

ADOPTING ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ARNOLDSVILLE, GEORGIA, ADOPTING A REVISION ENTITLED, “THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, 2011,” PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and City Council of the City of Arnoldsville, Georgia, and it is hereby ordained by the authority of same as follows:

Section 1. There is hereby adopted by the mayor and city council that certain Code entitled, “The Code of the City of Arnoldsville, Georgia, 2011,” containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, authenticated by the signatures of the mayor, city clerk and city attorney, and by the seal of the Mayor and City Council of the City of Arnoldsville, said Code being hereto attached and made a part hereof.

Section 2. The provisions of said Code shall be in force and effect on and after August 16, 2011, and all ordinances of a general and permanent nature in force on such date and not contained in such Code are hereby repealed from and after such date, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offence or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before August 16, 2011; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds, including revenue certificates of said city or any evidence of the city’s indebtedness or any contract or obligation assumed by the city; nor shall such repeal affect the administrative ordinances or resolutions of the council not in conflict or inconsistent with the provisions of such Code; nor shall it affect any right or franchise conferred by any ordinance or resolution of the city on any person or corporation; nor shall it affect any prosecution, suit of other proceeding pending or any judgement rendered on or prior to August 16, , 2011.

Section 4. It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance or of the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance or of the Code hereby adopted.

ADOPTED this 16th day of August, 2011.

Mayor

City Council Person

City Council Person

City Council Person

City Council Person

City Council Person

City Council Person

CHAPTER 1: GENERAL PROVISIONS

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§ 1-101 How Code designated and cited

The provisions embraced in the following chapters and sections shall constitute and be designated “The Code of the City of Arnoldsville, Georgia, 2011,” and may be so cited.

§ 1-102 Rules of construction

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

1. General rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
2. Gender–Singular and plural. Every word in any code provision or ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.
3. Tenses. The use of any verb in the present tense shall include the future when applicable.
4. Computation of time. The time within which an act is to be done as provided in any code provision or ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by

excluding the first and including the last, except that if the last day be a Sunday or a holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded.

5. Overlapping provisions. Where any provision of this Code imposes greater restriction upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable.

§1-103 Definitions

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

Advice and consent. Whenever the term “advice and consent” of the city council is used in this Code it shall be construed to mean an affirmative vote of the majority of the entire city council

City. The words “the city” or “this city” shall mean the City of Arnoldsville, Georgia.

City council, council. The words “city council” or “the council” shall mean the City Council of the City of Arnoldsville, Georgia.

County. The words “the county” or “this county” shall mean the County of Oglethorpe, Georgia.

Mayor. The word “mayor” shall mean the Mayor of the City of Arnoldsville, Georgia.

Mayor and Council. The term “mayor and council” shall mean the Mayor and City Council of the City of Arnoldsville, Georgia.

Municipality. The word “municipality” shall be construed as synonymous with the term “city,” “town,” or “municipal corporation.”

Oath. The word “oath: shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” shall be equivalent to the words “swear” or “sworn.”

Ordinance. The word “ordinance” shall mean a legislative act of the

municipal governing body of a general and permanent nature.

Owner. The word “owner”, when applied to a building or to land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person. The word “person” shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

Personal property. The term “personal property” shall include every specie of property except real property, as hereinafter defined.

Preceding, following. The words “preceding” and “following” shall mean next before and next after, respectively.

Property. The term “property” includes real, personal, and mixed estates and interests.

Real Property. The words, “real property” shall include lands, tenements, and hereditaments.

Reasonable time or notice. Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance of the act required.

Resolution. The word “resolution” shall mean a legislative act of the municipal governing body of a special or temporary character.

Sidewalk. The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved areas between the curb line and improved walkways.

State. The words “state” or “this state” shall mean the State of Georgia.

Street. The word “street” shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approaches thereto within the city.

Tenant or occupant. The word “tenant” or “occupant”, when applied to a building or to land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either

alone or with others.

Town. See Municipality.

Week. The word “week” shall mean seven days.

Writing or Written. The words “writing” or “written” shall include printing and any other mode of representing words and letters.

Year. The word “year” shall mean a calendar year.

§ 1-104 Section Headings

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

§ 1-105 Effect of repeal or expiration or Code section

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

§ 1-106 Amending Code

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code shall be numbered both consequentially to all other ordinances and numerically and consequentially by individual year in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the Code and subsequent

ordinances omitted are re-adopted as a new Code by the city council.

2. Amendments to any of the provisions of this Code may be made by specific reference to the section number of this Code in the following language: “That section ____ of the Code of Ordinances, City of Arnoldsville, Georgia 2011, is hereby amended to read as follows” The new provisions may then be set out in full as desired.
3. In the event a new section not heretofore existing in the Code is to be added, the following language may be used. “The Code of Ordinances of the City of Arnoldsville, Georgia 2011, is hereby amended by adding a section (or subsection or chapter) to be numbered _____, which section reads as follows” The new provision shall then be set out in full as desired.
4. All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

§ 1-107 Altering Code

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

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO ESTABLISHMENT OF THE METHOD OF ASSESSMENT FOR CITY TAXES AND FOR PENALTIES AND ISSUANCE OF FI FA'S ; AND FOR OTHER PURPOSES.

The Mayor and Council hereby passes an ordinance to use the county assessment for the year in which city taxes are to be levied. Unless paid by December 20th of each year a 10 per cent penalty will be added. If not paid in 60 days a fi fa will be issued.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE LEVY OF PROPERTY TAXES AND THE ESTABLISHMENT OF MILLAGE RATES; AND FOR OTHER PURPOSES.

The Mayor and Council will levy a city tax on all property within city of Arnoldsville. The millage rate for said tax shall be established by the City Council no later than August 31st of each year.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO ESTABLISHMENT THE FEE FOR QUALIFICATION FOR MAYOR AND CITY COUNCIL AND THE FINAL DATE FOR QUALIFYING AND THE FINAL DATE FOR VOTER REGISTRATION; AND FOR OTHER PURPOSES.

The Mayor and Council hereby sets up a qualifying fee of \$5.00 for all councilmen and a fee of \$10.00 for all qualifying for Mayor. Deadline for qualifying will be noon on the last Saturday in October. Deadline for registration to vote will also be set at noon on the last Saturday in October.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO GRANTING A FRANCHISE TO GEORGIA POWER COMPANY; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville hereby agrees to enter into a franchise agreement with the Georgia Power Company, the successors, lessees, and assigns, to occupy the streets and public places of the City of Arnoldsville, Georgia in constructing, maintaining, and existing poles, lines and appliance for transmitting and distributing electricity, and for other purposes.

Originally enacted: 1972

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO ESTABLISHMENT OF SPEED LIMITS WITHIN THE CITY OF ARNOLDSVILLE, THE AUTHORIZATION OF SPEED DETECTION DEVICES AND THE ERECTION OF SPEED LIMIT SIGNS ; AND FOR OTHER PURPOSES.

City of Arnoldsville - Oglethorpe County, Georgia

Pursuant to Section 40-6-193 of the Official Code of Georgia Annotated concerning Local Authorities power to alter lawful speed limits, the following ordinance regulation speed limits within the, CITY OF ARNOLDSVILLE Oglethorpe County, Georgia is adopted.

Be it ordained by the board of Commissioners, Oglethorpe County, Georgia that the following speed zones are hereby established based on an engineering and traffic investigation as prescribed by law.

County Road #36 from County road #307 to County road #37, a distance of 0.44 miles to be zoned 35 mph.

County road #36 from County road #37 to the Arnoldsville City Limit, a distance of 0.46 miles to be zoned 45 mph.

County road #306 from the Arnoldsville City Limit to County road #307, a distance of 0.60 miles to be zoned 45 mph.

County Road #307 from the southeast Arnoldsville City Limit to the north Arnoldsville City Limit, a distance of 1.16 miles to be zoned 45 mph.

BE IT RESOLVED, the City of Arnoldsville, hereby authorized the use of speed detection devices by the Oglethorpe County Sheriff Department on approved and designated roadways in the City of Arnoldsville, Oglethorpe County for public safety purposes, It is further directed that the City of Arnoldsville do such things as necessary to process the completion for obtaining speed detection devices.

Be it resolved that any person convicted of a violation of this ordinance shall be punished as provided for by law.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Signs will be erected by the City of Arnoldsville.

This ordinance shall become effective when appropriate signs are erected.

Consecutive Ordinance No. 007

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO ESTABLISHMENT OF THE FISCAL YEAR; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows.

SECTION 1. Pursuant to the authority granted in Article IV, Section 4.01 of the Charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia, is hereby amended by adding the following:

“The Fiscal Year of the government of the City of Arnoldsville shall commence on the first day of January and end on the thirty-first day of December.”

SECTION 2. The effective date of this ordinance shall be January 1, 1995.

SECTION 3. For fiscal year 1995, all audits, budgets, reports or other documents required to be submitted by the Mayor or acted upon by the Council, shall be submitted or acted upon on or before the date which they would have been required if the fiscal year had remained July 1, 1995.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO OCCUPATION TAXES AND REGULATORY FEES FOR BUSINESSES, PROFESSIONS AND OCCUPATIONS; AND FOR OTHER PURPOSES.

The Mayor and council of the City of Arnoldsville, Georgia hereby ordains as follows.

SECTION 1. The Code of the City of Arnoldsville, Georgia, is hereby amended by repealing that portion pertaining to Business License Fees and Occupation Taxes, its entirety, and substituting the following language in lieu thereof:

Section 1. Levy and Scope.

(a) For the year 1995 and succeeding years thereafter, each person engaged in any business, trade, profession, or occupation in the City of Arnoldsville, Georgia, whether with a location in the City of Arnoldsville or in the case of an out-of-state business with no location in Georgia exerting substantial efforts within the State pursuant to O.C.G.A. Section 48-13-7, shall pay an occupation tax for said business, trade, profession or occupation. The occupation tax shall be determined in accordance with the schedule set forth in this ordinance.

(b) The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling.

(c) The regulatory tax levied herein upon certain occupations and businesses is an exercise of the police power of the City of Arnoldsville.

Section 2. Definitions.

(A) Wherever the term "the City of Arnoldsville" is used herein, such term shall be construed to mean the City of Arnoldsville, Georgia. Wherever the term "city" or "county" is used herein it shall be construed to mean the city of Arnoldsville, Georgia.

(B) As used in this Chapter, the term:

(a) "Administrator" shall mean the City Clerk.

(b) "Business" shall mean:

(1) Any person who, in the City of Arnoldsville, engages in, causes to be engaged in, or represents himself or herself to be engaged in, any occupation or activity with the object of gain, benefit, or advantage, either directly or indirectly. This shall include any person advertising by any means, including, but not limited to, signs, cards, circulars, newspapers, etc., that he or she is engaged in a business of any kind.

(2) No business required by this ordinance to secure an occupation tax shall be exempt from the

payment of said occupation tax on the ground that the business is operated for a charitable purpose, unless fifty (50%) percent or more of the gross receipts from the business are devoted to a charitable purpose.

(c) "Date of commencing operations" means the date on which a business heretofore not engaged in commercial transactions within the City of Arnoldsville becomes engaged in business.

(d) "Dominant business activity" means that business activity which is the major and principal source of income of the business.

(e) "Engaged in Business or Carrying on Business" means doing or performing of any act of selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, or renting real or personal property; all of the foregoing performed either as an owner, operator or agent of any business, trade, profession, or occupation within the City of Arnoldsville.

(f) "Location of office" shall not include a temporary work site which serves a single customer or project.

(g) "Manufacturing" shall mean a person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use of any articles, substances or commodities, including, but not limited to, the following: materials upon which commercial activities have been applied, by hand or machinery, so that as a result thereof a new substance of trade or commerce is produced; the production or fabrication of special or custom-made articles; the making, fabrication, processing, refining, mixing, slaughtering, packing, aging, curing, preserving, canning, preparing and freezing of fresh foods, fruits, vegetables and meats.

(h) "Occupation tax" means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue raising purposes.

(I) "Person" means any individual, firm, partnership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate or other group or combination acting as a unit, but specifically excludes charitable nonprofit organization which utilize 50% of their proceeds for charitable purposes.

(j) "Practitioner of professions or occupations" is one who by state law requires state licensure regulating such profession or occupation and shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

(k) "Regulatory fees" means payments, whether designated as license fees, permit fees or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city of Arnoldsville.

(l) "Retailer" means a person who sells to consumers or any other person for any purpose, other than for resale, any tangible personal property.

(m) "Services" means the accommodating or performing a duty or work by a person utilizing time or talents for direct or indirect remuneration.

(n) "Wholesaler" shall mean a person who sells to jobbers or to persons, other than consumers, any tangible personal property.

Section 3. Regulatory Fees.

In accordance with O.C.G.A. Section 48-13-9, a regulatory fee shall be imposed on all applicable occupations and businesses in addition to the occupation tax provided for under section 5. Said fees shall be due and payable before the beginning of each calendar year. A certificate shall be issued upon payment of all applicable regulatory fees. The regulatory fee schedule for persons in the following occupations and professions is as follows:

<u>Business / Occupation</u>	<u>Regulatory Fee</u>
Pawnbrokers:	
Initial Year Business Fee	\$100.00
Annual Renewal Business Fee	\$ 75.00
Vendors: (Door to Door sales and Itinerant Dealers in Precious Metals)	
Per Business	\$100.00
Individual Vendor Identification permit	\$ 20.00
Replacement Vendor Identification permit	\$ 15.00

Section 4. Occupation tax levied.

(a) A non-refundable occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices in the city of Arnoldsville or upon the applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. section 48-13-7 based upon the following criteria:

(1) The number of employees of the business or practitioner.

(b) the City of Arnoldsville shall not require an occupation tax on the number of employees that were taxed by occupation tax in other localities or states.

(c) the City of Arnoldsville shall require an occupation tax from those real estate brokers, agents or companies whose offices are located outside the City of Arnoldsville and sell property inside the limits of the City of Arnoldsville.

(d) An occupation tax shall not be levied in any other manner except as described in this chapter.

Section 5. Occupation Tax Schedule.

(a) There is hereby levied upon each person engaged in or carrying on business in the City of Arnoldsville an occupation tax based upon the number of employees in the schedule set forth below:

<u>BRACKET NO.</u>	<u>NO. EMPLOYEES</u>	<u>TAX AMOUNT</u>
1	1	\$25.00
2	2	\$95.00
3	3	\$150.00
4	4	\$200.00
5	5-6	\$275.00
6	7-10	\$400.00
7	11-15	\$580.00
8	16-20	\$735.00
9	21-35	\$935.00
10	36-50	\$1250.00
11	51-75	\$1550.00
12	76-100	\$1950.00
13	101-150	\$2300.00
14	151-250	\$2700.00
15	251 & OVER	\$3000.00

(b) Determination of Number of Employees. The number of employees shall be determined by adding together the number of employees that the business had on the first day of each month of each quarter and then dividing that number by four (4). This annual average number of employees shall be adjusted, however, for part-time employees and for over-time employees so that the annual average number of employees will reflect the equivalent number of full-time employees based upon a work week of forty (40) hours. All persons working for the business shall be considered as employees in computing the annual average number of employees, where part-time employees are to be considered, after combining fractional portions of employment, any remaining portion of one half (½) or more is to be considered one (1) employee, while any part less than one-half (½) is to be omitted. For the purposes of this ordinance, all registered businesses shall have at least one (1) owner/employee.

Section 6. Paying occupation tax of business with no location in Georgia.

(a) The assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state of Georgia if the business' largest dollar volume of business in Georgia is in the City of Arnoldsville and the business or practitioner:

- (1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the City of Arnoldsville for the purpose of soliciting business or serving customers or clients; or

(2) Owns personal or real property which generates income and which is located within the City of Arnoldsville.

Section 7. Business or organizations exempted from occupation tax.

The following persons and businesses are not covered by the provisions of this chapter but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the state of Georgia or by act of local law:

(a) Individual farmers who raise, grow or cultivate edible food from the soil of Georgia provided, however, farm, milk, or other farmer cooperatives are not exempted when they engage in selling goods and/or services to the public in competition with persons taxed by virtue of this ordinance.

(b) Established churches, religious, charitable, and fraternal organizations chartered or operated for non-profit purposes and which are not engaged in daily selling of goods or services to the public in competition with persons taxed by virtue of the provisions of this ordinance.

(c) Persons exempted from taxation by virtue of the Constitution or any statute of the United States or State of Georgia. Those persons shall possess and display at their places of business a certificate of exemption that may be obtained from the Administrator by application of a form provided by same. The applicant for exemption shall clearly state the provision of this ordinance or other provision of law under which the applicant claims exemption. The certificate shall contain sufficient facts for the Administrator to determine whether the applicant is entitled to the exemption. The certificate of exemption shall remain valid and the business need not reapply for an annual certificate of exemption as long as the conditions entitling the business to the exemption remain the same. The application for the certificate of exemption shall be made under oath. The certificate of exemption shall not exempt any business from complying with the duty to register.

(d) Any person exempted from the requirement of paying an occupation tax by any ordinance heretofore or hereafter passed by the Mayor and Council of the City of Arnoldsville.

(e) Any person engaging in casual or isolated activity and commercial transactions, where such involve personal assets and are not the principal occupation of the individual.

(f) Those businesses regulated by the Georgia Public Service Commission.

(g) Those electrical service businesses organized under Chapter 3 of title 46 of the Official Code of Georgia Annotated.

(h) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.

(I) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.

(j) Motor common carriers governed by O.C.G.A. § 46-7-15.

(k) Those businesses governed by O.C.G.A. § 48-5-355.

(l) Agricultural products and livestock raised in the State of Georgia governed by O.C.G.A. § 48-

5-356.

(m) Depository financial institutions governed by" O.C.G.A. § 48-6-93.

(n) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.

Section 8. Contractors to provide listing of subcontractors

Before a contractor obtains an occupation tax certificate, he or she shall submit to the City Clerk, a list of all subcontractor's who will be used in construction relating to that certificate.

Section 9.Option to establish exemption or deduction in occupation tax.

The Mayor and Council may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious and the reasons shall be set forth in the minutes of the Mayor and Councilor a plan.

Section 10. Determination of occupation tax and regulatory fee for new business.

If a business is begun for the first time on or after January first of any calendar year, the occupation tax levied and assessed in this ordinance against the business shall be determined as follows:

(a) The Administrator, shall issue an occupation tax certificate for the calendar year in which the application is submitted, and the occupation tax shall be paid in accordance with section 4 and 5 except that it shall be based upon:

(1) If a new business begins for the first time after July 1st of the calendar year, then the occupation tax shall be fifty (50%) percent of the amount in the schedule set forth in Section 5 therein.

Section 11. Professionals

(a) Practitioners of professions as described in O.C.G.A. section 48-13-9 (c) shall elect as their entire occupation tax one of the following:

(1) The occupation tax based on number of employees under section 5; or

(2) A fee of \$400.00 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location. The per practitioner tax applies to each person in the business who qualifies as a practitioner under the state law.

Section 12. Practitioners practicing exclusively for the government.

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a city or county of the state, instrumentalities of the United States, the state or the local government shall not be required to pay an occupation tax for that practice.

Section 13. Evidence of state license required; to be displayed.

(a) Each person who is listed by the Secretary of State pursuant to Title 43 of the Official Code of Georgia Annotated shall provide evidence of proper and current state license before an the city of Arnoldsville certificate may be issued.

(b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.

Section 14. Allocation of employees of business with multiple intra or interstate locations.

Businesses who have multiple locations inside and outside of the City of Arnoldsville shall be taxed upon the number of employees employed in the City of Arnoldsville.

Section 15. False registration.

It shall be unlawful for the owner, proprietor, manager, executive officer or employee of any business, coming within the provisions of this ordinance, to make a false registration for such business, or to give or file, or. direct the giving or filing, of any false information with respect to the occupation tax due under the provisions of this ordinance or upon which any occupation tax due under the provisions of this ordinance is based.

Section 16. Occupation Tax and Regulatory Fee certificate displayed.

(a) All persons shall exhibit and display the occupation tax certificate and/or regulatory fee certificate issued to them in some conspicuous place in their business establishment at the address such certificate(s) was issued. Any transient or non transient person doing business within the City of Arnoldsville shall carry said certificate(s) either upon his person or in any vehicle or conveyance which is used in such business and such person shall exhibit the same to any authorized enforcement officer in the City of Arnoldsville when so requested.

(b) In addition thereto, each transient or nontransient person shall be required to proximately display upon their person the vendor identification issued to him or her under Section 3.

Section 17. Evidence of qualification required if applicable.

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a City of Arnoldsville occupation tax certificate show evidence of such qualification.

Section 18. Duty to register business.

(a) A form or notice shall be mailed to all known persons engaged in or carrying on business in the city of Arnoldsville at the beginning of the year for registering each business. However, failure to receive such form or notice shall not release any person from any tax or penalties due under this ordinance, nor shall such failure to operate to extend any time limit set by the provisions of this ordinance. The registration shall be signed and sworn to by the appropriate persons.

(b) Each business operated in the City of Arnoldsville shall identify their dominate activity and any other lines of business at that same location address.

Section 19. Payment of occupation tax and regulatory fee; penalties for late payment.

(a) When due. Occupation taxes and regulatory fees levied in accordance with the provisions of this ordinance shall be due and payable on or before February 1 of each calendar year or, in case of new business, upon commencement of that business.

(b) Additional amounts. For any reason during the year, it is determined that a larger occupation tax should have been assessed, then the additional amount so assessed shall be deemed to have been due and payable on April first of such year. All monies that would have been paid, if the correct amount had been assessed at the appropriate time, shall be considered past due and all penalties and interest provided for herein shall apply.

(c) Assessment of delinquent charges. Any person who fails to pay the occupation tax and/or regulatory fee imposed upon him or her by this ordinance shall be assessed a delinquent charge of ten percent (10%) of the amount of the delinquent tax.

(d) Interest. All taxes imposed by this ordinance that are not paid by the due date shall bear interest at the rate of twelve percent (12%) per annum from the due date until paid.

(e) Collection of penalties and interest. Penalties and interest imposed by this section shall be collected in the same manner as the tax imposed by this ordinance.

(f) Manner of Payment. Payment of the tax imposed by this ordinance shall be made by mail with personal check, company check, money order, bank draft, certified check, cashier's check, or cash. If payment is made by check, the tax or fee shall not be deemed paid unless the check is honored in the usual course of business.

(g) Postmark. Payments by mail shall be postmarked no later than midnight of February 1 to be accepted without penalty.

Section 20. Issuance and levy of executions for collection.

In addition to other remedies available to state, counties and municipalities for the collection of special taxes, occupation taxes, and license fees due the state, counties, and municipalities from persons subject to the occupation tax who fail or refuse to pay the tax or fee, the officer charged with the collection of the tax or fee shall issue executions against the delinquent taxpayers for the amount of the taxes or fees due when the taxes or fees become due.

Section 21. Determination upon failure to file return.

(a) If any person fails to make a return, the Administrator shall make an estimate of the number of employees of the businesses in the City of Arnoldsville which are subject to tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come into the possession of the Administrator. Written notice shall given as follows:

(1) The Administrator, or designee, shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at his address as it appears in the records of the Administrator. Service by mail is complete when delivered

by certified mail with a receipt signed by the addressee.

(b) The amount of the determination shall bear interest and penalty as required in section 19.

Section 22. Unpaid taxes levied under repealing.

This ordinance does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. Those parts of ordinances heretofore passed providing for the issuing and enforcing of execution for any tax due, or for imposing fines or penalties for the nonpayment of such tax, or for failure to comply with any other provisions thereof, shall continue and remain in force and effect until such tax or assessment shall be fully paid.

Section 23. Insurers.

(a) Occupation tax. In accordance with O.C.G.A. § 33-8-8, et seq., there is hereby levied an annual occupation tax upon each insurer doing business within the City of Arnoldsville in the amount of one hundred and fifty dollars (\$150.00). For each separate business location in excess of one not covered by subsection (b) which is operating on behalf of such insurers within the City of Arnoldsville there is hereby levied an occupational tax in the amount of thirty-five dollars (\$35.00). For the purposes of this section, the term "insurer" means a company which is authorized to transact business in the class of insurance designated in paragraph (1) of O.C.G.A. Section 33-3-5.

(b) Occupation tax for insurers insuring certain risks at additional business locations. For each separate business location, not otherwise subject to a business license tax hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales, offers solicits or takes applications for insurance through a licensed agent of an insurer for insurance, said insurer shall pay an additional occupation tax of ten dollars (\$10.00) or thirty-five (35) percent of the company occupation tax, whichever is greater, per location for each year.

(c) Agency occupation tax, independent agencies, brokers, etc. There is hereby levied an annual occupation tax upon independent agencies and brokers for each separate business location from which an insurance business is conducted and which is not subject to the company license fee imposed by subsection (a) hereof, in the amount of thirty-five dollars (\$35.00) for each location within the City of Arnoldsville.

Section 24. Separate Businesses.

For the purpose of this ordinance, if a business is conducted at more than one (1) location or place, each location or place shall be considered a separate business and must be registered separately and the occupation tax and/or the regulatory fee shall be separately paid.

Section 25. Occupation Tax certificate and Regulatory Fee certificate not transferable.

An occupation tax certificate and/or regulatory fee certificate shall not be transferable and a transfer of ownership shall be considered in the same light as the termination of such business and the establishment of a new business. Therefore, a new certificate shall be required for each new owner of the business.

Section 26. Duty to keep information current.

Any person required by this ordinance to register his or her business shall notify the Administrator in writing thirty (30) days of the following changes:

(a) Any change of address of the business, in which case the same occupation tax certificate shall be valid at the new location;

(b) Any change of ownership, in which case the transfer shall be treated as the termination of one business and the establishment of a new business for the purposes of this ordinance;

(c) The termination of any business.

Section 27. Inspection of books and accounts.

(a) Upon request by the Administrator or his or her authorized representative, any person holding a certificate from the City of Arnoldsville, shall open to the administrator his or her place of business for the purpose of enabling the administrator or his or her representative to ascertain and gain such information as may be necessary for determination of the proper classification of such certificate holder for occupational tax purposes and determination of the correct amount of occupation tax to which such person is subject. Upon request by the Administrator or his authorized representative, any person holding an occupation tax certificate from the City of Arnoldsville shall furnish the administrator or his or her authorized representative, during regular business hours at such person's place of business, all books of account, payroll records, invoices, papers, reports and memorandum containing entries showing amount of purchases, sales receipts, inventory and other information, ascertained and from which the correct amount of fee to which he or she is subject may be determined, including exhibition of bank deposit books, bank statements, copies of sale tax reports to the state, copies of Georgia income tax reports and federal income tax reports.

(b) It shall further be the duty of all taxpayers hereunder to secure, preserve, maintain, and keep for a period of three (3) years the records and documents enumerated and referred to in this section.

Section 28. Confidentiality of information.

Except in case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied and assessed, it shall be unlawful for any officer, employee, or agent to divulge or make known in any manner the information required to be submitted under the terms of this ordinance. All information so submitted shall be confidential, and open only to the officials, employees, or agents using such information for the purpose of the occupation levy and assessment and the collection of same. Independent auditors or bookkeepers employed by the Mayor and Council shall be classified as employees. Nothing herein contained shall prevent the disclosure of the tax levied and assessed upon any person, or the name, address and type of business of such taxpayer. Nothing herein contained shall be construed to prohibit publication by the City of Arnoldsville of statistics classified so as to prevent the identification of particular returns.

Section 29. Administration of ordinance.

The Administrator shall administer and enforce the provisions of this ordinance for the levy, assessment and collection and penalties imposed herein.

In carrying out its responsibilities hereunder, the Administrator shall have the following duties:

(a) To prepare and provide the necessary forms for registration of a business, and for the submission of required information as may be necessary to properly administer and enforce the provisions of the ordinance.

(b) To issue to each person an occupation tax certificate within a reasonable time after the payment of the occupation tax assessed and levied in this ordinance; provided, however, where under other ordinances of the City of Arnoldsville, permits, certifications, and compliance with the enumerated conditions are required for the operation of the business, the administrator shall not issue said certificate until the applicant exhibits to the administrator such obtained permits, certifications and compliances;

(c) To audit periodically, and when deemed necessary by the Administrator, the books and records of the business subject to the provisions of this ordinance, and to require the submission of such additional information as may be necessary in order to correctly determine the amount of the occupation tax due and to insure the collection of same; and

(d) To issue in any year without a charge an occupation tax certificate when an applicant exhibits to the Administrator such permits, certifications and compliance under the law of the state or United states, would entitle the applicant to such.

(e) The Administrator shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this ordinance or other laws of the City of Arnoldsville and the state or the Constitution of this state for the administration and enforcement of the provisions of this ordinance and the collection of the occupation tax and fees hereunder.

Section 30. Compliance with other ordinances and laws.

(a) All business are required to comply with the provisions of all ordinances of the City of Arnoldsville and other laws and the issuance of a occupation tax receipt to any business pursuant to this ordinance shall not authorize that business to engage in or carry on business or to perform any other activity in violation of state or federal law or regulations and other ordinances of the city of Arnoldsville nor shall it relieve that business from obtaining any certificate or permit required by the provision of other laws or ordinances.

(b) No certificate shall be issued or renewed until outstanding property taxes and other debts to the City of Arnoldsville have been paid.

Section 31. Public hearing requirement.

After January 1, 1996, The Mayor and Council of the City of Arnoldsville shall conduct at least one public hearing before adopting any ordinance or resolution which will increase the rate of occupation tax set forth in this ordinance.

Section 32. Severability.

If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to

other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

Section 33. Violations.

Any person violating any of the provisions of this ordinance; any person committing any offense made unlawful herein; any person engaging in business within the City of Arnoldsville without first having obtained the occupation tax certificate, as herein provided for; and any person engaging in business within the city of Arnoldsville without first registering such business, shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine in the amount, not to exceed the sum of \$100.00. Each day's continuance of a violation shall be considered a separate offense.

SECTION 2. The effective date of this ordinance shall be January 1, 1995.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO ESTABLISHMENT OF THE REGULAR MEETING DATE AND TIME OF THE MAYOR AND COUNCIL; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article II, Section 2.04 of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248 at 3255), The Code of the City of Arnoldsville, Georgia, is hereby amended by adding the following:

“The regular, monthly public meeting of the Mayor and Council of the City of Arnoldsville shall be 7:00 P.M. on the third Tuesday of each month.”

SECTION 2. The effective date of this ordinance shall be May 1, 1995.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE REGULATION OF SUBDIVISIONS; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows.

SECTION 1. Pursuant to the authority granted in Article IV, Section 4.01 of the Charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia is hereby amended by adding the Subdivision Regulations annexed hereto and incorporated in the Ordinance, by reference.

SECTION 2. The effective date of the ordinance shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE REPEAL AND RE-ENACTMENT OF THE ORDINANCE WITH RESPECT TO OCCUPATION TAXES AND REGULATORY FEES FOR BUSINESSES, PROFESSIONS AND OCCUPATIONS; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows.

SECTION 1. The Code of the City of Arnoldsville, Georgia is hereby amended by repealing that portion pertaining to Business License Fees and Occupation Taxes, its entirety, and re-enacting the same by substituting the following language in lieu thereof:

The occupation tax and regulatory fee ordinance is attached hereto as Exhibit _____.

SECTION 2. The effective date of this ordinance shall be March 1, 1996.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FRANCHISE ORDINANCE NO.

AN ORDINANCE GRANTING A FRANCHISE TO ALLTEL GA. INC. ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, ERECT, OPERATE, MAINTAIN AND OWN A TELECOMMUNICATIONS SYSTEM IN, UPON, ALONG, ACROSS, ABOVE, OVER, AND UNDER THE PUBLIC WAYS OF THE CITY OF ARNOLDSVILLE, GEORGIA; AND ALL SUCH STRUCTURES APPLIANCES AND FIXTURES NECESSARY OR CONVENIENT FOR RENDITION OF TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL AND LONG DISTANCE TELEPHONE SERVICE; TO PROVIDE THE CONDITIONS GOVERNING THE GRANT OF SAID FRANCHISE; TO PROVIDE FOR FRANCHISE FEES TO BE PAID; AND FOR OTHER PURPOSES.

WHEREAS, the City desires to grant a Franchise to ALL TEL GA. INC., its successors and assigns, to construct, erect, operate, maintain and own a telecommunications system ("System") in, upon, along, across, above, over and under the public ways of the City, for the purpose of rendering telecommunications service, and to provide for the conditions governing the grant of said Franchise; to provide for Franchise fees to be paid by ALL TEL GA. INC.; and for other purposes;

NOW THEREFORE, BE IT ORDAINED as follows:

SECTION 1- Short Title

This Ordinance shall be known and may be cited as the "Telecommunications Franchise Ordinance."

SECTION 2- Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations, shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- (a) "Basic Local Service" means the provision to residential and single line business customers in

Georgia of services composed of a touch tone switched access line and dial tone, of quality sufficient for two way voice and 9600 baud data/fax communications. This service shall include 1 + dialing for access to competitive providers of telecommunications services.

(b) "City" is the City of ARNOLDSVILLE, GEORGIA.

(c) "Company" is ALL TEL GA. INC., a GEORGIA corporation and the grantee of the rights under this Franchise.

(d) "Council" is the City Council of the City of ARNOLDSVILLE, GEORGIA.

(e) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(f) "Public ways" means streets, avenues, alleys, bridges, viaducts, rights-of-way, easements, grounds and other public places owned or controlled by, leased to or granted to the City.

SECTION 3 - Grant of Authority

There is hereby granted by the City to the Company, subject to the terms and conditions hereinafter set forth, a Franchise for the right and privilege to construct, erect, operate, maintain and own a System, including all poles, wire, cables, fibers, underground conduits, manholes, and other telecommunications fixtures and appliances necessary or convenient for the construction, maintenance and operation in this City of the System and any lines connected therewith, including, but not limited to, the rendition of local and long distance telephone service, in, upon, along, across, above, over, and under the public ways now laid out or dedicated, and all extensions thereof and additions thereto, located within the City.

SECTION 4 - Non-Exclusive Grant

Nothing herein contained shall be construed as giving the Company any exclusive privilege at any time during the term of this Franchise.

SECTION 5 - Compliance with Applicable Laws and Ordinances

The Company shall, in connection with the protection of the health and safety of the public, during the term of this Franchise, be subject to the lawful exercise of the police power by the City and to such reasonable regulations governing public ways as the City shall hereafter by resolution or ordinance promulgate. Every installation by the Company shall be in accordance with the applicable codes then in force in the City.

SECTION 6 - Availability of rates, terms and conditions

The Company shall have the option of modifying the provisions of this Agreement to be

consistent with the provisions of any franchise agreement subsequently entered into between the City and any other telecommunications service provider.

SECTION 7 - Company Liability - Indemnification

It is expressly understood and agreed by and between the Company and the City that each, as an indemnifying party, shall hold the other, as an indemnified party, harmless from all loss sustained by the indemnified party, on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence on the part of the indemnifying party in the construction, operation, or maintenance of the System in the City. In the event any claim or action is brought against a party for which the other might be liable as an indemnifying party under this Section, the indemnified party shall promptly give notice to the indemnifying party of such claim or action and a description of the source and nature thereof. Failure to promptly give such notice shall relieve the indemnifying party of any liability thereunder with respect to the claim or action of which such notice was not properly given. Upon timely notice of any claim or action within the scope of this Section, the indemnifying party shall have the right (but not the obligation) to negotiate a settlement or compromise (any such settlement or compromise being subject to the approval of the indemnified party, which approval shall not be unreasonably withheld) of any such claim or action, or to defend actions instituted at the sole cost and expense of the indemnifying party.

SECTION 8 - Conditions on Street Occupancy

A. USE - The Company shall have the right to determine the number and location of all transmission and distribution structures, lines and equipment for the proper operation of the System on the public ways, and the Company shall locate such System as is reasonable under the particular circumstances to cause minimum interference with the proper use of public ways. The City shall not grant any requests for any use or occupancy of public ways in proximity to the System that would conflict with the Company's use or occupancy herein permitted or take any action that would be inconsistent or adverse to the Company's use or occupancy of the System.

B. RESTORATION - In case of any disturbance by Company of pavement, sidewalk, driveway or other surfacing of the City, the Company shall at its own cost and expense, replace and restore all sidewalk, driveway or surface of any street or alley disturbed, to as reasonably good a condition as before said work was commenced.

C. RELOCATION - In the event that at any time during the term of this Franchise, the City in its governmental capacity shall lawfully elect to alter or change its public ways, the Company, as reasonably necessary to maintain its System, and upon reasonable notice by the City, shall relocate or adjust its poles, wires, cables, underground conduits, manholes, or other fixtures. If the City's request for relocation occurs on or within the first three (3) years of this Franchise, or on or within three (3) years of the installation of the facilities, whichever is later, the cost of relocation shall be at the City's expense. Subject to the provisions of Section 6 above, if the City's request for relocation occurs after the times and circumstances described above, the Company agrees to bear the reasonable expenses incurred by it in its complying with this provision. The City cannot, in its governmental capacity or otherwise, require the

Company to bury its System or a portion thereof, including but not limited to cables and wires unless the City agrees to bear the cost for such relocation. The Company shall not be liable for the payment of any expenses incurred by it in the event the Company is required to adjust or relocate its poles, wires, cables, underground conduits, manholes, and other telephone fixtures, where such alteration is made necessary by an act of the City in its proprietary, non-governmental capacity or due to actions of a third party .

D. TEMPORARY REMOVAL OF WIRE FOR BUILDING MOVING - The Company shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

E. UTILITY POLE AND USE RENTAL - The Company shall have the right to use utility poles erected by the City upon obtaining prior permission from the City Manager or Mayor for the City.

F. TREE TRIMMING - The Company may trim trees upon and overhanging the public ways as to prevent the branches of the trees from coming in contact with the wires, cables or facilities of the Company.

SECTION 9 - Approval of Transfer of this Franchise

The Company shall have the right to transfer or assign this Franchise effective upon the assignee or transferee filing in the Office of the City Clerk an instrument, lawfully executed, reciting the fact that such assignee or transferee has accepted this Franchise and agreeing to be bound by each and every one of the terms and provisions hereof.

SECTION 10 - Supervision and Inspection

The City shall have the right to inspect all work performed by the Company on, along, in, or across any of the public ways of the City to ensure compliance with the rules and regulations of the City, and any pertinent ordinances, governing installations which affect, or might affect, such public ways. The Company shall maintain its System in reasonable operating condition at all normal times during the term of this Franchise. An exception to this condition is automatically in effect when service furnished by the Company is interrupted, impaired, or prevented by fires, strikes, riots or other occurrences beyond the control of the Company, or by storms, floods, or other casualties, in any of which events the Company shall do all things reasonably within its power to restore normal services.

SECTION 11 - Term of Franchise

The Franchise and rights herein granted shall take effect and be in force from and after the final passage hereof, as required by law, and upon filing of acceptance by the Company with the City Clerk, and

shall continue in force and effect for a term of ten (10) years after the effective date of this Franchise.

Section 12 - Payment to City

The Company shall pay to the City in consideration of this Franchise an annual amount equal to THREE PERCENT (3 %) of its recurring Basic Local Service revenue derived from subscribers of telephone service who are located within the corporate limits of the City. The Company may, to the extent allowed by law, bill its subscribers within the corporate limits of the City such Franchise fee and reflect such charge on its invoices to subscribers within the corporate limits of the City. The payments required by this Section shall be due on April 15 of each year for the previous year's revenues, throughout the term of this Franchise, except that the first payment shall be for that portion of the prior year subsequent to acceptance by the Company of this Franchise.

Section 13 - Adjustments to Franchise Fees

The amount, if any, of a tax, fee, charge or imposition of any kind required, demanded or exacted by or on behalf of the City on any account, other than ad valorem taxes on property, shall operate to reduce to the extent of such tax, fee, charge or imposition the amount due from the percentage of revenues as provided in Section 12 above.

Section 14 - Penalties

A material violation by the Company of the terms of this Franchise and a refusal by the Company, after notification by the City, to rectify such violation as quickly as is reasonably possible under the circumstances, shall authorize the City to cancel this Franchise.

Section 15 - Partial Invalidation and Repeal Provision

If any Section, sentence, clause, or phrase of this Ordinance is for any reason held to be illegal, ultra vires, or unconstitutional, such invalidity shall not affect the validity of the remaining portions of this Ordinance if the invalidity does 1)to substantially alter the meaning thereof. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed.

SECTION 16 - Acceptance of Agreement

The Company shall have sixty (60) days from and after the passage and approval of this Ordinance to file its written acceptance thereof with the City Clerk, and upon such acceptance being filed, this Ordinance shall take effect and be in force from and after the date of this passage and approval by the Mayor, and shall effectuate and make binding the agreement provided by the terms hereof.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE POLICY AND PROCEDURES IN REVIEWING APPLICATIONS CONCERNING THE REGULATION OF CONSTRUCTION AND REPAIR OF BUILDINGS.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia, is hereby amended as follows:

All applications concerning buildings within the limits of the City of Arnoldsville will be presented to the Oglethorpe County Planning Commission for approval. Applications which meet the standards of the Oglethorpe County Planning Commission for buildings and which are approved, will be approved by the City Council of the City of Arnoldsville. Said application and approval by the Oglethorpe County Planning Commission shall be presented to the City Council by the applicant as soon as possible following said approval. Said application and approval may be presented to the City Council at a regularly scheduled meeting or to the Mayor or to the City Clerk for presentation to the City Council.

SECTION 2. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO IMPOSE LICENSE FEES ON INSURERS CONDUCTING BUSINESS WITHIN THE CITY OF ARNOLDSVILLE, GEORGIA; TO IMPOSE A GROSS PREMIUMS TAX ON INSURERS OPERATING WITHIN THE STATE OF GEORGIA; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (b) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia, is hereby amended as follows:

SEE Attached Appendix _____

AN ORDINANCE TO AMEND THE WATER ORDINANCE OF THE CITY OF ARNOLDSVILLE, GEORGIA, ENTITLED "CITY OF ARNOLDSVILLE WATER ORDINANCE EFFECTIVE JANUARY 1, 1994" AS AMENDED

Request for water service from the Arnoldsville Water Department must be made by application for the purpose of establishing customer's name, mailing address, placement of meter, and type use for rate classification.

1. **Meters.**

Each individual resident dwelling, commercial building or business must have its own meter. (Mayor and council shall be empowered to determine what constitutes a resident dwelling, commercial building, and business.)

Mobile Home Parks are to have one meter for each section of the park. (Mayor and Council shall be empowered to determine what constitutes a Mobile Home Park and the number of sections which make up the Park.)

2. **Ownership and Maintenance.**

The City of Arnoldsville shall own, place, replace, and maintain all parts of the water system from the water source, through the water main, up to the meter and the meter. The customer shall own and maintain that part from the meter on.

3. **Tap-on to Water Main**

Prior to the tap-on main a charge of (\$750.00) shall be paid. This is subject to change, based on the economy. An unauthorized tap-on will be subject to a fine of \$500.00. Tap-on fees outside the City Limits will be \$1000.00.

4. **Start New Account on Existing Meter.**

Each new water customer shall pay a \$50.00 start-up fee when application is submitted for service.

5. **Water Rates.**

A. Water rates may be adjusted by the Mayor and Council as the may deem fit and necessary in order for the water system to be self-supporting for immediate cash flow and anticipated infrastructure maintenance.

Commercial usage shall be dealt with on an individual basis by Mayor and Council. Mobile Home Parks are classified as commercial.

6. **Non-payment.**

Payment made after due date must include a 10% late fee.

If payment for water bill is not received within 30 days of due date, a written warning will be issued to person responsible for bill. If payment is not received within 60 days of due date, the meter will be pulled. To receive service again, the water bill must be paid in full plus the start-up fee of \$50.00. If rental water customer moves away leaving a balance due bill, it

will be the responsibility of the property owner to pay the bill.

7. **Re-connection.**

A start-up fee of \$50.00 will be charged for re-connection for any reason.

8. **Notice to Discontinue.**

It is the responsibility of property owner, as well as the water customer, to notify City five days prior to discontinuing service.

9. **Conservation.**

It is the duty of each person to use water as the precious resource that it is by immediately repairing leaky plumbing on their premises and report any leaks or other waste of water from city mains.

10. **Water Shortage or Scarcity:**

1. In any case of a water shortage or scarcity, the Mayor and Council may restrict the use of water.

2. A violation of any established restriction of water will result in a written warning; if continues, a verbal warning by Mayor and a Council person or a law enforcement officer; if still continued, the meter will be removed, and a start-up fee will be charged to reconnect.

11. **Water Rate Scale.**

1. Inside city limits - residential:

0-3,000 gallons, \$15.00 (minimum charge), plus \$2.00 for each additional 1,000 gallons, or part thereof, per month

2. Inside city limits - commercial:

0-3,000 gallons, \$10.00 (minimum charge), plus \$3.00 for each additional 1,000 gallons, or part thereof, per month.

3. Outside city limits - residential:

0-3,000 gallons \$30.00 (minimum charge), plus \$4.00 for each additional 1,000 gallons, or part thereof, per month.

4. Outside city limits - commercial:

Acceptance at discretion of Mayor and Council.

AN ORDINANCE TO AMEND THE WATER ORDINANCE OF THE CITY OF ARNOLDSVILLE, GEORGIA, ENTITLED "CITY OF ARNOLDSVILLE WATER ORDINANCE EFFECTIVE JANUARY 1, 1994" AS AMENDED

Water Rates.

A. Water rates may be adjusted by the Mayor and Council as they may deem fit and necessary in order for the water system to be self-supporting for immediate cash flow and anticipated infrastructure maintenance.

Commercial usage shall be dealt with on an individual basis by Mayor and Council. Mobile Home Parks are classified as commercial.

6. Non-payment.

Payment made after due date must include a 10% late fee.

If payment for water bill is not received within 30 days of due date, a written warning will be issued to person responsible for bill. If payment is not received within 60 days of due date, the meter will be pulled. To receive service again, the water bill must be paid in full plus the start-up fee of \$50.00. If rental water customer moves away leaving a balance due bill, it will be the responsibility of the property owner to pay the bill.

7. Re-connection.

A start-up fee of \$50.00 will be charged for re-connection for any reason.

11. Water Service Outside City Limits.

1. An application must be submitted for consideration and approval by the Mayor and City Council for the City of Arnoldsville to extend a water main or tap-on to an existing water main outside city limits.

12. Water Rate Scale.

1. Inside city limits - residential:

0-3,000 gallons, \$15.00 (minimum charge), plus \$2.00 for each additional 1,000 gallons, or part thereof, per month

2. Inside city limits - commercial:

0-3,000 gallons, \$10.00 (minimum charge), plus \$3.00 for each additional 1,000 gallons, or part thereof, per month.

3. Outside city limits - residential:

0-3,000 gallons \$30.00 (minimum charge), plus \$4.00 for each additional 1,000 gallons, or part thereof, per month.

4. Outside city limits - commercial: Acceptance at discretion of Mayor and

Council

AN ORDINANCE PROVIDING FOR ANNEXING TO THE EXISTING CORPORATE LIMITS OF THE CITY OF ARNOLDSVILLE THE UNINCORPORATED AREA CONTIGUOUS TO THE EXISTING CORPORATE LIMITS, BEING THE LANDS OWNED BY THOMAS C. OWENSBY AND SHIRLEY S. OWENSBY, AS FULLY DESCRIBED HEREIN, AND FOR OTHER PURPOSES:

WHEREAS, Thomas C. Owensby and Shirley S. Owensby have submitted to the City of Arnoldsville, Georgia (hereinafter called the "City") their written and signed application to have the lands as therein fully and completely described annexed to the existing corporate limits of the city, and,

WHEREAS, the City has made its own investigation and study of the area for which application for annexation has been submitted, and,

WHEREAS, the area for which the application to annex has been submitted is contiguous to the present municipal boundary of the City within the definition thereof as contained in O. C. G. A. § 36-36-20, and,

WHEREAS, the annexation of said area to the corporate limits of the City of Arnoldsville is authorized by the provisions of O.C.G.A. § 36-36-21. (36-36-21 is authority by 100% of landowners)

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Arnoldsville, and it is hereby ordained by the authority of the same that the following described unincorporated area contiguous to the existing corporate limits of said City, being the lands of Thomas C. Owensby and Shirley S. Owensby, to-wit:

All that tract or parcel of land, situate, lying and being in the 226 District, G.M., of Oglethorpe County, Georgia on the northerly side of County Road 39, 3.46 acres, more or less, being more particularly described as that portion of TR.1 not already in the corporate limits of the City of Arnoldsville, Georgia and all of TR.2 ,being 1.69 acres, and being bounded now or formerly as follows: On the east by the land of Dwight Eberhardt, on the North by the lands of Timothy Brannon on the West by the lands of Nevin Hughes and on the South by the lands of T.C. Owensby and County Road 39. Said tract being more particularly shown and delineated on that certain plat of survey entitled "SURVEY FOR: T.C.. OWENSBY" dated February 27,2003, by James M. Paul, Registered Surveyor No. 1530, and recorded in Plat Book 19, page 256, in the Office of the Clerk of the Superior Court of Oglethorpe County, Georgia, which said plat and the recording thereof are incorporated herein by reference and being more particularly shown and delineated on that certain plat of survey entitled "SURVEY FOR: TC OWENSBY" dated February 27,2003 by James M. Paul, Registered Surveyor No. 1530, and recorded in Plat Book

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19, page 263, in the Office of the Clerk of the Superior Court of Oglethorpe County, Georgia, which said plat and the recording thereof are incorporated herein by reference and said land is hereby annexed to and made a part of the lands within the corporate limits of the City of Arnoldsville, Georgia.

BE IT FURTHER ORDAINED by the authority aforesaid, and it is hereby ordained by authority of the same, that a copy of the plat of a survey prepared by James M. Paul (surveyor), be filed with the Clerk of the City as a part of this ordinance of annexation.

BE IT FURTHER ORDAINED by the authority aforesaid and it is hereby ordained by authority of the same, that the Clerk of the City furnish to the governing body of Oglethorpe County and to the director of the Community Affairs Division of the Secretary of State of Georgia a certified copy of this ordinance, including the aforesaid plat of survey, all as provided by O.C.G.A. §§ 36-36-3, a copy to the county governing authority of Oglethorpe County, Georgia and the Department of Community Affairs pursuant to the authority of O.C.G.A. § 36-36-21 (annexation upon application of all landowners.)

BE IT FURTHER ORDAINED by the authority aforesaid and it is hereby ordained by authority of the same, that any and all ordinance, or parts of ordinances, in conflict with this ordinance this day passed shall be and are hereby repealed, and this ordinance shall be of full force and effect from and after its adoption.

**AN ORDINANCE TO AMEND THE ORDINANCES OF THE CITY OF
ARNOLDSVILLE, GEORGIA TO ESTABLISH A COMPENSATION SCHEDULE FOR
THE MAYOR AND CITY COUNCIL**

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article **I**, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), the mayor and members of the City Council shall be compensated as follows:

- a) Mayor: \$50.00 per month
- b) City Council Members: \$25.00 per month.

ADOPTED, at a regular meeting by a majority of the City Council of Arnoldsville, Georgia held on the 21st day of October, 2003.

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF
ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE ESTABLISHMENT OF A
SPECIAL SERVICE DISTRICT FOR THE EXTENSION OF THE CITY OF
ARNOLDSVILLE WATER SYSTEM AND TO SET WATER USAGE RATES FOR SAID
SYSTEM**

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia Water Ordinance, effective as of August 20, 2002 and as amended, is hereby amended as follows:

The City of Arnoldsville, hereby designates as a SPECIAL SERVICE DISTRICT for an extension of the City of Arnoldsville Water System the following area: beginning at the north western limits of the City of Arnoldsville water system on the Winterville-Arnoldsville Road and running in a northerly direction along said road to the Hargrove Lake Road; then running along said Hargrove Lake road in an easternly direction to the Myers Farm Road; then running in a southernly direction along said road to the current limit of the City of Arnoldsville Water System at the intersection of said Myer Farm Road and Owensby Mill Road.

SECTION 2. The Code of the City of Arnoldsville, Georgia Water Ordinance, effective as of August 20, 2002 is hereby amended as follows:

12. Water Rate Scale.

The rate charged for water usage in the SPECIAL SERVICE DISTRICT, shall be as follows:

Outside City limits-residential:

0-3,000 gallons \$ 30.00 (minimum charge), plus \$ 4.00 for each additional 1,000 gallons or part thereof, per month.

SECTION 3. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE WATER ORDINANCE OF THE CITY OF ARNOLDSVILLE, GEORGIA, ENTITLED "CITY OF ARNOLDSVILLE WATER ORDINANCE EFFECTIVE JANUARY 1, 1994" AS AMENDED ,WITH RESPECT TO THE MAILING OF WATER BILLS, PENALTIES FOR LATE PAYMENT AND FEES FOR TERMINATING AND RESUMING WATER SERVICE

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The water ordinance of the City of Arnoldsville, Georgia as previously amended and in effect as of June 15, 2004 , specifically paragraph 6 of said Ordinance as amended on July 11, 1994, and as further amended is hereby amended as follows:

6. NON-PAYMENT

All bills for water service will be mailed by the first business day of each month.

Payment for water service is due upon receipt of the water bill.

Any payment for water service made after the 20th day of each month must include a 10 percent late fee.

If payment for water service is not received by the 5th day of the following month, water service will be terminated and the meter pulled.

A service and reconnecting fee of \$25.00 plus late fees and the water bill must be paid in full before water service is restored for the first termination of service.

A service fee of \$50.00 plus late fees and the water bill must be paid in full before water service is restored for the second termination of service.

A service and reconnecting fee of \$100.00 plus late fees and the water bill must be paid in full before water service is restored for the third and subsequent terminations of service.

SECTION 2. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE WATER ORDINANCE OF THE CITY OF ARNOLDSVILLE, GEORGIA, ENTITLED "CITY OF ARNOLDSVILLE WATER ORDINANCE EFFECTIVE JANUARY 1, 1994" AS AMENDED, WITH RESPECT TO THE CHARGES AND/OR FEES FOR CONNECTING TO THE CITY OF ARNOLDSVILLE WATER SYSTEM.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga, Laws 1969, p. 3248), the water ordinance of the City of Arnoldsville, Georgia as previously amended and in effect as of June 15, 2004, specifically paragraph 3 of said Ordinance as amended on July 11, 1994, is hereby amended as follows:

3. TAP-ON/CONNECTION FEE

The tap-on/connection fee for tap-on/connections of water pipes one inch in diameter or greater shall be the actual cost of the tap-on/connection plus 10 per cent of the total cost.

SECTION 2. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THAT WATER ORDINANCE OF THE CITY OF ARNOLDSVILLE, GEORGIA, ENTITLED "CITY OF ARNOLDSVILLE WATER ORDINANCE EFFECTIVE JANUARY 1, 1994" AS AMENDED, WITH RESPECT TO THE COST AND INSTALLATION OF AND TYPE OF WATER METERS.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The water ordinance of the City of Arnoldsville, Georgia as previously amended and in effect as of June 15, 2004, specifically paragraph 1 of said Ordinance as amended on July 11, 1994, is hereby amended as follows:

1. METERS

Each individual resident dwelling, commercial building or business must have its own meter. (Mayor and Council shall be empowered to determine what constitutes a resident dwelling, commercial building, and business.)

Following the effective date of this ordinance, the brand and/or type of all newly installed meters shall be designated by the city water superintendent including the Radio-Read water meter or its equivalent at his discretion.

Following the effective date of this ordinance, all newly installed water meters shall be paid for by the individual homeowner, business owner, contractor, developer, et. al. Who request the installation of said meter at an amount to be determined by the Mayor and City Council.

Mobile Home parks are to have one meter for each section of the Park. (Mayor and Council shall be empowered to determine what constitutes a Mobile Home Park and the number of sections which make up the Park.)

SECTION 2. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE ADOPTION OF THE ZONING ORDINANCES OF OGLETHORPE COUNTY, GEORGIA AS THE CITY OF ARNOLDSVILLE'S ZONING REGULATIONS; FOR ENFORCEMENT OF SAID ORDINANCES AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia, is hereby amended as follows:

The Zoning Regulations of the County of Oglethorpe, State of Georgia, (attached hereto as Attachment A and incorporated by reference) are hereby adopted as the zoning regulations of the City of Arnoldsville, Georgia.

The City Council of the City of Arnoldsville, Georgia shall, in their discretion and in the normal course of business, enforce said zoning ordinances through contracts with qualified independent inspectors, contracts with other local government inspectors or entities, and/or with city employee inspectors.

All areas within the City of Arnoldsville city limits shall retain their current zoning classification districts unless and until such districts are changed through proper procedures.

SECTION 2. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, AS AMENDED ,WITH RESPECT TO THE ESTABLISHMENT OF THE REGULAR MEETING DATE AND TIME OF THE MAYOR AND COUNCIL TO ALLOW THE MAYOR TO CHANGE THE MONTHLY MEETING DATE FOR AN EMERGENCY OR OTHER PROVIDENTIAL CAUSE; AND FOR OTHER PURPOSES

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article II, Section 2.04 of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248 *et. seq.*), the ordinance relating to regular monthly meetings of the City of Arnoldsville, Georgia as previously amended, is hereby amended as follows:

SECTION 1. CHANGE OF REGULAR MONTHLY MEETING DATE

The Mayor of the City of Arnoldsville shall have the discretion to change the regular monthly meeting date and time of said meeting at his discretion in the case of emergency or other providential cause to another date and time within the same month.

A notice of the cancellation of said meeting date and the date of the new monthly meeting shall be posted in a conspicuous place at the City of Arnoldsville City Hall as soon as possible following the Mayor's decision to change the meeting date.

A majority of the City Council must ratify the Mayor's decision at the changed meeting date before any City business may be conducted.

SECTION 2. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE WATER SYSTEM CONNECTION FEE(S) FOR THE SPECIAL SERVICE DISTRICT OF THE CITY OF ARNOLDSVILLE WATER SYSTEM.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia Water Ordinance, effective as of August 20, 2002 and as amended, is hereby amended as follows:

The City of Arnoldsville, previously by ordinance, established a SPECIAL SERVICE DISTRICT for the City of Arnoldsville Water System for the following area: beginning at the north western limits of the City of Arnoldsville water system within the current city limits of the City of Arnoldsville on the Winterville-Arnoldsville Road and running in a northerly direction along said road to the Hargrove Lake Road; then running along said Hargrove Lake road in an easternly direction to the Meyer Farm Road; then running in a southernly direction along said road to the City of Arnoldsville Water System at the intersection of said Meyer Farm Road and Owensby Mill Road.

SECTION 2. The Code of the City of Arnoldsville, Georgia Water Ordinance, effective as of August 20, 2002, as amended, is hereby amended as follows:

3. Tap-on to Water Main

Prior to the tap-on to the water main line, a charge of \$750.00 shall be paid. This is subject to change, based on the economy. An unauthorized tap-on will be subject to a fine of \$500.00. Tap-on fees outside the City Limits will be \$1000.00. **The tap-on fee for the Special Service District shall be \$5,000.00 unless higher fees apply for larger tap lines or other higher cost services.**

SECTION 3. The City Council may modify the tap-on fee upon application and a showing of hardship.

SECTION 4. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, TO ALLEVIATE THE POTENTIAL HEALTH HAZARDS AS TO THE KEEPING OF DOMESTIC ANIMALS AND TO PROVIDE A MORE HEALTHY AND SAFE ATMOSPHERE FOR THE CITIZENS OF THE CITY OF ARNOLDSVILLE THROUGH THE CONTROL OF DOMESTIC ANIMALS AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraphs (I), (k), (o) et. al. of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia, is hereby amended as follows:

SECTION 2. PURPOSE.

It is the purpose of this amendment to alleviate the potential for health hazards as they relate to the keeping and control of domestic animals and to provide a more healthy atmosphere in which the citizens of the City may enjoy their prospective pursuits and rights in their individual and public properties.

SECTION 3. DEFINITIONS.

Animal means any description of any vertebrate, excluding *homo sapiens*.

At large means any animal is at large when it is not under control as provided in this ordinance;

Dangerous dog control law is as contained in O.C.G.A. § 4-8-20, et. seq.

Dog means any member of the canine genus.

Livestock means any animal that has hooves.

Nuisance means an animal that shall be considered a nuisance if it:

- 1) Damages, soils or defecates on private property (other than the property of the owner of the animal) or public property and/or recreational area(s);
- 2) causes unsanitary dangerous or offensive conditions;
- 3) causes a disturbance by excessive barking or other noise making;

- 4) molests, attacks or interferes with persons or public or private property, unless the animal is a guard dog performing its duties while on its owner's property;
- 5) chases vehicles or attacks other animals.

Owner means any natural person or any legal entity possessing, harboring, keeping or having custody of an animal. An animal shall be deemed to be harbored if it is fed and/or sheltered for three or more consecutive days.

Under control means any animal shall be considered under control if it is confined by fence, pen, cage or secure enclosure to the premises of its owner or is secured by a leash, chain, or lead of sufficient strength to prevent it from escaping the premises of its owner. All such confinement or restraint shall be in a humane manner with sufficient food and water available to said confined animals.

SECTION 4. ANIMALS CREATING NUISANCES.

It shall be unlawful for any person to keep or harbor any dog which habitually barks, howls, yelps, whines, any cat which habitually cries or howls; and any animal which habitually makes noise which would offend a person of ordinary sensibilities to the great discomfort of the peace and quiet of any neighborhood, or in such manner as to materially disturb or annoy any persons of the neighborhood who are of ordinary sensibilities.

An animal shall be declared a nuisance if said animal:

- 1) Damages, soils or defecates on private property (other than the property of the owner of the animal) or public property and or recreational area(s);
- 2) causes unsanitary dangerous or offensive conditions;
- 3) causes a disturbance by excessive barking or other noise making;
- 4) molests, attacks or interferes with persons or public or private property, unless the animal is a guard dog performing its duties while on its owners property;
- 5) chases vehicles or attacks other animals.

Whenever a written complaint is received that an animal habitually barks, howls yelps, cries or makes any noise which offends a person of ordinary sensibilities is being kept by any person in the City, or that any animal is a nuisance, the owner or custodian of the animal shall be notified in writing by a representative of the City of Arnoldsville that a complaint has been received and the owner or custodian shall take whatever steps necessary to alleviate the noise and/or nuisance within 15 days of said notice. Upon a second or subsequent complaint following said warning, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense.

SECTION 5. RUNNING AT LARGE PROHIBITED

a) It shall be unlawful for the owner or custodian of any dog or animal located or present within the city limits to fail to keep their dog or other animals at all times either:

- 1) Confined on the property of such owner or custodian;
- 2) On a leash in the custody of a responsible person;
- 3) In an automobile and in the custody of a person competent by law to drive such automobile;
- 4) Tied or secured while riding in the back of a truck;
- 5) Is at heel and is besides a competent person and obedient to that person's commands.

b) The owner or custodian of any dog or other animal so running at large shall first be notified in writing by a representative of the City of Arnoldsville that a written complaint has been received and the owner or custodian shall take whatever steps necessary to properly control and/or confine their animal within 15 days of said notice. Upon a second or subsequent complaint following said warning, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense.

SECTION 6. DANGEROUS DOGS

The provisions of the State of Georgia's dangerous dog control law as set forth in O.C.G.A. § 4-8-20 et. seq. Are adopted by reference for the purpose of controlling dangerous dogs in the City.

SECTION 7. EFFECTIVE DATE

The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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ADDENDUM

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO ESTABLISHMENT OF THE REGULAR MEETING DATE AND TIME OF THE MAYOR AND COUNCIL; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article II, Section 2.04 of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248 at 3255) and as amended, The Code of the City of Arnoldsville, Georgia, is hereby amended by adding the following:

“The regular, monthly public meeting of the Mayor and Council of the City of Arnoldsville shall be 7:00 P.M. on the **third Thursday** of each month.”

SECTION 2. The effective date of this ordinance shall be **immediate upon passage** 2015.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, WITH RESPECT TO THE WATER SYSTEM CONNECTION FEE(S) FOR THE SPECIAL SPECIAL SERVICE DISTRICT OF THE CITY OF ARNOLDSVILLE WATER SYSTEM.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraph (m) of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia Water Ordinance, effective as of August 20, 2002 and as amended, is hereby amended as follows:

The City of Arnoldsville, previously by ordinance, established a SPECIAL SERVICE DISTRICT for the City of Arnoldsville Water System for the following area: beginning at the north western limits of the City of Arnoldsville water system within the current city limits of the City of Arnoldsville on the Winterville-Arnoldsville Road and running in a northerly direction along said road to the Hargrove Lake Road; then running along said Hargrove Lake road in an easternly direction to the Meyer Farm Road; then running in a southerly direction along said road to the City of Arnoldsville Water System at the intersection of said Meyer Farm Road and Owensby Mill Road.

SECTION 2. The Code of the City of Arnoldsville, Georgia Water Ordinance, effective

as of August 20, 2002, as amended, is hereby amended as follows:

3. **Tap-on to Water Main**

Prior to the tap-on to the water main line, a charge of \$750.00 shall be paid. This is subject to change, based on the economy. An unauthorized tap-on will be subject to a fine of \$500.00. Tap-on fees outside the City Limits will be \$1000.00. **The tap-on fee for the Special Service District shall be \$5,000.00 unless higher fees apply for larger tap lines or other higher cost services.**

SECTION 3. The City Council may modify the tap-on fee upon application and a showing of hardship.

SECTION 4. The effective date of this ordinance shall be immediate upon the final passage hereof.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, TO ALLEVIATE THE POTENTIAL HEALTH HAZARDS AS TO THE KEEPING OF DOMESTIC ANIMALS AND TO PROVIDE A MORE HEALTHY AND SAFE ATMOSPHERE FOR THE CITIZENS OF THE CITY OF ARNOLDSVILLE THROUGH THE CONTROL OF DOMESTIC ANIMALS AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraphs (I), (k), (o) et. al. of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia, ANIMAL CONTROL ORDINANCE, is hereby amended as follows:

SECTION 4. ANIMALS CREATING NUISANCES.

It shall be unlawful for any person to keep or harbor any dog which habitually barks, howls, yelps, whines, any cat which habitually cries or howls; and any animal which habitually makes noise which would offend a person of ordinary sensibilities to the great discomfort of the peace and quiet of any neighborhood, or in such manner as to materially disturb or annoy any persons of the neighborhood who are of ordinary sensibilities.

An animal shall be declared a nuisance if said animal:

- 1) Damages, soils or defecates on private property (other than the property of the owner of the animal) or public property and or recreational area(s);
- 2) causes unsanitary dangerous or offensive conditions;
- 3) causes a disturbance by excessive barking or other noise making;
- 4) molests, attacks or interferes with persons or public or private property, unless the animal is a guard dog performing its duties while on its owner's property;
- 5) chases vehicles or attacks other animals.

Whenever a written complaint is received that an animal which habitually barks, howls yelps, cries or makes any noise which offends a person of ordinary sensibilities is being kept by any person in the City, or that any animal is a nuisance as defined in sub-paragraphs (1), (2), and (3) *supra*, the owner or custodian of the animal shall be notified in writing by a representative of the City of Arnoldsville that a complaint has been received and the owner or custodian shall take whatever steps necessary to alleviate the noise and/or nuisance. Upon a second or subsequent complaint within 12 months of said notice, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense within a 12 month period from said notice.

Whenever a written complaint is received that an animal habitually barks, howls yelps, cries or makes any noise which offends a person of ordinary sensibilities is being kept by any person in the City, or that any animal is a nuisance as defined in sub-paragraphs (4) and (3) *supra*, the owner or custodian of the animal shall be notified in writing by a representative of the City of Arnoldsville that a complaint has been received and the owner or custodian shall take whatever steps necessary to alleviate the afore described activities. Upon a second or subsequent complaint, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense.

SECTION 5. RUNNING AT LARGE PROHIBITED

In addition and in conjunction with other activities delineated in this Code Section

a) It shall be unlawful for the owner or custodian of any dog or animal located or present within the city limits to fail to keep their dog or other animals at all times either:

- 1) Confined on the property of such owner or custodian;
- 2) On a leash in the custody of a responsible person;
- 3) In an automobile and in the custody of a person competent by law to drive such automobile;
- 4) Tied or secured while riding in the back of a truck;
- 5) Is at heel and is besides a competent person and obedient to that person's commands.

b) The owner or custodian of any dog or other animal so running at large shall first be notified in writing by a representative of the City of Arnoldsville that a written complaint has been received and the owner or custodian shall take whatever steps necessary to properly control and/or confine their animal. Upon a second or subsequent complaint within 12 months of said notice, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense within a 12 month period.

SECTION 2. EFFECTIVE DATE

The effective date of this amendment to the ANIMAL CONTROL ORDINANCE shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ARNOLDSVILLE, GEORGIA, TO ALLEVIATE THE POTENTIAL HEALTH HAZARDS AS TO THE KEEPING OF DOMESTIC ANIMALS AND TO PROVIDE A MORE HEALTHY AND SAFE ATMOSPHERE FOR THE CITIZENS OF THE CITY OF ARNOLDSVILLE THROUGH THE CONTROL OF DOMESTIC ANIMALS AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Arnoldsville, Georgia hereby ordains as follows:

SECTION 1. Pursuant to the authority granted in Article I, Section 1.03, Paragraphs (I), (k), (o) et. al. of the charter of the City of Arnoldsville, (Ga. Laws 1969, p. 3248), The Code of the City of Arnoldsville, Georgia, ANIMAL CONTROL ORDINANCE, is hereby amended as follows:

SECTION 4. ANIMALS CREATING NUISANCES.

It shall be unlawful for any person to keep or harbor any dog which habitually barks, howls, yelps, whines, any cat which habitually cries or howls; and any animal which habitually makes noise which would offend a person of ordinary sensibilities to the great discomfort of the peace and quiet of any neighborhood, or in such manner as to materially disturb or annoy any persons of the neighborhood who are of ordinary sensibilities.

An animal shall be declared a nuisance if said animal:

- 1) Damages, soils or defecates on private property (other than the property of the owner of the animal) or public property and or recreational area(s);
- 2) causes unsanitary dangerous or offensive conditions;
- 3) causes a disturbance by excessive barking or other noise making;
- 4) molests, attacks or interferes with persons or public or private property, unless the animal is a guard dog performing its duties while on its owner's property;
- 5) chases vehicles or attacks other animals.

Whenever a written complaint is received that an animal which habitually barks, howls yelps, cries or makes any noise which offends a person of ordinary sensibilities is being kept by any person in the City, or that any animal is a nuisance as defined in sub-paragraphs (1), (2), and (3) *supra*, the owner or custodian of the animal shall be notified in writing by a representative of the City of Arnoldsville that a complaint has been received and the owner or custodian shall take whatever steps necessary to alleviate the noise and/or nuisance. Upon a second or subsequent complaint within 12 months of said notice, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense within a 12 month period from said notice.

Whenever a written complaint is received that an animal habitually barks, howls yelps, cries or makes any noise which offends a person of ordinary sensibilities is being kept by any person in the City, or that any animal is a nuisance as defined in sub-paragraphs (4) and (3) *supra*, the owner or custodian of the animal shall be notified in writing by a representative of the City of Arnoldsville that a complaint has been received and the owner or custodian shall take whatever steps necessary to alleviate the afore described activities. Upon a second or subsequent complaint, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense.

SECTION 5. RUNNING AT LARGE PROHIBITED

In addition and in conjunction with other activities delineated in this Code Section

a) It shall be unlawful for the owner or custodian of any dog or animal located or present within the city limits to fail to keep their dog or other animals at all times either:

- 1) Confined on the property of such owner or custodian;
- 2) On a leash in the custody of a responsible person;
- 3) In an automobile and in the custody of a person competent by law to drive such automobile;
- 4) Tied or secured while riding in the back of a truck;
- 5) Is at heel and is besides a competent person and obedient to that person's commands.

b) The owner or custodian of any dog or other animal so running at large shall first be notified in writing by a representative of the City of Arnoldsville that a written complaint has been received and the owner or custodian shall take whatever steps necessary to properly control and/or confine their animal. Upon a second or subsequent complaint within 12 months of said notice, said matter shall be a violation of law and shall be punished by a fine of \$300.00 for the first offense and \$500.00 for each subsequent offense within a 12 month period.

SECTION 2. EFFECTIVE DATE

The effective date of this amendment to the ANIMAL CONTROL ORDINANCE shall be immediate upon the final passage hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**AN ORDINANCE TO AMEND THE WATER ORDINANCE OF THE CITY OF
ARNOLDSVILLE, GEORGIA, ENTITLED "CITY OF ARNOLDSVILLE WATER
ORDINANCE EFFECTIVE JANUARY 1, 1994", AS AMENDED**

Request for water service from the Arnoldsville Water Department must be made by application for the purpose of establishing customer's name, mailing address, placement of meter, and type use for rate classification.

1. **Meters.**

Each individual resident dwelling, commercial building or business must have its own meter. (Mayor and council shall be empowered to determine what constitutes a resident dwelling, commercial building, and business.)

Mobile Home Parks are to have one meter for each section of the park. (Mayor and Council shall be empowered to determine what constitutes a Mobile Home Park and the number of sections which make up the Park.)

2. **Ownership and Maintenance.**

The City of Arnoldsville shall own, place, replace, and maintain all parts of the water system from the water source, through the water main, up to the meter and the meter. The customer shall own and maintain that part from the meter on.

3. **Tap-on to Water Main**

Prior to tap-on to the water main a charge of \$750.00 shall be paid. This is subject to change, based on the economy. An unauthorized tap-on will be subject to a fine of \$500.00. Tap-on fees outside the City Limits will be \$1000.00. *A fee to be determined by the City Council, but no less than \$350.00 will be charged if a bore is required to connect to the City Water System.*

4. **Start New Account on Existing Meter.**

Each new water customer shall pay a \$100.00 start-up fee when application is submitted for service.

5. **Water Rates.**

A. Water rates may be adjusted by the Mayor and Council as they may deem fit and necessary in order for the water system to be self-supporting for immediate cash flow and anticipated infrastructure maintenance.

Commercial usage shall be dealt with on an individual basis by Mayor and Council. Mobile Home Parks are classified as commercial.

6. **Non-payment.**

Payment made after due date must include a 10% late fee.

If payment for water bill is not received within 30 days of due date, a written warning will be issued to person responsible for bill. If payment is not received within 60 days of due date, the meter will be pulled. To receive service again, the water bill must be paid in full plus the start-up fee of \$50.00. A \$100.00 reconnection fee will be charged for a second and/or subsequent reconnection for non-payment of water bill(s).

7. **Re-connection.**

A start-up fee of \$50.00 will be charged for re-connection for any reason.

8. **Notice to Discontinue.**

It is the responsibility of property owner, as well as the water customer, to notify City five days prior to discontinuing service.

9. **Conservation.**

It is the duty of each person to use water as the precious resource that it is by immediately repairing leaky plumbing on their premises and report any leaks or other waste of water from city mains.

10. **Water Shortage or Scarcity:**

1. In any case of a water shortage or scarcity, the Mayor and Council may restrict the use of water.

2. A violation of any established restriction of water will result in a written warning; if said violation continues, a verbal warning by Mayor and a Council person or a law enforcement officer; if still continued, the meter will be removed, and a start-up fee will be charged to reconnect.

11. **Water Rate Scale.**

1. Inside city limits - residential:

0-3,000 gallons, \$18.00 (minimum charge), plus \$3.00 for each additional 1,000 gallons or part thereof for 3,000 to 5,999 gallons plus \$4.00 for each additional 1,000 gallons, or part thereof over 6,000 gallons, per month.

2. Inside city limits - commercial:

0-3,000 gallons, \$18.00 (minimum charge), plus \$3.00 for each additional 1,000 gallons for 3,000 to 5,999 gallon or part thereof, plus \$4.00 for each additional 1,000 gallons, or part thereof over 6,000 gallons, per month.

3. Outside city limits - residential:

0-3,000 gallons \$33.00 (minimum charge), plus \$4.50 for each additional 1,000 gallons for 3,000 to 5,999 gallons, or part thereof, plus an additional \$5.00 for each additional 1,000 gallons or part thereof, over 6,000 gallons per month.

4. Outside city limits - commercial:

Acceptance at discretion of Mayor and Council. Rates will be determined by Mayor and City Council when an "outside city limits-commercial" account is accepted.