifications submitted and approved thereunder, the Code Inspector shall serve a written notice or order upon the responsible person directing the discontinuance of such illegal work and the immediate correction of violations.
- E. *Stoppage of work.* Upon notice from the Code Inspector that work on any installation is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of such property, his agent, or the person doing the work and shall state the conditions under which work may be resumed. Where any emergency exists, oral notice from the Code Inspector shall be sufficient.
- F. *Forfeiture of license or certificate.* Any person who shall continue to or persistently violate any of the provisions of this chapter shall forfeit his license or certificate issued under this Code and the reissuance of any license or certificate so forfeited shall only be after recommendation by the mayor and commission.

- G. *Punishment for violations.* Any person who shall violate any of the provisions of this chapter or any code adopted in this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall for each such failure, violation or noncompliance be punished by a fine not to exceed \$1,000.00, subject to all limitations contained in the City of Lexington Charter. Any person found by the City of Lexington Recorder's Court to be in violation of this chapter or a code adopted herein shall also correct or remedy all violations or defects within a reasonable time; and, when not otherwise specified, each day that prohibited conditions exist shall constitute a separate offense.
- H. *Application of penalties to prohibited conditions.* The application of the penalties in this section shall not prevent the enforced removal of prohibited conditions.
- I. *Institution of proper actions.* The penalties imposed in this section shall not preclude the Code Inspector from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair or maintenance.

Section 36-106.4 Right of Entry and Inspection Warrant

- A. *Liability.* The Code Inspector charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.
- B. Any suit instituted against any officer or employee of the City of Lexington because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Inspector or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and the Code Inspector and any officer of the City of Lexington, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.
- C. *Right of Entry.* The Code Inspector is authorized to enter the structure or premises at reasonable times with consent of either the occupant, the owner, or person in charge to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Inspector is authorized to pursue recourse as provided by law.
- D. *Inspection Warrant.* The Code Inspector, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this article. The warrant shall authorize the Code Inspector or agents thereof to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out below.
- E. *Warrant issued.* Inspection warrants may be issued by the Recorder's Court when the issuing judge is satisfied that all of the following conditions are met.
 - 1. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as part of a legally authorized program of inspections which

includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.

2. The issuing judge determines that the issuance of the warrant is authorized by this code.

F. *Warrant valid.* The inspection warrant shall be validly issued only if it meets all of the following requirements:

1. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.
4. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.
5. The warrant shall specify the dates and time for making such inspection.



City of Lexington

Post Office Box 35
Lexington, Georgia 30648

STATE OF GEORGIA
CITY OF LEXINGTON

VIOLATIONS AND PENALTIES

An ordinance amending the Code of the City of Lexington of 2012 by adding thereto a amendment to Chapter 40, Lexington Historic Preservation Commission: Violations and Penalties.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes public health, safety, and general welfare of Lexington, Georgia; and

WHEREAS, the governing authority of the City determines that the City's ability to impose penalties for violations to the Historic Preservation Ordinance would be desirable contribution to the community.


NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the attached Section 40-104 (14) and made part of the Historic Preservation Ordinance.

All code sections, ordinances, resolutions or part thereof in conflict with this Amendment are hereby repealed. The Amendment shall become effective as the date written below.


This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid be held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this 8 day of

August, 2024.



Craig Snow, Mayor



Kim Bradford, City Clerk

SECTION 40-104(14)

VIOLATIONS AND PENALTIES

- a. Any occupier or owner of property who shall violate a provision of Chapter 40: HISTORIC PRESERVATION COMMISSION ORDINANCE or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted in compliance with the Code of Ordinances for the City of Lexington. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- b. Violation of Chapter 40: HISTORIC PRESERVATION COMMISSION ORDINANCE shall subject the person violating the ordinance to a fine not exceeding \$100.00 or to a term of imprisonment not exceeding 90 days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the Judge of the Recorder's Court. Any term of imprisonment may be served on probation.

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN THE CITY OF LEXINGTON AND THE OGLETHORPE COUNTY SHERIFF'S OFFICE REGARDING THE ENFORCEMENT OF THE CODE OF ORDINANCES FOR THE CITY OF LEXINGTON, GEORGIA

THIS AGREEMENT is made and entered into effect this 8 day of October, 2020 (the "Effective Date"), by and between the City of Lexington, Georgia (hereinafter referred to as the "City"), a municipal corporation and political subdivision of the State of Georgia, and David R. Gabriel, in his official capacity as Sheriff of Oglethorpe County, Georgia (hereinafter referred to as the "Sheriff").

WHEREAS, in order to promote and in the interest of efficient law enforcement in the City, the parties have entered into this agreement, as provided for in Article IX, Section II, Paragraph III of the 1983 Georgia Constitution and O.C.G.A. 15-16-13.

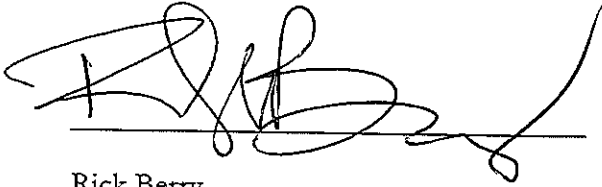
NOW THEREFORE, in consideration of the mutual benefits and promises exchanged by the parties to this agreement, it is agreed as follows:

1. This agreement shall be binding on the parties hereto for the period commencing immediately upon the execution of the agreement by both parties hereto, and ending at midnight on December 31, 2028.
2. The level of service and its costs shall be decided upon by the City and the Sheriff for the term of this agreement, and each succeeding two-year period thereafter. Any agreed upon changes in the level of service or cost shall not be effective until memorialized in a written amendment to this agreement, duly executed by both the City and the Sheriff. The level of service agreed upon will be that the Sheriff will provide deputies to answer calls for complaints of city ordinance violations that are related to public safety and wellbeing. Any deputy answering a city ordinance violation call shall place the call in a holding status when there are calls in the unincorporated areas of the county that are holding in a priority status.
3. The City or Sheriff may cancel and terminate the agreement prior to annual renewal of this agreement, provided that a written notice of the intention to terminate is given at least sixty (60) days prior to the renewal date.
4. The City and Sheriff agree that the Sheriff's Office policies in place for enforcement of county ordinance violations will also be used to enforce city ordinance violations. It is the intention of this agreement that the Sheriff shall assume full responsibility for the enforcement of city ordinance violations in the incorporated areas of the City. It is acknowledged that the Sheriff's resources are not unlimited, and that he will allocate resources and make priorities in the reasonable exercise of his discretion.
5. The City and Sheriff agree that the Sheriff's Office's duties shall include the enforcement of the applicable provisions of the Code of Ordinances for Lexington, Georgia dated March 8,

- 2012, as amended, including but not limited to its "Dangerous Dog Ordinance" found in Chapter 30, Sections 30-101 through 30-121.
6. The Sheriff shall have sole discretion as to the method and manner lawfully performing the functions agreed upon for the City in this agreement.
 7. The Mayor of the City or the Mayor's designee shall be the City's liaison with the Sheriff pertaining to any law enforcement matter in the City. Such liaison's responsibilities shall include, but not be limited to, negotiations of agreements and amendments, regarding enforcement matters, and resolutions of problems, complaints, or conflicts which may arise.
 8. All persons arrested by the Sheriff or a deputy sheriff inside the incorporated limits of the City for violation of a city ordinance shall be booked into the Oglethorpe County Jail and released on an own recognizance (OR) bond, as determined by the Sheriff. The Sheriff shall make every effort to release any person arrested only for the violation of a city ordinance on a signed citation or summons without taking that person into custody. Custody of a person charged with only a city ordinance violation should be a last resort. No person shall be placed into custody for the sole reason that he or she cannot post a cash bond. If the person arrested for violation of a city ordinance and state or federal violation(s), the normal bond procedures apply.
 9. All persons arrested/cited for a city ordinance violation shall be adjudicated in the Magistrate Court of Oglethorpe County. All matters which can be charged as city ordinance violations shall be charged and adjudicated as such. The City shall be responsible for prosecution of any such cases, if necessary. The Magistrate Court shall be responsible for forwarding to the appropriate agencies all penalties and fines.
 10. The City and Sheriff agree that they shall require the attendance of any members of the Sheriff's Office at any trial or court proceeding of the City where the attendance of any such person is necessary as a witness in any matter pending before the Magistrate Court of Oglethorpe County. The determination as to whether a witness is necessary shall be in the sole discretion of the City.
 11. The City and Sheriff agree that, at this time, there will be no compensation for any services provided by the Sheriff's Office. If, at any time during this agreement, there becomes a burden on the Sheriff's budget related to the enforcement of the City's ordinances the Sheriff and the City will renegotiate this agreement. There will not be any affect on the enforcement of city ordinances during such negotiations unless there is written notice as outlined in Paragraph 3 hereinabove.
 12. This agreement constitutes the entire understanding of the parties to this agreement and supersedes any other agreement or understanding. Any amendment to or modification of this agreement must be made in writing and signed by the parties to this agreement.

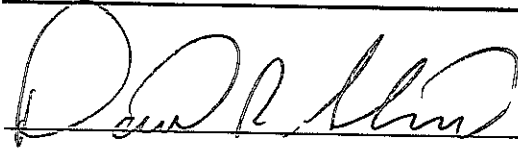
(Signatures on the Following Page)

NOW THEREFORE, the undersigned parties hereby agree to the terms and conditions described and affix their seals as of the Effective Date described above.



Rick Berry

Mayor, City of Lexington



David R. Gabriel

Sheriff, Oglethorpe County

Hon. Gail Smith

Chief Magistrate Judge, Oglethorpe County



STATE OF GEORGIA
CITY OF LEXINGTON

Stopping, Standing and Parking of Motor Vehicles

An ordinance, amending the Code of the City of Lexington of 2012 by adding a new chapter, Chapter 12 – Stopping, Standing and Parking of Motor Vehicles, to govern the parking and storage of vehicles within city limits.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March, 2012; and

WHEREAS , the Mayor and Council find that the following amendment promotes the public health, safety, and general welfare of Lexington, Georgia; and

WHEREAS, the governing authority of the City determines that the City’s ability to regulate the parking and storage of vehicles on public streets and parking areas would be a desirable contribution to the community.

NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the Chapter attached hereto and made a part hereof by reference entitled “Chapter 12 – Stopping, Standing and Parking of Motor Vehicles.”

All code sections, ordinances, resolutions, or parts thereof in conflict with this Amendment are hereby repealed. This Amendment shall become effective as of the date written below.

This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this the _____ day of _____, 2020.

Rick Berry, Mayor

Anne Meyer Threlkeld, City Clerk

Sec. 12-101. Definitions. For the purposes of this section, the following terms shall be defined as follows:

- (1) *Vehicle* means any vehicle that is self-propelled and designed to travel along the ground, including, but not limited to automobiles, buses, motorbikes, motorcycles, trucks, tractors, go-carts, golf carts, campers and trailers.
- (2) *Public Street* means any road or thoroughfare within the Lexington City limits that is available for use by the general public, is located on property owned by or under the control of the city, county or state government and is not under the dominion or control of any private individual or entity.
- (3) *Public Parking Area* means all areas within the city limits, other than those areas alongside a public street, specifically designated for public parking, including but not limited to the parking areas surrounding the Oglethorpe County Courthouse, Government Complex and Lexington City Hall.

Sec. 12-102. General Parking Regulations.

- (1) There shall be no parking in excess of one (1) hour in any area of the city so designated by the city council and marked with appropriate signs.
- (2) Parking in the roadways.
 - a. No person shall park upon the roadway in such manner as to hinder the free flow of traffic or obstruct the approach of any emergency vehicles.
 - b. No person shall park upon the roadway unless the vehicle so parked is facing in the direction of the flow of traffic on the side of the roadway where the car is parked.
 - c. No person shall park a vehicle in such manner that it obstructs any driveway, intersection or traffic sign within the city.
 - d. No person shall park a vehicle in any place where parking has been prohibited by the city council and where signs are posted designating the area as a "No Parking" area.
 - e. No person shall park in any alleyway or access road.

Sec. 12-103. - Continuous parking in same location. Any vehicle that shall remain parked continuously in the same location on any street in the city for the period of seventy-two (72) hours or more shall be presumed to be abandoned and may be impounded by the designated enforcement officer as provided by law. **State Law reference**— Authority to remove vehicles, O.C.G.A., § 40-6-206; abandoned vehicles, O.C.G.A. § 40-11-1 et seq.

Sec. 12-104. - Parking heavy vehicles at night. The parking of trucks or other vehicles weighing in excess of two thousand five hundred pounds (2,500 lbs.) on any street, between the hours of 6:00 p.m. and 6:00 a.m. for a period of more than one (1) hour, shall be prohibited, unless such truck is in the charge of an attendant awake during all hours and unless the parked truck shall be properly lighted so as to warn the operators of other vehicles of its presence.

Sec. 12-105. - Parking for certain purposes prohibited. No person shall park a vehicle upon any roadway for: (1) Displaying such vehicle for sale; (2) washing, greasing, or repairing such vehicle except repairs necessitated by a sudden emergency, and in such emergency such vehicle shall be moved or towed away with all due haste; and, (3) for displaying advertising.

Sec. 12-106. - City Hall Parking Lot. No person shall park in the city hall parking lot except employees and invitees of the city and then only in such places therein as designated by markings authorized by the mayor or the mayor's designee.

Sec. 12-107. – Court House Parking Lot. No person shall park in the Oglethorpe County Court House parking lot except employees and invitees of the court or city and then only in such places therein as designated by markings or authorized by the mayor or the mayor's designee.

Sec. 12-108. - Tractor-trailer parking. For the safety of motorists, it shall be unlawful to park a tractor-trailer or the cab of a tractor-trailer on any public street within the city except while conducting business for pickup or delivery.

Sec. 12-109. - Inoperable vehicles. Definitions. The following vehicles shall, prima facie, be deemed inoperable:

- (1) Any motor vehicle that does not display a valid, current license tag, registration sticker, or motor vehicle emissions sticker;
- (2) Any motor vehicle incapable of being driven or operated;
- (3) Any motor vehicle not covered by a valid, current insurance policy as required by state law;
- (4) Any motor vehicle with the wheels or tires removed; and
- (5) Any motor vehicle without a windshield.

Sec. 12-110. - Parking of inoperable vehicles.

- (a) It shall be unlawful for any person to store, retain, park or keep in the Lexington city limits, wrecked or junked vehicles for more than seventy-two (72) hours after being directed to remove such vehicle by the code enforcement officer or any police officer of the city. Notice from the city to remove such inoperative vehicle shall be affixed to the vehicle in the event the owner or the person storing or keeping such vehicle cannot be determined or found and personally served with the notice.
- (b) After expiration of the seventy-two-hour grace period described in subparagraph (a) above, each day in which the inoperative, wrecked or junked vehicle remains in the city shall be deemed a separate and distinct offense and a violation of this ordinance.

Sec. 12-111. - Vehicle repair and maintenance work. Within the city limits, no person, corporation or other business entity shall perform or allow any other person to perform repairs or maintenance work on any vehicle on any public street or in any public parking area, except repairs necessitated by a sudden emergency, and in such emergency such vehicle shall be moved or towed away with all due haste.

Sec. 12-112 - Storage of vehicles used for recreational purposes. No person shall park or permit any other person to park any unlicensed, unregistered, inoperable or junk vehicles which are used for recreation purpose including, but not limited to, boats, snowmobiles, personal watercraft, travel trailers, cargo trailers, campers, all-terrain vehicles and motor homes, on any public street or in any public parking area.

Sec. 12-113. - Storage of machinery, implements and equipment. No person shall park or permit any other person to park any machinery, implements or equipment designed for use in

agriculture, construction or other commercial enterprise, on any public street or in any public parking area for more than twenty-four (24) consecutive hours unless said machinery, implements or equipment is involved in permitted work or improvements in the immediate vicinity or otherwise granted permission by the Mayor and City Council.

Section 12-114. Violations and Penalties.

- (1) *City to notify violator(s).* Whenever it comes to the attention of the Mayor and City Council, or its designee, that any violation as defined in the previous subsection exists in the city, a notice in writing shall be served upon the owner of the vehicle or his agent, notifying of the existence of the violation and requesting removal in the time specified in the following paragraph.
- (2) *City to issue summons.* The owner or agent shall have 14 days after receipt of the written notice specified in subsection (a) above to come into compliance with this section. If compliance has not been completed within said 14 days, a summons shall be personally served upon the owner of the vehicle.
- (3) *Penalties.* Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$100.00. Each day such violation is committed, or permitted to continue, shall be deemed a separate offense.

Section 12-115. Purpose. This section is intended to eliminate the undesirable conditions caused by the presence of abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded motor vehicles within the city limits. Such undesirable conditions include impeding traffic in the streets; interfering with the enjoyment of property; reducing the value of private property; inviting plundering; creating fire hazards; extending and aggravating blight; or resulting in a hazard to the public health, safety, comfort, convenience, or welfare of the residents of the city.

Section 12-116. Enforcement. The rules and regulations set forth in this Chapter shall be enforced by the Oglethorpe County Sheriff's Department or any enforcement officer dually appointed by the Mayor and City Council.



City of Lexington

Post Office Box 35
Lexington, Georgia 30648

STATE OF GEORGIA
CITY OF LEXINGTON

VIOLATIONS AND PENALTIES

An ordinance amending the Code of the City of Lexington of 2012 by adding thereto a amendment to Chapter 40, Lexington Historic Preservation Commission: Violations and Penalties.

WHEREAS, the Code of the City of Lexington was adopted by the Mayor and Council of Lexington on the 8th day of March 2012; and

WHEREAS, the Mayor and Council find that the following amendment promotes public health, safety, and general welfare of Lexington, Georgia; and

WHEREAS, the governing authority of the City determines that the City's ability to impose penalties for violations to the Historic Preservation Ordinance would be desirable contribution to the community.


NOW, THEREFORE, IT IS ORDAINED by the Mayor and Council that the Code of the City of Lexington is hereby amended by adding the attached Section 40-104 (14) and made part of the Historic Preservation Ordinance.

All code sections, ordinances, resolutions or part thereof in conflict with this Amendment are hereby repealed. The Amendment shall become effective as the date written below.

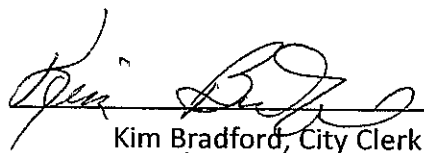
This Amendment is deemed to be severable, and if any section, subsection, paragraph, clause or provision of this Amendment shall be adjudged invalid be held unconstitutional, such decision shall not affect the remaining portions of this Amendment.

Adopted at a regular meeting of the Mayor and Council, this 8 day of

August, 2024.



Craig Snow, Mayor



Kim Bradford, City Clerk

SECTION 40-104(14)

VIOLATIONS AND PENALTIES

- a. Any occupier or owner of property who shall violate a provision of Chapter 40: HISTORIC PRESERVATION COMMISSION ORDINANCE or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted in compliance with the Code of Ordinances for the City of Lexington. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- b. Violation of Chapter 40: HISTORIC PRESERVATION COMMISSION ORDINANCE shall subject the person violating the ordinance to a fine not exceeding \$100.00 or to a term of imprisonment not exceeding 90 days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the Judge of the Recorder's Court. Any term of imprisonment may be served on probation.