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Thomasville Municipal Code
Last updated 3-28-2019

Chapter 5

BUILDING, CONSTRUCTION AND RELATED ACTIVITIES*

Sections:

5-0A	ARTICLE I. IN GENERAL
5-1	Fire district established.
5-2	Definitions.
5-3	House numbers--Plan specified.
5-4	Same--Duty to affix or inscribe.
5-5	Same--Buildings with no numbers or incorrect numbers; notice to correct.
5-6	Same--Application for assignment of correct number.
5-7	Same--Failure to comply after notification.
5-8	Same--Removal, injury or defacing prohibited.
5-9	Penalties.
5-10	Junkyards; screening; penalty.
5-11	Iceboxes and refrigerators; safety precautions.
5-12	Life Safety Code adopted; Fire Code Adopted
5-13	International Property Maintenance Code
5-14	International Existing Building Code Adopted.
5-15	5-15 – 5-30. Reserved.
5-30A	ARTICLE II. BUILDING CODE
5-31	Adopted.
5-32	Schedule of permit fees.
5-33	Certificate of occupancy required for mobile home; fee.
5-34	5-34--5-50. Reserved.
5-50A	ARTICLE III. BUILDING CONTRACTORS EXAMINING BOARD
5-51	Created.
5-52	Definitions.
5-53	Meetings.
5-54	Powers and duties.
5-55	Exemptions from provisions of this article.
5-56	Exemption from examination.
5-57	Reserved.
5-58	Renewal of certificate of qualification resulting from reclassification of contractors.
5-59	Reciprocity with other jurisdictions.
5-60	Procedure in applying for contractor's license.
5-61	Qualifying of applicants.
5-62	Violations.
5-63	Grounds for suspending or revoking contractor's license.
5-64	Penalties.
5-65	Appeals.
5-66	5-66--5-80. Reserved.
5-80A	ARTICLE IV. ELECTRICAL CODE
5-81	Adopted.
5-82	5-82, 5-83. Reserved.

Thomasville Municipal Code
Last updated 3-28-2019

5-84	Work and wiring--Rules and regulations; definitions.
5-85	Same--Direction of chief building official.
5-86	Same--Persons to perform.
5-87	Examination and license required.
5-88	Supervision of helper or apprentice electrician.
5-89	Licenses.
5-90	Electricians' violations.
5-91	Permits--Required.
5-92	Same--Persons to whom issued.
5-93	Same--Signature of inspector prerequisite to issuance.
5-94	Same--Applications, issuance, permission for deviation.
5-95	Inspection fees--Charged and collected.
5-96	Same--Payment prerequisite to issuance of permit.
5-97	Inspection--Notice; certificate of satisfactory inspection.
5-98	Same--Prior to concealing equipment or wiring.
5-99	Defective work and failure to complete job.
5-100	5-100--5-105. Reserved.
5-105A	ARTICLE V. GAS CODE
5-106	Adopted.
5-107	Amendments, modifications and deletions.
5-108	Gasfitting work--Rules and regulations; definitions.
5-109	Same--Persons permitted to do work.
5-110	Same--Application, nature and character.
5-111	Examination, license required.
5-112	Supervision of a journeyman gasfitter.
5-113	Licenses, certificates, expiration date, prerequisite to doing work.
5-114	Master gasfitter's license suspension, revocation.
5-115	Revocation of license for failure to correct defective work.
5-116	Reserved.
5-117	Examination; certificate of competency.
5-118	Permits--Persons to whom issued.
5-119	Same--Required; plans.
5-120	Inspection of installations and piping.
5-121	Inspector--Designated.
5-122	Same--Interference prohibited.
5-123	Connection; certificate of inspection.
5-124	Fee disposition.
5-125	Schedule of permit fees.
5-126	5-126--5-130. Reserved.
5-130A	ARTICLE VI. HOUSING CODE
5-131	Adopted.
5-132	5-132, 5-133. Reserved.
5-134	5-134--5-150. Reserved.
5-150A	ARTICLE VII. KILNS
5-151	Intent.
5-152	Installation of kilns within buildings.
5-153	Installation of kilns not listed by an approved testing laboratory.
5-154	Permitted heating sources for kilns.
5-155	5-155--5-170. Reserved.

Thomasville Municipal Code
Last updated 3-28-2019

5-170A	ARTICLE VIII. MECHANICAL CODE
5-170D	DIVISION 1. GENERALLY
5-171	Adopted.
5-172	Amendments, modifications and deletions.
5-173	5-173--5-190. Reserved.
5-190D	DIVISION 2. REGULATION OF INSTALLATIONS
5-191	Definition.
5-192	Regulations adopted; compliance required.
5-193	Chief building official to direct work; appeals.
5-194	Examination, license required.
5-195	Expiration of license; prerequisite to obtaining license.
5-196	Supervision of helper.
5-197	Mechanical contractors' violations; show cause hearing; suspension; appeal.
5-198	Permits.
5-199	Schedule of permit fees.
5-200	5-200--5-215. Reserved.
5-215A	ARTICLE IX. PLUMBING CODE
5-215D	DIVISION 1. GENERALLY
5-216	Adopted.
5-217	Amendments, modifications and deletions.
5-218	5-218--5-235. Reserved.
5-235D	DIVISION 2. REGULATION OF INSTALLATIONS
5-236	Definitions.
5-237	Regulations adopted; compliance required.
5-238	Chief building official to direct work; appeals.
5-239	Homeowner may plumb own residence; permit required.
5-240	Examination, license required.
5-241	Supervision of a helper or journeyman plumber.
5-242	Expiration of license; prerequisite to obtaining license.
5-243	Plumbers' violations; show cause hearing; suspension; appeal.
5-244	Permits.
5-245	Permit fees.
5-246	Private sewage disposal.
5-247	5-247--5-260. Reserved.
5-260A	ARTICLE X. SWIMMING POOLS*
5-261	Definitions.
5-262	Compliance required.
5-263	Permits.
5-264	Location.
5-265	General requirements.
5-266	Operation and maintenance.
5-267	Landscaping requirements.
5-268	Required number of parking spaces.
5-269	Zoning.
5-270	Lighting.
5-271	Penalty.
5-272	5-272--5-285. Reserved.
5-285A	ARTICLE XI. UNFIT BUILDINGS OR STRUCTURES
5-286	Findings; policy.

Thomasville Municipal Code
Last updated 3-28-2019

5-287	Definitions.
5-288	Procedures relating to repair or demolition of unfit buildings.
5-289	Powers of city manager in regard to unfit buildings or structures.
5-290	Service of complaints or orders upon parties in interest and owners of unfit buildings or structures.
5-291	Application to other private property.
5-292	Injunctions against order to repair, close, or demolish unfit buildings or structures.
5-293	Taking of unfit buildings or structures by eminent domain; police power.
5-294	5-294--5-310. Reserved.
5-310A	ARTICLE XII. STORMWATER MANAGEMENT
5-311	Short title.
5-312	Intent.
5-313	Definitions.
5-314	Jurisdiction.
5-315	Activities requiring permit.
5-316	General requirements.
5-317	Design standards.
5-318	Alternate procedures.
5-319	Maintenance.
5-320	Enforcement.
5-321	Penalties.
5-322	Variance procedure.
5-323	Conflict with other ordinances and laws.
5-324	Emergency exemption.
5-325	Bond to guarantee compliance.
5-326	Vested rights.
5-327	5-327--5-350. Reserved.
5-350	ARTICLE XIII. SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL
5-351	Definitions.
5-352	Exceptions
5-353	Minimum requirements for erosion sedimentation control and pollution control using best management practices.
5-354	Application/Permit process
5-355	Application requirements.
5-356	Plan requirements.
5-357	Permits.
5-358	Inspection and enforcement.
5-359	Penalties and incentives.
5-360	Education and Certification
5-361	Administrative appeal, judicial review.
5-362	Validity and Liability.
5-379--5-400.	Reserved.
5-400A	ARTICLE XIV. ENERGY CODE
5-401	Adopted.
5-402	5-402--5-450. Reserved.
5-450A	ARTICLE XV. WATER CONSERVATION RESTRICTIONS
5-451	Definitions.
5-452	Residential restrictions.

Thomasville Municipal Code
Last updated 3-28-2019

5-453	Commercial Restriction.
5-454	Existing building restrictions.
5-455	Exemptions.
5-456	Enforcement; penalty.
5-456d	Division I. In General
5-499A	ARTICLE XVI. SIGN REGULATIONS
5-500	Findings.
5-501	Purpose and Intent.
5-502	Compliance with Standard Requirements.
5-503	Definitions.
5-504	Permit Required; Procedures.
5-505	Signs Exempt from Permit Requirements.
5-506	Prohibited Signs.
5-507	Interference with Traffic Safety Prohibited.
5-508	Prohibited Attachments.
5-509	Illumination.
5-510	False Advertising on Sign; Nuisances.
5-511	Public Liability Insurance; Business Occupation Tax and Contractors Licenses Required.
5-512	Standards for Billboards.
5-513	Nonconforming Signs.
5-514	Maintenance, Appearance and Inspection of Signs.
5-515	Removal Procedures.
5-516	Labels Required on Signs.
5-517	Variances.
5-518	Remedies.
5-519	Standards for Signs Erected on Single-Family Residential Lots.
5-520	Standards for Freestanding Signs.
5-521	Standards for Marquee Signs.
5-522	Standards for Swinging/Projecting Wall Signs.
5-523	Standards for Wall Signs.
5-524	Banners.
5-525	Conflicting Provisions.
5-526	Severability.
5-527	5-527 through 5-545 Reserved.
5-546a	ARTICLE XVII 'WETLANDS PROTECTION
5-546d	DIVISION I. IN GENERAL
5-547	Findings of Fact
5-548	Definitions
5-549	Amendments
5-549d	DIVISION II. Wetland Protection District
5-550	Wetlands Protection District
5-551	Wetlands Protection District Boundaries
5-551a	DIVISION III. Local Development Permits
5-552	Requirements
5-553	Permissible Uses (Use as a Right)
5-554	Site Plans
5-555	Filing Fee.
5-556	Review Procedure.

Thomasville Municipal Code
Last updated 3-28-2019

5-556d	DIVISION IV. MONITORING AND ENFORCEMENT
5-557	Duration of Permit Validity.
5-558	Enforcement Authority.
5-559	Penalties.
5-560	Suspension or Revocation.

***Cross references**--Floodplain regulations, Ch. 8; historic preservation, Ch. 9; public safety, Ch. 12; subdivisions, Ch. 17; trees and landscaping, Ch. 20; zoning, Ch. 22.

State law references--Governing body may enact standards to determine safety of buildings, Ga. Const., art. 1, sec. 4, par. 1; authority of city or county to provide codes, including building, housing, plumbing, and electrical codes, Ga. Const., art. 9, sec. 2, par. 3(12); providing of fire escapes by building owners, O.C.G.A. § 8-2-50; The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.; The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority for municipalities to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

Section 5-0A ARTICLE I. IN GENERAL

Section 5-1 Fire district established.

The fire district of the city is hereby established as follows:

Begin at the intersection formed by the southwest corner of east Washington Street and North Crawford Street. Thence run along the south margin of East Washington Street to the southeast corner of West Washington Street and North Madison Street; thence along the east margin of Madison Street to the southeast corner of West Jefferson Street and North Madison Street; thence along the south margin of West Jefferson Street to the southeast corner of West Jefferson Street and North Stevens Street; thence along the east margin of North Stevens Street to the northeast corner of South Stevens Street and West Remington Avenue; thence along the north margin of West Remington Avenue to the northeast corner of West Remington Avenue and South Madison Street; thence along the east margin of south Madison Street to where the CSX railroad intersects with South Madison Street; thence on the northern margin of said railroad to where the railroad intersects with South Dawson Street; thence on the west side of Dawson Street to the southwest corner of South Dawson Street and Smith Avenue; thence along the south margin of Smith Avenue to the northwest corner of the intersection of South Crawford Street and Smith Avenue; thence north and northwest along the west margin of Crawford Street to the point and place of beginning.

(Ord. of 4-28-97(2), § I)

Section 5-2 Definitions.

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

Whenever the term "applicable governing body" is used in an adopted code, it shall be held to mean the city council of the city.

Whenever the term "department of law" is used in an adopted code, it shall be held to mean the attorney for the city.

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-3 House numbers--Plan specified.

The plan for numbering the houses in the city is as follows:

- (a) Even numbers shall be placed on the east side of all streets running north from Jackson Street and on the west side of all streets running south from Jackson Street.
 - (b) Odd numbers shall be placed on the west side of all streets running north from Jackson Street and on the east side of all streets running south from Jackson Street.
 - (c) Even numbers shall be placed on the south side of all streets running east from Broad Street and on the north side of all streets running west from Broad Street.
 - (d) Odd numbers shall be placed on the north side of all streets running east from Broad Street and on the south side of all streets running west from Broad Street.
 - (e) Not more than one hundred (100) numbers shall be used to the block and each block shall commence with the next succeeding hundred.
- (Code 1958, § 7-6)

Section 5-4 Same--Duty to affix or inscribe.

It shall be the duty of the owner, agent or occupant of any dwelling house or other building to affix or inscribe the proper numbers so as to be conspicuously placed immediately above, on, or at the side of the appropriate door so that the number is clearly visible from the street. In cases where the building is situated more than fifty feet from the street or road, the building number must also be placed on a yard marker near the walk, driveway, or common entrance to the dwelling house or building so as to be clearly visible from the street or road; or upon the mailbox adjacent to the property so as to be clearly visible from the street or road. Residential numbers must not be less than three (3) inches in height. Commercial or business numbers must not be less than four (4) inches in height. All numbers affixed or inscribed under the provisions of this section must be made of durable, clearly visible material and must contrast with the building or dwelling house, yard marker of mailbox to which they are affixed.

(Ord. of 4-28-97(1), § I Ord of 3-11-02)

Section 5-5 Same--Buildings with no numbers or incorrect numbers; notice to correct.

Whenever any dwelling house or building shall be without numbers or shall have incorrect numbers affixed or inscribed thereon, it shall be the duty of the E-911 Coordinator to serve on the owner, agent or occupant a written or printed notice notifying the owner, agent or occupant to affix or inscribe, within twenty one (21) days from the date of service of such notice, on the dwelling house or building owned by him or for which he may be the agent in any capacity or the occupant, the proper numbers as designated in the notice.

(Ord. of 4-28-97(1), § I; Ord. of 3-11-02)

Section 5-6 Same--Application for assignment of correct number.

The owners, agents or occupants of dwelling houses or buildings which are without numbers, or which are incorrectly numbered, may apply to the E-911 Coordinator for assignment of the correct number.

(Code 1958, § 7-9; Ord of 3-11-02)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-7 Same--Failure to comply after notification.

Where the owner, agent or occupant of any such dwelling, house or building shall neglect or refuse to affix or inscribe the proper numbers to the dwelling house or building after being duly notified as provided in this article, such owner, agent, or occupant shall be fined fifty dollars (\$50.00) per offense and the numbers ordered affixed or inscribed in so as to comply with section 5-4 of this Code.

Pursuant to the provisions of O.C.G.A. § 36-34-2(3), city employees designated in writing by the city manager shall be authorized to serve a summons to appear in municipal court upon any person who violates the provisions of section 5-4.

(Ord. of 4-28-97(1), § I)

Section 5-8 Same--Removal, injury or defacing prohibited.

It shall be unlawful for any person to take down, alter, injure or deface any street sign, or any number affixed or inscribed as provided in this article.

(Code 1958, § 7-11)

Section 5-9 Penalties.

(a) For the violation of this chapter, the person violating such chapter, or in the case of a corporation, its agents or employees, shall upon conviction therefor be punished as provided in section 1-6.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1958, § 7-12)

Section 5-10 Junkyards; screening; penalty.

(a) All junkyards, auto wrecking lots or similar usage shall be enclosed by a solid fence or screen which shall be erected and maintained in good condition around the entire premises and not less than six (6) feet in height. Such fence or screen shall be constructed of solid wood, concrete block, cultivated evergreen vegetation, or galvanized iron sufficiently thick to obstruct the view of the general public.

(b) Where such screen is constructed on a corner lot, it shall be set back at least twenty (20) feet from the property line at the intersection so as not to obstruct the view of traffic entering upon such intersection.

(c) This section shall require all operators to comply with the terms hereof on and after January 1, 1966, and the construction of such screen or fence shall be acceptable and approved by the building inspector before an occupancy or business license shall be issued. The screen shall be maintained in good repair at all times.

(d) Failure on the part of any operator of a junkyard or similar business usage to comply with this section shall be cause for recommendation that the license of such dealer be revoked or, as an alternative, the offender may be punished for a violation of section 1-6.

(Code 1958, § 16-15.2)

State law reference--Control of junkyards, O.C.G.A. § 32-6-240 et seq.

Section 5-11 Iceboxes and refrigerators; safety precautions.

(a) It shall be unlawful to own, maintain, harbor, keep, possess or permit on one's premises any icebox, refrigerator, ice chest, deep-freeze unit or cold-storage vault or chest, equipped with a device

Thomasville Municipal Code
Last updated 3-28-2019

which automatically locks it when the door is closed, unless such unit is actually being used indoors for the purpose for which it was intended.

(b) The provisions of this section shall not apply to the owning, maintaining, harboring, keeping, possessing or permitting on one's premises of the items listed in this section indoors for the purpose of resale in a regularly operated business establishment, or indoors in the regular storage area of a licensed warehouse, storage or transit establishment or facility.

(Code 1958, § 16-13)

State law reference--Abandonment of containers which lock or fasten automatically, O.C.G.A. § 16-11-100.

Section 5-12 Life Safety Code adopted; Fire Code adopted.

There is hereby adopted by the City of Thomasville for the purpose of establishing rules and prescribing regulations relative to life safety for fire and like emergencies, covering the construction, protection, and occupancy features to minimize danger to life from fire, smoke fumes, or panic before buildings are vacated, that certain code known as the NFPA 101 Life Safety Code, as published by the National Fire Protection Association, 2012 Edition, of which one (1) copy is filed in the office of the building inspection department, and such code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling for life safety in the construction or occupancy of all buildings and other structures therein contained within the corporate limits of the City.

There is hereby adopted by the City of Thomasville for the purpose of regulating and safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, that certain code known as the International Fire Code with Georgia State Amendments, as adopted by the State of Georgia, and such code is hereby adopted as fully as if set out at length herein. One (1) copy is filed in the office of the building inspections department, and is available for review by the general public upon request.

(Ord. of 5-27-96, § I; Ord. of 1-30-02; Ord. of 6-21-06; Ord of 7/23/08, Ord. of 5/21/2014)

Section 5-13 International Property Maintenance Code

There is hereby adopted by the City of Thomasville, for the purposes of establishing rules and regulations for the maintenance of existing buildings and structures within the City, with exceptions and modifications as set out below, the International Property Maintenance Code as adopted by the State of Georgia as revised and the whole thereof (hereinafter the "IPMC"). Further, the purpose of the adoption of the IPMC is to provide minimum standards in order to safeguard life and limb, health, property and public welfare by controlling the use, occupancy, and maintenance of all residential and non-residential buildings and structures located within the corporate limits of the City, and as set forth at Sections 101.2 and 101.3 of the IPMC. Except as set out below, the IPMC is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions shall be controlling with respect to minimum standards for the maintenance of existing buildings and structures within the corporate limits of the City. One (1) copy is filed in the office of the building inspections department, and is available for review by the general public upon request.

(Ord. of 10-16-06)

5-14 International Existing Building Code Adopted.

There is hereby adopted by the City of Thomasville, for the purposes of establishing rules and

Thomasville Municipal Code

Last updated 3-28-2019

regulations for existing buildings and structures within the City, with exceptions and modifications as set out below, the International Existing Building Code as permitted by the State of Georgia as revised and the whole thereof (hereinafter the "IEBC"). Further, the purpose of the adoption of the IEBC is to provide additional standards for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings within the corporate limits of the City, and as set forth at Section 101.2 and 101.3 of the IEBC. Except as set out below, the IEBC is hereby adopted and incorporated as fully as if set out at length herein. One (1) copy is filed in the office of the building inspections department, and is available for review by the general public upon request.

(ORD of 10/9/2017)

5-15--5-30. Reserved.

Section 5-30A ARTICLE II. BUILDING CODE

Section 5-31 Adopted.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, the International Building Code as adopted by the State of Georgia with Georgia State Amendments and including any chapters(s) pertaining to Administration and included in the International Building Code but not adopted by the State of Georgia, as revised and the whole thereof, and such code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling in the construction of all buildings and other structures therein contained within the corporate limits of the city. One (1) copy is filed in the office of the building inspections department, and is available for review by the general public upon request.

In addition to any other requirements established by this section for the issuance of a building permit by virtue of the adoption of the Standard Building Code, each owner of property for which such building permit is sought will execute a hold harmless and indemnity agreement as specified in subsection (c) of Section 5-318.

There is hereby also adopted, for the purpose of establishing rules and regulations pertaining to the accessibility of buildings and structures to the handicapped and disabled, that certain building code known as the O.C.G.A. Georgia Accessibility Code, as adopted by the State of Georgia and the whole thereof, and such code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling in the construction of all buildings and other structures therein contained within the corporate limits of the city.

One (1) copy is filed in the office of the building inspections department, and is available for review by the general public upon request.

(Code 1958, § 7-1; Ord. of 3-23-92, § II(a); Ord. of 10-23-95, § I; Ord. of 1-30-02; Ord of 7-23-08)

Section 5-32 Schedule of permit fees.

Building Permit fees are on file at the city clerk's office and the administrative offices of the building inspection department.

(Code 1958, § 7-2; Ord. of 3-23-92, § II(b); Ord. of 1-27-94; Ord. of 12-28-94, § I; Ord. of 12-23-96(2), § Ord of 1-30-02)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-33 Certificate of occupancy required for mobile home; fee.

(a) No person shall locate a mobile home within the city without first obtaining a separate building permit for such mobile home from the chief building official. No fee shall be charged for such building permit.

(b) No mobile home shall be occupied until the necessary inspections have been completed, and the chief building official shall have issued a certificate of occupancy therefor. The fee for issuing a certificate of occupancy shall be twenty-five dollars (\$25.00).
(Code 1958, § 7-5)

Section 5-34 5-34--5-50. Reserved.

Section 5-50A ARTICLE III. BUILDING CONTRACTORS EXAMINING BOARD

Section 5-51 Created.

(a) There is hereby created a board of examiners for the City to be known as the BUILDING CONTRACTORS EXAMINING BOARD referred to throughout this article as the board, which shall consist of five (5) members to be appointed by the City Council and be composed as follows: two (2) contractors, one (1) architect or engineer, the City Manager (or his designee), and the chief building official, who shall serve as secretary of the board.

(b) At the end of the current term of each member of the board, any member who is reappointed or any successor member shall hold office for a period of four (4) years. All appointments to the board thereafter shall be for four (4) year terms. Any member of the board shall be subject to removal or replacement by the City Council at any time with or without cause; provided, however, at the discretion of the City Council a public hearing may be held with regard to a proposed removal of a board member for cause. Upon any such removal the City Council shall declare a vacancy, and any such vacancy shall be filled as soon as practical thereafter by the City Council for the unexpired terms of the removed board member.

(2003(5-51), Amended, 11/24/2003, combined boards)

Section 5-52 Definitions.

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

(a) *Contractor* means any person or firm who undertakes, or offers to undertake, or purports to have the capacity to undertake, or submit a bid to perform the work of those contractors classified in subsection (e).

(b) *Firm* means and includes a partnership, co-partnership, corporation, association, or any other type of organization.

(c) *Engage in business* means being actively involved in the business of supervising the performance of any work requiring a building permit in the city (even if part of the manual work is completed by the contractor) and who has the general direction and control of the carpenters, masons, or other parties employed in the work.

(d) *Qualified contractor* means a person who holds a valid contractor's license pursuant to the provisions of this article.

(e) *Classification*. Those contractors authorized to operate within the intent and purview of this article shall be identified as follows. Except as provided in section 5-56, section 5-58 and section 5-59,

Thomasville Municipal Code

Last updated 3-28-2019

contractors licenses will be issued only upon passing the required examination with a minimum score of seventy (70) percent and satisfying all the requirements of section 5-60.

- (1) *General contractor*. Unlimited in scope of construction.
- (2) *Building contractor*. Limited to construction and remodeling of industrial and commercial buildings and single or multi-dwelling residential buildings not exceeding three (3) stories in height.
- (3) *Residential contractor*. Limited to construction, remodeling, repair or improvement of one-, two-, or three-family residences not exceeding two (2) stories in height.
- (4) *Aluminum contractor*. Those who are qualified to fabricate, install, maintain, repair, alter, or extend accessories such as metal siding, soffits, gutters, awnings, and pre-fabricated rooms. See subsection (c) of section 5-56 for licensing requirements.
- (5) *Burglar alarm contractor* and *Fire alarm contractor*. Those who are qualified to install, maintain, repair, alter or extend burglar and/or fire alarm systems. Any electrical installation will be performed by a licensed electrical contractor. See subsection (c) of section 5-56 for licensing requirements.
- (6) *Demolition contractor* and *Wrecking contractor*. Those who are qualified to demolish and remove structures, such as dwellings, commercial buildings, and foundations. See subsection (c) of section 5-56 for licensing requirements.
- (7) *Drywall contractor*. Those who are qualified to install gypsum drywall products to wood and metal studs, wood and steel joists and metal runners in buildings of unlimited area and height. The scope of work shall include the preparation of the surface over which the drywall product is to be applied, including the placing of metal studs and runners and all necessary trim. See subsection (c) of section 5-56 for licensing requirements.
- (8) *Electrical contractor*. See Article IV, Electrical Code, for licensing requirements.
- (9) *Finish carpentry contractor*. Those who have the knowledge and skill to install finish wood products including paneling, trim, cabinetry, doors, windows (including metal) and all hardware incidental therefor. See subsection (c) of section 5-56 for licensing requirements.
- (10) *Fire sprinkler contractor*. Those who are qualified to install, maintain, repair, alter or extend all piping for fire sprinkler systems, including the connection to the water service outlet provided for fire sprinkler systems. See subsection (c) of section 5-56 for licensing requirements.
- (11) *Framing contractor*. Those who have the knowledge and skill to install any wood products in a building, including, but not limited to, rough framing, structural and nonstructural, trusses, sheathing, and the work of the finish carpentry contractor. See subsection (c) of section 5-56 for licensing requirements.
- (12) *Gas contractor*. See Article V Gas Code, for licensing requirements.
- (13) *Glass and glazing contractor*. Those who are qualified to select, cut, assemble and install all makes and kinds of glass and glass work and install the glazing frames, panels, sash, and door and holding metal frames, ornamental decorations, mirrors, tub and shower enclosures.
- (14) *Gasoline tank and pump contractor*. Those who are qualified to install, maintain, repair, alter or extend any systems used for the storing and dispensing of gasoline, kerosene, diesel oils and similar liquid hydrocarbon fuels or mixtures to be used solely in connection with gasoline filling stations dispensing fuel to mobile vehicles or marine equipment; provided, however, that bulk plants shall not be a part of the scope of such work.
- (15) *Handyman* Limited to repair and maintenance of a single family dwelling only. Repairs will be limited to a project cost of \$3000.00. Projects permitted by license holder shall be limited to three subcontractor trades on a single given project. No structural work shall be allowed under this license.
- (16) *Insulation contractor, buildings*. Those who are qualified to install, maintain, repair, alter or extend any insulation primarily installed to prevent loss or gain of heat from rooms or buildings. See subsection (c) of section 5-56 for licensing requirements.
- (17) *Irrigation sprinkler contractor* and *lawn sprinkler contractor*. Those who are qualified to

Thomasville Municipal Code

Last updated 3-28-2019

install, maintain, repair, alter or extend all piping and sprinkler heads for irrigation of lawns, including the connection to a water pump. See subsection (c) of section 5-56 for licensing requirements.

- (18) *Masonry contractor.* Those who are qualified to select, cut and lay brick and concrete block or any other unit masonry products, lay brick and other baked clay products, rough cut and dress stone, artificial stone and precast blocks, structural glass brick or block, but shall not pour or finish concrete. See subsection (c) of section 5-56 for licensing requirements.
- (19) *Painting contractor.* Those who are qualified to use spraying equipment as well as hand tools to finish both interior and exterior work. See subsection (c) of section 5-56 for licensing requirements.
- (20) *Paving contractor, commercial (Unlimited).* Those who are qualified with the experience and skill to construct roads, airport runways and aprons, parking lots, sidewalks, curbs and gutters, property line walls, storm drainage facilities and to perform the excavating, clearing and grading incidental thereto.
- (21) *Paving contractor, residential.* Those who are qualified with the experience and skill to construct driveways, sidewalks and patios, using Portland cement concrete or asphaltic concrete over shell or rock base course.
- (22) *Plumbing contractor.* See Article IX, section 5-240 for licensing requirements.
- (23) *Roofing contractor.* Those who are qualified to install, repair and replace roof coverings. Work may include, but shall not be limited to, roof deck insulation, roof coating, painting and covering, including use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof, and including installation of nonstructural decking and siding. See subsection (c) of section 5-56 for licensing requirements.
- (24) *Septic tank contractor.* Those who are qualified with experience and skill to install, repair, alter, extend and excavate for septic tanks, interceptor tanks; may clean sewer lines, but shall not include any other plumbing work or connection pipes or pumps.
- (25) *Sign contractor.* Those who are qualified to install, repair, alter, add to, or change any type of sign.
- (26) *Structural steel contractor.* Those who are qualified to erect structural steel shapes and plates, including such minor field fabrication as may be necessary, of any profile, perimeter or cross-section, that are or may be used as structural members for buildings and structures, including riveting, welding and rigging, only in connection therewith.
- (27) *Swimming pool contractor, commercial.* Those who are qualified to excavate, construct, fabricate, install and equip swimming pools, including the pumps, pool heaters, solar pool heaters, filters and chlorinators, and that piping incidental to the recirculating system, and may do the slab incidental to the pool.
- (28) *Swimming pool contractor, residential.* Those who are qualified to excavate, construct, fabricate, install and equip residential swimming pools, including the pumps, pool heaters, solar pool heaters, filters and chlorinators, and that piping incidental to the recirculating system, and may do the slab incidental to the pool.

(Code 1958, § 7-246; Ord. of 11-28-88(1), § 1; Ord of 12-30-88(2), § 2; Ord. of 4-10-89(1) Ord. of 3-14-05)

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 5-53 Meetings.

- (a) The board shall hold called meetings as necessary to discharge the duties specified in this article.
- (b) The meetings shall be called by the chairman of the board, and, in his absence, by the vice-chairman of the board. Reasonable advance notice of the place, time, and date thereof shall be given to all members of the board. Notice shall also be given the public pursuant to the provisions of O.C.G.A. § 50-14-1 et seq.
- (c) All minutes of the board meetings shall be public records. Any confidential information received which affects the qualifications of a contractor shall be available for examination by the contractor.

Thomasville Municipal Code

Last updated 3-28-2019

(d) Three (3) members of the board shall constitute a quorum at any meeting and a vote of three (3) members shall be required to enable the board to act.

(e) Minutes and records shall be kept of all board meetings. The secretary of the board shall keep all records and minutes of meetings.

(f) The board may make such rules and regulations as are consistent with general policies of this article as it may deem necessary to carry out the provisions of this article.

(Code 1958, § 7-245; Ord. of 11-28-88(1), § I)

Section 5-54 Powers and duties.

(a) The duties of the contractors examining board shall be to:

(1) Determine the qualifications of applicants for contractor's licenses;

(2) Hold hearings;

(3) Determine if the license of any contractor should be suspended for any violations of this article and fix the length of time for such suspension; or

(4) Revoke such license under the provisions of this article; or

(5) Request the chief building official of the city to investigate any complaint made against the contractor where it is alleged that any provision of this article has been violated; and

(6) Determine whether it shall take action against the contractor or direct the investigator to file a complaint for prosecution for the violation against the contractor in the municipal court of the city.

(b) The contractors examining board, upon receipt of a complaint in writing, of any person or upon their own motion, shall investigate and examine the same, and if, in the opinion of the majority of the board, it appears that there is reasonable ground to suspect that there is a violation of this article, shall take the following action:

(1) Instruct the secretary to send by mail a notice to the contractor to the contractor's last known address as shown by the board's records, setting out the name of the complaint, the time of commission of the alleged offense and substance of the section of this article alleged to be violated, and notifying the contractor to appear before the board at a time and place set no sooner than ten (10) days from the mailing of the notice.

(2) At such hearing the board shall have the authority to determine if there has been a violation, and upon such findings shall have the authority to suspend or revoke the contractor's license.

(3) The determination and findings of the board shall be made upon facts submitted under oath before the board at such hearing, with the contractor charged and the board having the right to interrogate witnesses and be represented by counsel.

(Code 1958, § 7-247; Ord. of 11-28-88(1), § I)

Section 5-55 Exemptions from provisions of this article.

The provisions of this article do not apply to:

(1) An authorized representative of the United States Government, state, county or city, provided that the operation of a trade is done by its own salaried employees of the exempt entity;

(2) An owner or tenant of residential property constructing, repairing, altering, modifying or improving the residential building occupied by him as a single-family or duplex residence, provided the owner or tenant does the work himself, electrical, gas and mechanical work excepted. Otherwise, the permit shall be issued only to a licensed contractor. It is the intent of this article to permit the owner or tenant, with the owner's written permission, to construct, repair, alter, modify or improve the residential building occupied by him as a residence without qualifying for a contractor's license, but the application for a building permit for more than one (1) building in one (1) year shall be construed as engaging in the contracting business and within the operation of section 5-60;

Thomasville Municipal Code
Last updated 3-28-2019

- (3) The owner or tenant of business or commercial property repairing, altering, modifying or improving an existing building occupied by the owner or tenant as his place of business, provided the owner or tenant does the work himself, electrical, plumbing, gas and mechanical work excepted. Otherwise, the permit shall be issued only to a licensed contractor. It is the intent of this article to permit the owner, or tenant with the owner's written permission, of business or commercial property to repair, alter, modify or improve the building occupied by him as a place of business without qualifying for a contractor's license, but the application for a building permit for more than one (1) building in one (1) year shall be construed as engaging in the contracting business and within the operation of section 5-60;
 - (4) Sale of any finished product, material, or article of construction material;
 - (5) Craftsmen on the payroll of a certified contractor; and
 - (6) Subcontractors working under the direction of a contractor who are not required by subsection (a) of section 5-52 to have a contractor's license.
- (Code 1958, § 7-248; Ord. of 11-28-88(1), § I)

Section 5-56 Exemption from examination.

(a) Any person who on the effective date of the ordinance from which this section derives is engaged in the business of a building contractor and has been so engaged in the business of a building contractor in the preceding year within the corporate limits of the city may be issued a certificate of qualification as a building contractor without examination, provided such person shall apply within thirty (30) days after the adoption of this article.

(b) Any person who on the amendment date of this article (November 28, 1988) is a contractor as classified in item four (4) through item twenty-seven (27) of subsection (e) of section 5-52 and has been engaged in business as a contractor for the preceding year, within the corporate limits of the city, may be issued a contractor's license without examination provided such person shall apply within thirty (30) days after the adoption of this amendment.

(c) The following classifications of contractors are exempt from the examination required in subsection (e) of section 5-52.

- (1) Aluminum contractor
- (2) Burglar and fire alarm contractor
- (3) Demolition contractor and wrecking contractor
- (4) Drywall contractor
- (5) Finish carpentry contractor
- (6) Fire sprinkler contractor
- (7) Framing contractor
- (8) Insulation contractor buildings
- (9) Irrigation sprinkler contractor
- (10) Masonry contractor
- (11) Painting contractor
- (12) Roofing contractor

The building contractors examination board shall review applications of the above contractors and in lieu of an examination make a determination of contractors' qualifications based on information in application and any other information requested by the board.

(Code 1958, § 7-249; Ord. of 11-28-88(1), § I; Ord. of 4-10-89(2), § I)

Section 5-57 Reserved.

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-58 Renewal of certificate of qualification resulting from reclassification of contractors.

Any contractor holding a valid Class I, II, III, or IV certificate of qualification on November 28, 1988, may be issued a new contractor's license not later than the anniversary date of the certificate of qualification as follows:

- (1) Old Class I. Renew as a repair and maintenance contractor, no examination is required. Renew as a residential contractor, building contractor or general contractor, examination is required. Old Class I contractors shall have until January 31, 1989, to renew a Class I contractor's certificate for one (1) of the licenses listed above under the provisions of subsection (d) of section 5-61. After January 1, 1989, the provisions of subsection (e) of section 5-61 shall apply, except for renewal of existing licenses stated above.
- (2) Old Class II. Renew as a residential contractor, no examination is required. Renew as building contractor or general contractor, examination is required.
- (3) Old Class III. Renew as a building contractor, no examination is required. Renew as general contractor, examination is required.
- (4) Old Class IV. Renew as follows:
 - a. Demolition. Demolition contractor, no examination is required.
 - b. Roofing. Roofing contractor, limited, no examination is required. Roofing contractor, unlimited, no examination is required.
 - c. Signs. Sign, electrical contractor, no examination is required if contractor holds a valid Georgia electrical contractor's certificate. Or, sign contractor, no examination is required.
 - d. Swimming pools. Swimming pool contractor, commercial, no examination is required.
 - e. Swimming pool contractor, residential, no examination is required.

(Code 1958, § 7-251; Ord. of 11-28-88(1), § 1; Ord. of 12-30-88(2), § 1)

Section 5-59 Reciprocity with other jurisdictions.

The chief building official of the city may grant a contractor's license without examination to a contractor holding a valid contractor's license or certificate of qualification from another jurisdiction which is approved by the contractors examining board. After approval of the application by the chief building official, payment of the standard license fee as required in section 5-60 shall be required prior to granting the license. The fee shall be nonrefundable.

(Ord of 7-12-05)

Section 5-60 Procedure in applying for contractor's license.

(a) Any person or firm desiring to be certified as a contractor in the city shall make application for a contractor's license on a form and for a fee prescribed by the building contractors examining board at the office of the secretary of such board. The application shall be retained by the board together with all supporting papers.

(b) Should the applicant be a firm, the application shall be executed by the president of the firm or a person legally qualified to fully act and bind such firm and demonstrate the legally qualified person's authority to do so on such application. The application shall also name an authorized agent to act on behalf of the firm and show the agent's authority to:

- (1) Fully act and bind the firm in all matters in any manner connected with the contracting business;

Thomasville Municipal Code

Last updated 3-28-2019

(2) Supervise the construction under the contractor's license issued to the firm; and

(3) Take the qualifying examination for and on behalf of such firm. The firm shall be qualified only through the qualifications of such agent taking the examination.

(c) The board shall have authority to require the applicant to furnish any data or material it deems necessary to evaluate his qualifications to hold the contractor's license applied for.

(d) An applicant for a Residential, Building, or General Contractor's License must provide proof of achieving a passing score on the International Code Council's Contractor Examination. Upon providing the required proof of addition to the ICC's Official Pass List, payment of all application and licensure fees as specified in section 5-61 must be paid prior to issuance of the appropriate license by the Planning Department.

(Ord of 7-12-05)

Section 5-61 Qualifying of applicants.

(a) To show the degree of knowledge required for the type of construction for which the applicant desires to be licensed, the contractors examining board shall require proof of the applicant having achieved a passing score on the International Code Council's Contractor Examination as specified in Section 5-60(d) except as provided in sections 5-56, 5-58 and 5-59.

(b) Contractors' licenses shall be renewed annually. The schedule of application and license fees is on file at the administrative offices of the planning department. Licenses not renewed on or before the anniversary date shall be null and void.

(5-61, Amended,
07/12/2004)

Section 5-62 Violations.

(a) No person shall engage in the business of a contractor in the city unless such person holds a valid contractor's license as a qualified contractor issued by such board.

(b) It shall be unlawful for any contractor as defined by this article, operating within the city, licensed as an individual or as a firm by the city, to permit any one (1) of the following acts or omissions:

- (1) To contract to do any work outside the scope of operations as defined under the particular classification of contractor for which the contractor is licensed;
- (2) To depart from or disregard, in any material respect, the plan or specifications of a construction job without approval of the chief building official of the city;
- (3) Aid or abet any person to evade the provisions of this article or allow one's license to be used by any person or act as an agent, partner or associate of any person with an intent to evade the provisions of this article; or
- (4) Abandon without legal excuse construction projects or operations engaged in or under contract as a contractor.

(Code 1958, § 7-253; Ord. of 11-28-88(1), § 1)

Section 5-63 Grounds for suspending or revoking contractor's license.

The contractors examining board shall suspend or revoke the contractor's license if, after due hearing, it is found that the contractor violated any of the provisions of section 5-62.

(Code 1958, § 7-254; Ord. of 11-28-88(1), § 1)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-64 Penalties.

Any person who shall violate any provision of this article shall upon conviction in the municipal court be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than sixty (60) days, either or both, in the discretion of the judge of the municipal court, and, if such person or firm is the holder of a license provided for by this article, such license may be revoked.
(Code 1958, § 7-255; Ord. of 11-28-88(1), § 1)

Section 5-65 Appeals.

Appeals from a decision of the contractors examining board may be made to the city council provided a written appeal is filed with the city clerk within thirty (30) days after an adverse ruling by the contractors examining board relating to suspension or revocation of a contractor's license.
(Code 1958, § 7-256; Ord. of 11-28-88(1), § 1)

Section 5-66 5-66--5-80. Reserved.

Section 5-80A ARTICLE IV. ELECTRICAL CODE

Section 5-81 Adopted.

There is hereby adopted by the city for the purpose of establishing rules and regulations relative to installation of electrical conductors and equipment within or on public and private buildings or other structures, that certain code known as the NFPA 70, National Electrical Code, as adopted by the State of Georgia with Georgia State Amendments, and such code is hereby adopted and incorporated as fully as if set out at length in this article. One (1) copy is filed in the office of the building inspection department, and is available for review by the general public upon request.

(Ord. of 5-27-96, § II; Ord of 1-30-02; Ord of 7-23-08)

Section 5-82 5-82, 5-83. Reserved.

Editor's note--Section IV of an ordinance adopted March 23, 1992, deleted former §§ 5-82 and 5-83, relative to amendments to the electrical code and service wires in the fire district, which derived from the original codification.

Section 5-84 Work and wiring--Rules and regulations; definitions.

(a) All electric work and wiring done in the city shall be under the rules and regulations passed by the city council, and the following rules and regulations are hereby adopted for the construction, maintenance and repair of electrical work and wiring in the city and the practice of the trade of electrical work and wiring in the city.

(b) "Electrical contractor" means any person who engages in the business of electrical contracting

Thomasville Municipal Code
Last updated 3-28-2019

under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform electrical contracting services under express or implied contract. The term "electrical contractor" shall not include a person who is an employee of an electrical contractor and who receives only a salary or hourly wage for performing electrical contracting work.

Section 5-85 Same--Direction of chief building official.

All electrical work and wiring done in the city shall be done under the direction of the chief building official. Anywhere in this article where the term "inspector" or "electrical inspector" is used, it shall be understood to mean the chief building official or someone by him duly authorized as such. Such inspector or electrical inspector shall be under the control and direction of the chief building official. Any person shall have the right to appeal from any ruling of the chief building official to the city council, which ruling shall be final.

Section 5-86 Same--Persons to perform.

No electrical work or wiring shall be performed in the city except by or under the direction of an electrical contractor, which electrical contractor shall have a written permit before commencing any electrical work or wiring from the chief building official as provided in this article.

Section 5-87 Examination and license required.

(a) Every person desiring to engage in the business of electrical installation, construction and repair in the city shall, before doing so, obtain an occupational license.

(b) Every person shall, before obtaining an occupational license, present to the chief building official a copy of his current contractors license as required by the Georgia Construction Industry Licensing Board Act. Except for an occupational license, the city shall not require any additional licensing as provided by O.C.G.A. § 43-14-16(e) of the Act.

Section 5-88 Supervision of helper or apprentice electrician.

Any person working as a helper or apprentice electrician shall work only under the direct supervision of an electrical contractor who shall be on the same premises with such helper or apprentice.

Section 5-89 Licenses.

All occupational licenses shall expire on and shall be null and void after January first of each year. No electrical work or wiring shall be done by and no permits shall be issued to any electrical contractor who has no such license, as provided in this article, in full force and effect at the time a permit for electrical work and wiring shall be applied for.

Section 5-90 Electricians' violations.

Any electrical contractor, who shall have been licensed as such under the provisions of this article, who violates any of the provisions of this article or who certifies under oath to the electrical inspector he has supervised the installation, construction or repair of any electrical work when in fact he has not shall be cited by the electrical inspector to appear before the city council to show cause why his certificate as

Thomasville Municipal Code
Last updated 3-28-2019

an electrical contractor should not be suspended, as provided for under O.C.G.A. § 43-14-12 of the Georgia Construction Industry Licensing Board Act. After such citation has been personally served upon the electrical contractor, he shall have the right to appear before the city council and offer such evidence in his behalf as he deems necessary. At the same time the electrical inspector shall offer evidence showing the violations as charged. After hearing the evidence, the city council shall then, by a majority vote, find him guilty or not guilty as the evidence warrants. If found guilty the city council may suspend or refuse to restore a license as provided under O.C.G.A. § 43-14-12 of the Georgia Construction Industry Licensing Board Act. If found not guilty the charge shall be dropped. If the person so cited to appear shall fail to appear at the time and place specified in the citation, his license shall be automatically suspended by the city council. When a license has been suspended as provided in this section, the licensee thereunder shall not be allowed to act as an electrical contractor again in the city until he has appealed his suspension to the state construction industry licensing board and the board has reinstated his license.

Section 5-91 Permits--Required.

A permit will be required to do any electrical work and wiring of any character, make any change, extensions or disconnect wiring, or change the location of any fixture or service connection. It shall be unlawful for any person to do any electrical work or wiring, alteration, or repair in the city without a permit from the chief building official.

Section 5-92 Same--Persons to whom issued.

Permits to do electrical work or wiring will be issued only to an electrical contractor with a current state license.

Section 5-93 Same--Signature of inspector prerequisite to issuance.

The inspector shall sign all applications for electrical work and wiring before a permit shall be issued.

Section 5-94 Same--Applications, issuance, permission for deviation.

Application blanks for electrical work and wiring, installing or connecting or constructing such electrical work and wiring shall be furnished by the city. Application for such permit, describing the work to be done, shall be made in writing to the electrical inspector by the electrical contractor installing the work. The application shall be accompanied by such specifications and schedules to determine whether the installation as described will be in conformity with the requirements of this article and when deemed necessary by the inspector shall be accompanied by drawings. If it is found that the installation as described will conform with all legal requirements, and if the applicant has complied with the provisions of this article, a permit for such installation shall be issued. No deviation may be made from the installation described in the permit without the approval of the electrical inspector.

Section 5-95 Inspection fees--Charged and collected.

There shall be charged and collected by the city an inspection fee for all new, old and remodeled electrical work and wiring inspected by the inspector.

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-96 Same--Payment prerequisite to issuance of permit.

Electrical Permit fees are on file at the city clerk's office and the administrative offices of the building inspection department.

(Ord. of 12-28-94, § III; Ord. of 12-23-96(2), § II; Ord. of 1-31-02)

Section 5-97 Inspection--Notice; certificate of satisfactory inspection.

Upon completion of any wiring of any building for light, heat or power, it shall be the duty of the electrical contractor doing the wiring to notify the chief building official, who shall inspect such wiring and appliances. If approved by the official, he shall issue a certificate of satisfactory inspection which shall contain the date of such inspection, and no such certificate shall be issued unless electrical wiring and appliances is in strict conformity to the rules and regulations prescribed or required by this article, nor shall current be turned on for such installation until such certificate is issued.

Section 5-98 Same--Prior to concealing equipment or wiring.

When any electrical equipment authorized by a permit or an annual permit is to be concealed against inspection by the permanent placement of parts of a building, the electrical contractor installing the equipment shall notify the chief building official, and such equipment shall not be concealed until it has been inspected and approved by the chief building official.

Section 5-99 Defective work and failure to complete job.

Any electrical contractor who shall fail to correct any defect in his work or shall fail to complete a job, after having been duly notified by the chief building official, shall not receive any further permits until such job has been completed or such defect has been corrected. In any case in which any electrical contractor shall continue to or persistently violate this article in regard to electrical affairs or the orders of the electrical inspector, the license of such person may be suspended by the city council.

Section 5-100 5-100--5-105. Reserved.

Section 5-105A ARTICLE V. GAS CODE

Section 5-106 Adopted.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, location and maintenance of all natural gas and liquefied petroleum gas systems, including permits and penalties, that certain gas code known as the International Fuel Gas Code, as adopted by the State of Georgia with Georgia State Amendments, as revised and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended and the same is hereby adopted and incorporated as fully as if set out at length herein controlling in the construction, alteration, removal, location and maintenance of all natural gas and liquefied petroleum gas systems within the corporate limits of the City. One (1) copy is filed in the office of the building inspection department, and is available for review by the general public upon request.

(Ord. of 3-23-92, § V(a); Ord. of 10-23-95, § III; Ord. of 1-30-02; Ord. of 7-23-08)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-107 Amendments, modifications and deletions.

The gas code as adopted in section 5-106 is amended as follows:

(a) Whenever the term "gas official" is used in the code, it shall be held to mean the chief building official of the city.

(b) Whenever the term "gas inspection department" is used in the code, it shall be held to mean the building department of the city.

(c) Recommended Supplemental Administrative Provisions. Chapter 1 shall be amended and changed in the following respects:

(1) *Sec. 101.4.1 Gas Official Qualifications.* Section 101.4.1 shall be stricken in its entirety.

(2) *Sec. 101.4.2 Chief Inspector Qualifications.* Section 101.4.2 shall be stricken in its entirety.

(3) *Sec. 101.4.3 Inspector Qualifications.* Section 101.4.3 shall be stricken in its entirety.

(4) *Sec. 101.4.4 Deputy Building Official.* Section 101.4.4 shall be stricken in its entirety.

(Ord. of 3-23-92, § V(b))

Section 5-108 Gasfitting work--Rules and regulations; definitions.

(a) *Rules and regulations.* All gasfitting work done in the city shall be under the rules and regulations passed by the city council, and the following rules and regulations are hereby adopted for gasfitting work in the city and the practice of the trade of gasfitting in the city.

(b) *Definitions.* As used in this article, the following definitions shall apply:

Gasfitting means the profession, art or trade of and all work done and all materials used in and for the installation of gas piping, appliances and other gas fired equipment.

Journeyman gasfitter means a person who performs the manual work in installing gas piping, appliances and other gas fired equipment under the direction of a master gasfitter and who holds a journeyman gasfitter's certificate of the city, certifying to his fitness to perform such manual work.

Master gasfitter means a person who assumes responsible charge and direction of other persons in the installation of gas piping, appliances and other gas fired equipment and who holds a master gasfitter's certificate issued within the current calendar year by the contractor's examining board of the city, certifying to his fitness to assume such responsibility.

(Ord. of 2-14-94, § I)

Section 5-109 Same--Persons permitted to do work.

(a) No gas installation or piping shall be done within or on public or private buildings, structures or premises except by a qualified journeyman gas fitter under the direction of a master gasfitter. A master gasfitter may also be the journeyman on a job.

(b) No master gasfitter shall send any person on any job which requires a license in the capacity of a gasfitter, nor shall any person execute any gasfitting work, unless such person is in the possession of a certificate in the current year by the contractor's examining board.

(Ord. of 2-14-94, § II)

Section 5-110 Same--Application, nature and character.

Any person operating or desiring to engage in or work at the business of gasfitting, either as a master gasfitter or as a journeyman gasfitter in the city, shall make application to the contractor's examining board to take an examination for a gasfitting certificate provided for at such time and place as the examining board may direct. The examination may, at the option of the examining board, be made in

Thomasville Municipal Code
Last updated 3-28-2019

whole or in part in writing, and shall be of a practical and elementary character, but sufficiently strict to test the qualifications of the applicant.
(Ord. of 2-14-94, § III)

Section 5-111 Examination, license required.

(a) Every master gasfitter desiring to engage in the business of gasfitting in the city shall before doing so obtain an occupational license.

(b) Every master gasfitter shall, before obtaining an occupational license, satisfactorily pass the examination required in section 5-110 of this article.

Section 5-112 Supervision of a journeyman gasfitter.

Any person working as a journeyman gasfitter shall work only under the direct supervision of a master gasfitter who shall be on the same premises with such journeyman gasfitter.

Section 5-113 Licenses, certificates, expiration date, prerequisite to doing work.

All occupational licenses and gasfitters certificates shall expire on and shall be null and void after January first of each year. No gasfitting work shall be done by any master gasfitter or journeyman gasfitter who has no such license and certificate, as provided in this article, in full force and effect at the time a permit for gasfitting work shall be applied for.

Section 5-114 Master gasfitter's license suspension, revocation.

Any master gasfitter who shall have been licensed as such under the provisions of this article, who violates any of the provisions of this chapter or who certifies under oath to the gas inspector he has supervised the installation, construction or repair of any gasfitting work when in fact he has not shall be cited by the gas inspector to appear before the contractor's examining board to show cause why his certificate as a master gasfitter should not be revoked. After such citation has been personally served upon the master gasfitter, he shall have the right to appear before the contractor's examining board and offer such evidence in his behalf as he deems necessary. At the same time the gas inspector shall offer evidence showing violations as charged. After hearing the evidence, the contractor's examining board shall then, by a majority vote, find him guilty or not guilty as the evidence warrants. If found guilty the contractor's examining board may revoke the certificate or impose a suspension of his license for a period of up to ninety (90) days. If found not guilty the charge shall be dropped. If the person so cited to appear shall fail to appear at the time and place specified in the citation, his license shall be automatically suspended by the examining board. When a certificate has been revoked as provided in this section, the licensee thereunder shall not be allowed to act as a master gasfitter in the city until he has appealed the revocation to the contractor's examining board and the board has reinstated his license.

(Ord. of 2-14-94, § IV)

Section 5-115 Revocation of license for failure to correct defective work.

Any person who shall fail to correct any defect in his work after having been duly notified by the inspector shall not receive any further permit until such defect has been corrected, and in case any person shall refuse to correct such defects in accordance with requirements of this division his license shall be revoked.

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-116 Reserved.

Editor's note--Section V of an ordinance adopted Feb. 14, 1994, repealed former § 5-116, relative to the gasfitters examining board, which derived from the original codification.

Section 5-117 Examination; certificate of competency.

(a) The contractor's examining board shall, as soon as may be practicable after their appointment, meet and designate the time and place for examination of all applicants desiring to engage in or work at the business of gasfitting within the city. The board shall examine such applicants as to their practical knowledge of gasfittings and, if satisfied of the competence of such applicant, shall thereupon issue a certificate to such applicant authorizing him to engage in or work at the business of gasfitting, either as a master gasfitter, or as a journeyman gasfitter.

(b) The fee for each examination, including certificate if issued, for a master gasfitter shall be twenty-five dollars (\$25.00), and for a journeyman gasfitter shall be ten dollars (\$10.00). The certificate shall be valid for the term of one (1) year, beginning with the calendar year, but certificate can be renewed if application for renewal is made to the examining board each year.
(Ord. of 2-14-94, § VI)

Section 5-118 Permits--Persons to whom issued.

Permits to do gasfitting work in the city will be issued only to a master gasfitter with a current gas fitters certificate and occupational license.

Section 5-119 Same--Required; plans.

Before doing any work the master gasfitter shall have a written permit from the city. The master gasfitter shall furnish complete plans and specifications with his application for permit.

Section 5-120 Inspection of installations and piping.

All gas installations and piping done in the city shall be inspected by the gas inspector for conformance to the requirements of the gas code.

Section 5-121 Inspector--Designated.

The gas inspector shall be an employee of the building inspection department appointed by the appointing authority.

Section 5-122 Same--Interference prohibited.

It shall be unlawful for any person to hinder or interfere with the gas inspector in the discharge of his duties under this article.

Section 5-123 Connection; certificate of inspection.

Thomasville Municipal Code
Last updated 3-28-2019

It shall be unlawful for any person to connect with the city's gas distribution system or liquified petroleum system any building piping, appliances or other gas fired equipment in or on any building or structure until a certificate of inspection thereof has been issued by the gas inspector.

Section 5-124 Fee disposition.

All fees collected for inspection or for examination of applicants shall be paid to the treasurer.
(Ord. of 2-14-94, § VII)

Section 5-125 Schedule of permit fees.

Gas Permit fees are on file at the city clerk's office and the administrative offices of the building inspection department
(Ord. of 3-23-92, § VI; Ord. of 1-27-94; Ord. of 12-28-94, § IV; Ord. of 12-23-96(2), § III; Ord. of 1-30-02)

Section 5-126 5-126--5-130. Reserved.

Section 5-130A ARTICLE VI. HOUSING CODE

Section 5-131 Adopted.

There is hereby adopted by the city for the purpose of establishing rules and regulations to promote public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, buildings, structures or premises used as such, that certain code known as the International Residential Code for One – and Two – Family Dwellings as adopted by the State of Georgia, with Georgia State Amendments, and including any chapter(s) pertaining to Administration and included in the International Residential Code for One – and Two – Family Dwellings but not adopted by the State of Georgia, and such code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling in the matters of occupancy and habitation in all buildings and other structures therein contained within the corporate limits of the City. One (1) copy is filed in the office of the building inspection department, and is available for review by the general public upon request.
(Ord. of 5-27-96, § III; Ord. of 1-30-02; Ord of 7-23-08)

Section 5-132 5-132, 5-133. Reserved.

Editor's note--Section VII(b) of an ordinance adopted March 23, 1992, deleted former §§ 5-132 and 5-133, relative to amendments, modifications and deletions to the housing code, and electric lights and outlets, respectively, which derived from Code 1958, § 7-243.1.

Section 5-134 5-134--5-150. Reserved.

Section 5-150A ARTICLE VII. KILNS

Section 5-151 Intent.

Thomasville Municipal Code
Last updated 3-28-2019

This article is intended to establish standards for the installation of kilns erected and operated within the city. For the purpose of this article "kiln" is defined as a heated enclosure used for processing ceramic materials, pottery and similar materials by firing or drying.
(Ord. of 5-11-87, § I)

Section 5-152 Installation of kilns within buildings.

(a) Only electrically heated kilns listed by an approved testing laboratory, not exceeding eight (8) cubic feet capacity, and equipped with automatic temperature controls may be located in a principal building. The building shall have a minimum fire resistance rating of one (1) hour or the kiln maybe totally enclosed by a one (1) hour rated floor, wall, and ceiling. The kiln shall be installed according to the manufacturer's recommendations. A ventilation hood equipped with an electrically powered fan shall be installed over the kiln and shall be ducted to the outside of the building.

(b) Kilns shall be installed on the street floor only. For kiln installation purposes, street floor is defined as any story or floor level accessible from the street or from outside the building at ground level, with the floor level at the main entrance not more than forty-two (42) inches above ground level and so arranged and utilized as to qualify as the main floor of the building.
(Ord. of 5-11-87, § I)

Section 5-153 Installation of kilns not listed by an approved testing laboratory.

Electrically or gas heated kilns which are not listed by an approved testing laboratory shall be located outside the principal building. The kiln shall not be closer than twelve (12) feet to any other building. Kilns not listed by an approved testing laboratory shall not exceed thirty (30) cubic feet capacity and shall not be located within the fire district.
(Ord. of 5-11-87, § I)

Section 5-154 Permitted heating sources for kilns.

Kilns may be heated by electricity or by gas. Kilns heated by any other means shall not be permitted.
(Ord. of 5-11-87, § I)

Section 5-155 5-155--5-170. Reserved.

Section 5-170A ARTICLE VIII. MECHANICAL CODE

Section 5-170D DIVISION 1. GENERALLY

Section 5-171 Adopted.

There is hereby adopted by the City of Thomasville for the purpose of establishing rules and regulations for the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilation, heating, cooling, air conditioning, incinerators, and other energy-related systems, that certain mechanical code known as the

Thomasville Municipal Code
Last updated 3-28-2019

International Mechanical Code as adopted by the State of Georgia with Georgia State Amendments, and such code is hereby adopted and incorporated as fully as if set out at length in this article. One (1) copy is filed in the office of the building inspection department, and is available for review by the general public upon request.

(Code 1958, § 7-272; Ord. of 3-23-92, § VIII(a); Ord. of 10-23-95, § V; Ord. of 1-30-02: 7-23-08)

Section 5-172 Amendments, modifications and deletions.

The 1991 Standard Mechanical Code adopted in section 5-171 is amended as follows:

- (1) Whenever the term "Mechanical Official" is used in the code, it shall be held to mean the chief building official of the city.
- (2) Whenever the term "Mechanical Department" is used in the Code, it shall be held to mean the building department of the city.

(Ord. of 3-23-92, § VIII(b))

Section 5-173 5-173--5-190. Reserved.

Section 5-190D DIVISION 2. REGULATION OF INSTALLATIONS

Section 5-191 Definition.

The following word, when used in this article, shall have the meaning ascribed to it in this section, except where the context clearly indicates a different meaning:

Mechanical contractor means any individual who is engaged in the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems under express or implied contract, or who bids for, offers to perform, purports to have the capacity to perform, or does perform the mechanical systems described above under express or implied contract. The term "mechanical contractor" shall not include a person who is an employee of a mechanical contractor and who receives only a salary or hourly wage for performing mechanical work.

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 5-192 Regulations adopted; compliance required.

All mechanical work done in the city shall be under the rules and regulations passed by the city council, and the following rules and regulations are hereby adopted for the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

Section 5-193 Chief building official to direct work; appeals.

All mechanical work done in the City shall be done under the direction of the chief building official. Anywhere in this article where the term "inspector" or "mechanical inspector" is used, it shall be

Thomasville Municipal Code
Last updated 3-28-2019

understood to mean the chief building official, or someone by him duly authorized as such. Such inspector or mechanical inspector shall be under the control and direction of the chief building official. Any person shall have the right to appeal from any ruling of the chief building official to the BUILDING CONTRACTORS EXAMINING BOARD.
(Ord. of 11-24-03)

Section 5-194 Examination, license required.

(a) Every person desiring to engage in the business of mechanical installation, construction and repair in the city shall before doing so obtain an occupational license.

(b) Every person desiring to engage in the business of conditioned air contracting shall before obtaining an occupational license, present to the chief building official a copy of his current conditioned air contractors license as required by the Georgia Construction Industry Licensing Board Act. Except for an occupational license, the city shall not require any additional licensing as provided by O.C.G.A. § 43-14-16(e).

Section 5-195 Expiration of license; prerequisite to obtaining license.

All occupational licenses shall expire on and shall be null and void after the first day of January of each year. No mechanical work shall be done by any contractor who has no such license, as provided in this division, in full force and effect at the time a permit for mechanical work shall be applied for.

Section 5-196 Supervision of helper.

Any person working as an employee of a contractor shall work only under the direct supervision of a licensed contractor who shall be on the same premises with such helper.

Section 5-197 Mechanical contractors' violations; show cause hearing; suspension; appeal.

(a) Any mechanical contractor who shall have been licensed as such under the provisions of this division, who violates any of the provisions of this article, or who certifies under oath to the mechanical inspector he has supervised the installation, construction or repair of any mechanical work, when in fact he has not, shall be cited by the mechanical inspector to appear before the city council to show cause why his certificate as a mechanical contractor should not be suspended, as provided for under O.C.G.A. § 43-14-12 of the Georgia Construction Industry Licensing Board Act. After such citation has been personally served upon the mechanical contractor he shall have the right to appear before the city council and offer such evidence in his behalf as he deems necessary.

(b) At the same time the mechanical inspector shall offer evidence showing the violations as charged. After hearing the evidence, the city council shall then, by a majority vote, find him guilty or not guilty as the evidence warrants. If found guilty, the city council may suspend or refuse to restore a license as provided under O.C.G.A. § 43-14-12 of the Georgia Construction Industry Licensing Board Act. If found not guilty, the charge shall be dropped. If the person so cited to appear shall fail to appear at the time and place specified in the citation, his license shall be automatically suspended by the city council. When a license has been suspended as herein provided, the licensee thereunder shall not be allowed to act as a mechanical contractor in the city until he has appealed his suspension to the state construction industry licensing board and the board has re-instated his license.

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-198 Permits.

(a) *Persons qualified.* Permits to do mechanical work will be issued only to a conditioned air contractor with a current state license or, for other mechanical work covered by section 5-171, to a person presenting evidence of his qualifications to hold a license.

(b) *Required signature.* The inspector shall sign all applications for mechanical work before a permit shall be issued.

(c) *Application procedure.* Application blanks for mechanical work, installing or connecting or constructing such mechanical work shall be furnished by the city. Application for such permit, describing the work to be done, shall be made in writing to the mechanical inspector by the contractor installing the work. The application shall be accompanied by specifications and schedules to determine whether the installation as described will be in conformity with the requirements of this article and when deemed necessary by the inspector shall be accompanied by drawings. If it be found that the installation as described will conform with all legal requirements, and if the applicant has complied with the provisions of this article, a permit for such installation shall be issued. No deviation may be made from the installation described in the permit without the approval of the mechanical inspector.

Section 5-199 Schedule of permit fees.

Heating and Air Conditioning permit fees are on file at the city clerk's office and the administrative offices of the building inspection department.

(Ord. of 1-27-94; Ord. of 12-28-94, § V; Ord. of 12-23-96(2), § IV; Ord. of 1-30-02)
(2002-5-199, Amended, 01/30/2002)

Section 5-200 5-200--5-215. Reserved.

Section 5-215A ARTICLE IX. PLUMBING CODE

Section 5-215D DIVISION 1. GENERALLY

Section 5-216 Adopted.

There is hereby adopted by the City of Thomasville for the purpose of establishing rules and regulations for the construction, alteration, removal, location and maintenance of all plumbing, sewerage and storm drain systems, including permits and penalties, that certain plumbing code known as the International Plumbing Code, as adopted by the State of Georgia with Georgia State Amendments, and such code is hereby adopted and incorporated as fully as if set out at length in this article, controlling in the construction, alteration, removal, location and maintenance of all plumbing, sewerage and storm drain systems within the corporate limits of the City. One (1) copy is filed in the office of the building inspection department, and is available for review by the general public upon request.

(Code 1958, § 7-62; Ord. of 3-23-92, § IX(a); Ord. of 10-23-95, § VI; Ord. 1-30-02; Ord of 7-23-08)

Section 5-217 Amendments, modifications and deletions.

The 1991 Standard Plumbing Code adopted in section 5-216 is amended as follows:

(1) Wherever the term "Plumbing Official" is used in the code, it shall be held to mean the chief

Thomasville Municipal Code
Last updated 3-28-2019

building official of the city.

- (2) Wherever the term "Plumbing Department" is used in the code, it shall be held to mean the building department of the city.
(Code 1958, § 7-63; Ord. of 3-23-92, § IX(b))

Section 5-218 5-218--5-235. Reserved.

Section 5-235D DIVISION 2. REGULATION OF INSTALLATIONS

Section 5-236 Definitions.

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

Journeyman plumber means any person other than a master plumber who has practical knowledge of the installation of plumbing and who installs plumbing under the direction of a master plumber.

Master plumber means any individual engaging in the business of plumbing under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform plumbing contracting services under express or implied contract.

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 5-237 Regulations adopted; compliance required.

All plumbing work and plumbing done in the city shall be under the rules and regulations passed by the city council, and the following rules and regulations are hereby adopted for the construction, maintenance and repair of plumbing work and plumbing in the city and the practice of the trade of plumbing work and plumbing in the city.

Section 5-238 Chief building official to direct work; appeals.

All plumbing work and plumbing done in the city shall be done under the direction of the chief building official. Anywhere in this article where the term "inspector" or "plumbing inspector" is used, it shall be understood to mean the chief building official, or someone by him

Section 5-239 Homeowner may plumb own residence; permit required.

Nothing in this code shall prevent a homeowner from installing or maintaining plumbing within his own residential property boundaries, providing such plumbing work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.

Section 5-240 Examination, license required.

(a) Every person desiring to engage in the business of plumbing installation, construction and repair in the city shall, before doing so, obtain an occupational license.

(b) Every person shall before obtaining an occupational license present to the chief building official a copy of his current plumbing contractor's license as required by the Georgia Construction Industry Licensing Board Act. Except for an occupational license, the city shall not require any additional licensing as provided by O.C.G.A. § 43-14-16(e).

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-241 Supervision of a helper or journeyman plumber.

Any person working as a helper or journeyman plumber shall work only under the direct supervision of a master plumber who shall be on the same premises with such helper or journeyman plumber.

Section 5-242 Expiration of license; prerequisite to obtaining license.

All occupational licenses shall expire on and shall be null and void after the first day of January of each year. No plumbing work or plumbing shall be done by any master plumber who has no such license, as provided in this division, in full force and effect at the time a permit for plumbing work or plumbing shall be applied for.

Section 5-243 Plumbers' violations; show cause hearing; suspension; appeal.

(a) Any master plumber, who shall have been licensed as such under the provisions of this division, who violates any of the provisions of this article, or who certifies under oath to the plumbing inspector he has supervised the installation, construction or repair of any plumbing work, when in fact he has not, shall be cited by the plumbing inspector to appear before the city council to show cause why his certificate as a master plumber should not be suspended, as provided for under O.C.G.A. § 43-14-12 of the Georgia Construction Industry Licensing Board Act. After such citation has been personally served upon the master plumber he shall have the right to appear before the city council and offer such evidence in his behalf as he deems necessary.

(b) At the same time the plumbing inspector shall offer evidence showing the violations as charged. After hearing the evidence, the city council shall then, by a majority vote, find him guilty or not guilty as the evidence warrants. If found guilty, the city council may suspend or refuse to restore a license as provided under O.C.G.A. § 43-14-12 of the Georgia Construction Industry Licensing Board Act. If found not guilty, the charge shall be dropped. If the person so cited to appear shall fail to appear at the time and place specified in the citation, his license shall be automatically suspended by the city council. When a license has been suspended as provided in this section, the licensee thereunder shall not be allowed to act as a master plumber in the city until he has appealed his suspension to the state construction industry licensing board and the board has re-instated his license.

(Code 1958, § 7-65)

Section 5-244 Permits.

(a) *Persons qualified.* Permits to do plumbing work or plumbing will be issued only to a master plumber with a current Georgia license or a homeowner as provided in section 5-239 of this division.

(b) *Required signature.* The inspector shall sign all applications for plumbing work and plumbing before a permit shall be issued.

(c) *Application procedure.* Application blanks for plumbing work and plumbing, installing or connecting or constructing such plumbing work and plumbing shall be furnished by the city. Application for such permit, describing the work to be done, shall be made in writing to the plumbing inspector by the plumbing contractor installing the work. The application shall be accompanied by such specifications and schedules to determine whether the installation as described will be in conformity with the requirements of this article and when deemed necessary by the inspector shall be accompanied by drawings. If it be found that the installation as described will conform with all legal requirements, and if the applicant has complied with the provisions of this article, a permit for such installation shall be issued. No deviation

Thomasville Municipal Code
Last updated 3-28-2019

may be made from the installation described in the permit without the approval of the plumbing inspector.

Section 5-245 Permit fees.

Plumbing Permit fees are on file at the city clerk's office and the administrative offices of the building inspection department.

(Ord. of 3-23-92, § X(a); Ord. of 1-27-94; Ord. of 12-28-94, § VI; Ord. of 12-23-96(2), § V; Ord. of 01-30-02), (2002-5-245, Amended, 01/30/2002)

Section 5-246 Private sewage disposal.

Henceforth all septic tanks installed in the City of Thomasville shall meet the requirements of the Georgia Department of Public Health's Rules and Regulations for Individual Sewage Systems, Chapter 290-5-26. The percolation test prescribed and required in the above rules and regulations must be made prior to construction by the Thomas County health department and written certification of percolation furnished to the City of Thomasville.

(Ord. of 3-23-92, § X(b))

Section 5-247 5-247--5-260. Reserved.

Section 5-260A ARTICLE X. SWIMMING POOLS*

***Editor's note--**An ordinance adopted April 22, 1991, § I, repealed provisions formerly set out as §§ 5-261--5-267 of the Code, which pertained to swimming pools and derived from the 1958 Code, §§ 7-257--7-263. Section I (7-257--7-267) of the ordinance adopted April 22, 1991, added new provisions to the Code, which have been included herein as §§ 5-261--5-271 at the discretion of the editor.

Section 5-261 Definitions.

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

Commercial swimming pool shall mean any swimming pool which is operated for profit or for which an admission fee is charged.

Private swimming pool shall mean any swimming pool located at a private residence or private club or similar facility, used and intended to be used not by the public but solely by the owner or occupant of such premises or the family, membership or guests of such owner or occupant, as applicable.

Semiprivate pool shall include all swimming pools which are used in connection with multiple family dwellings, cooperative groups or neighborhoods, including, but not limited to, apartments, motels, and subdivisions, and available only to such groups and their private guests but not available to the general public.

Swimming pool whether indoor or outdoor, shall mean an artificial pool, including all appurtenances to its use and used for swimming, wading or recreative bathing. "Swimming pool," whether above ground or below or both, refers to an artificially constructed pool having a wall depth at any point of two (2) or more feet. Any terms associated with swimming pool shall be construed in their normal and ordinary use and sense.

(Ord. of 4-22-91, § I(7-257))

Thomasville Municipal Code
Last updated 3-28-2019

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 5-262 Compliance required.

It shall be unlawful to construct, install, alter, maintain, or use any pool in the city except in compliance with the provisions of this article.
(Ord. of 4-22-91, § I(7-258))

Section 5-263 Permits.

(a) *Required.* No person or organization shall construct, install, or alter any pool in the city unless a construction permit therefor shall first have been obtained from the chief building official.

(b) *Application.* The application for a construction permit shall be in writing, in the form prescribed by the chief building official. Such application shall contain information as shall be required by the chief building official for a proper understanding of the proposed work.
(Ord. of 4-22-91, § I(7-259))

Section 5-264 Location.

(a) For any commercial or semiprivate pool, the front and rear setbacks for any pool, walkway, pool house, bath house or any structure or facility associated with a commercial or neighborhood pool, excluding fences, shall be the same as existing zoning requirements.

(b) For any commercial or semiprivate pool, side yard setbacks shall be a minimum of twenty-five (25) feet.

(c) Private pool setbacks shall be the same as existing zoning requirements.
(Ord. of 4-22-91, § I(7-260))

Section 5-265 General requirements.

(a) *Compliance with building, plumbing and electrical codes.*

(1) All swimming pools, as required by this article shall also comply with the Southern Standard Swimming Pool Code, 1994 Edition, building, plumbing, and electrical codes of the city.

(2) No current carrying electrical conductors shall cross pools, either overhead or underground, or be located so close thereto as to constitute a hazard. All metal fences, enclosures or railings near or adjacent to said pools, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(b) *Heaters.* Gas-fired pool heaters and pool boilers shall comply with all applicable American Standards approval requirements, including A.G.A. and A.S.M.E. standards. Oil-burning equipment must be approved by U.L. or other nationally recognized testing agency. All such equipment shall carry the corresponding seal of approval by the appropriate agency.

(c) *Fences.*

(1) Every pool shall be enclosed to make the pool inaccessible to small children. All fence openings or points of entry to the pool area enclosure shall be equipped with gates or doors having self-closing and self-latching devices placed at the top of the gate or door or otherwise made inaccessible to small children. For commercial or semiprivate pools, the fence and gates or door shall be at least six (6) feet in height above the grade walk level and shall be constructed of decay or corrosion-resistant material approved by the chief building official. For private pools, fence or gates shall be at least four (4) feet in height above grade level and shall be constructed of

Thomasville Municipal Code
Last updated 3-28-2019

corrosion-resistant material. A building or existing wall complying with the height requirements set forth in this section, may be used as part of the enclosure, with the approval of the chief building official, if the resultant enclosure is sufficient to make the pool inaccessible to small children. All gates or doors shall be kept latched when the pool is not attended by a responsible swimmer.

- (2) Aboveground pools need not be enclosed by a fence if the pool has a side wall at least four (4) feet high, measured from the ground surface to the top of the side wall; provided, however, that any steps, ladders or other means of access to the pool shall be enclosed with a fence and gate as provided in subsection (c)(1) of section 5-265, or otherwise made inaccessible to small children by some other method approved by the chief building official.

(d) *Steps or ladders.* Two (2) or more means of egress from the pool by steps or ladders shall be provided for all pools. At least one (1) such means of egress shall be located at the deep end and one (1) at the shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material. Ladders or step holes shall have handrails on both sides.

(Ord. of 4-22-91, § I(7-261); Ord. of 5-27-96, § IV)

Section 5-266 Operation and maintenance.

(a) *Wastewater.* The disposal or discharge of pool wastewater must be accomplished in such a way that nuisance or damage to other property is avoided. Water may be discharged into a storm sewer provided permission is obtained from the city engineer.

(b) *Health hazard or nuisance prohibited.* No pools shall be used, kept, maintained or operated if such use, keeping, maintaining or operating shall constitute or be the occasion of any nuisance of any kind, or shall be dangerous to life or limb, or detrimental to health in any way.

(c) Each person or organization operating a commercial swimming pool or a semiprivate pool shall designate a person or persons who will be responsible for the maintenance of the pool and the landscaped areas required by this article and related matters. The name, address and telephone number of each such person shall be furnished by the organization to the chief building official for the city and shall be kept current at all times.

(d) Each organization operating a semiprivate pool by way of a membership plan shall establish bylaws which govern the operation and maintenance of the pool.

(Ord. of 4-22-91, § I(7-262))

Section 5-267 Landscaping requirements.

As to semiprivate pools and commercial pools, there shall be a ten-foot landscaped area on all sides of the property located between the property line and the required fencing. The landscaped area shall include shrubs planted a minimum of five (5) feet on center, and the shrubs shall be a minimum of twelve (12) inches in height at the time of planting. The landscaping material, not including the shrubs referred to herein, shall consist of at least fifty (50) percent living vegetation, such as lawn grasses, ground cover, vines or similar vegetation.

(Ord. of 4-22-91, § I(7-263))

Section 5-268 Required number of parking spaces.

(a) As to semiprivate pools, the number of required on-site parking spaces will be calculated as one (1) space per two hundred (200) square feet of pool surface or a minimum of ten (10) parking spaces, whichever is greater. One (1) of the parking spaces shall be designated as handicapped accessible.

Thomasville Municipal Code
Last updated 3-28-2019

(b) As to commercial pools, the requirements of section 22-291 shall be met.
(Ord. of 4-22-91, § I(7-264))

Section 5-269 Zoning.

(a) As to commercial pools, zoning shall be as set forth in section 22-106 of the Code of the City of Thomasville.

(b) As to an existing subdivision, a request for rezoning the property to conditional use-- semiprivate swimming pool will be required. As to a proposed subdivision, where a pool is identified at the time of the preliminary and final plat approval, no rezoning will be required.

(c) A request for rezoning by an organization operating a semiprivate pool by way of a membership plan shall be accompanied by a copy of the proposed bylaws for the organization which will operate the pool, and the proposed bylaws shall specify the maximum number of memberships which will permit use of the pool.

(Ord. of 4-22-91, § I(7-265))

Cross reference--Zoning regulations relative to swimming pools, §§ 22-35, 22-36.

Section 5-270 Lighting.

Lighting for pool areas and associated structures or facilities shall be configured and positioned so as not to shine on any adjacent property.

(Ord. of 4-22-91, § I(7-266))

Section 5-271 Penalty.

If the chief building official shall find that the construction or operation of a pool does not meet any of the requirements of the applicable laws, this Code, ordinances and regulations, including the requirements of this article, the official may direct that the pool be closed forthwith until the requirements have been duly complied with.

(Ord. of 4-22-91, § I(7-267))

Section 5-272 5-272--5-285. Reserved.

Section 5-285A ARTICLE XI. UNFIT BUILDINGS OR STRUCTURES

Section 5-286 Findings; policy.

(a) It is found and declared that in the city there exist dwellings, buildings, or structures which are unfit for human habitation for commercial, industrial, or business uses due to dilapidation and defects increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light, or sanitary facilities; or other conditions rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the city.

(b) It shall be the policy of the city for its designated officials to investigate and determine which dwellings, buildings or structures in the city are unfit for human habitation or are unfit for their current commercial, industrial, or business use because of existing conditions that are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of the city.

(Ord. of 12-22-86(2), § I)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-287 Definitions.

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

City manager means the city manager of the City of Thomasville, Georgia, or his designated agent.

Dwellings, buildings or structures means any building or structure or part thereof used and occupied for human habitation, commercial, industrial or business uses, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means person in possession of such property and all individuals, associations, and corporations who have an interest of record in the county where the property is located in a dwelling, building, or structure, including executors, administrators, guardians, and trustees.

Public authority means any housing authority or any officer who is in charge of any department or branch of the government of the city or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings or structures in the city.

Repair means closing a dwelling, building, or structure or the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Unfit dwellings, buildings or structures means:

- (1) Those whose interior or exterior bearing walls or other vertical structural members list, lean or buckle to such extent as to weaken the structural support of such member below the minimum required by the building code of the city; or
- (2) Those which have parts that are so attached that they are likely to fall and cause injury to persons or property; or
- (3) Those which in whole or in part are so dilapidated, decayed, damaged from any cause or deteriorated in any manner that they are likely to cause injury to persons or property; or
- (4) Those which are likely to cause injury to persons or property because they contain weakened, defective or deteriorated:
 - a. Footings or foundations;
 - b. Floorings or floor supports;
 - c. Ceilings or ceiling supports;
 - d. Roof or chimney;
- (5) Those which have visible soil erosion adjacent to or under any structural support; or
- (6) Those which are likely to cause injury to persons or property in the event of catastrophe, windstorm, fire, earthquake or panic because of inadequate stairways, elevators, escalators, fire escapes or other means of egress as required by the building and life safety codes of the city; or
- (7) Those which are likely to cause injury to persons or property because they have defective or inadequate plumbing, improper sanitation facilities, insufficient ventilation, or lack of running water, as required by the building code of the city, or this Code; or
- (8) Those which constitute fire hazards as defined in the life safety code of the city or other applicable ordinances and which are thereby dangerous to persons or property; or
- (9) Those which because of lack of proper maintenance, deterioration or decay, or fire hazards, are unsafe, unsanitary, or dangerous to human life, safety, or health or morals.
- (10) Vacant or dilapidated dwellings, buildings or structures in which drug crimes are being committed. For purposes of this article, a "drug crime" means an act which is a violation of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, known as the Georgia Controlled Substances Act.

Thomasville Municipal Code
Last updated 3-28-2019

(Ord. of 12-22-86(2), § I; Ord. of 3-25-91, § I(7-243.1))

Section 5-288 Procedures relating to repair or demolition of unfit buildings.

(a) The City Manager shall be designated as the public officer to exercise the powers as set forth in this article.

(b) Whenever a request is filed with the City Manager by a public authority or by at least five (5) residents of the City charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use or whenever it appears to the City Manager (on his own motion) that any dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use, the City Manager shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any parties in interest in such dwelling, building, or structure, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the City Manager at a place within the City fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and any parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City Manager.

(c) If, after such notice and hearing, the City Manager determines that the dwelling, building, or structure under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use, or is vacant, dilapidated, and being used in connection with the commission of drug crimes, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order as follows:

- (1) If the repair, alteration, or improvement of such dwelling, building or structure can be made at a cost not exceeding fifty (50) percent of the value of the dwelling, building, or structure, when repaired, the order shall require the owner or parties in interest, within the time specified in the order not to exceed one hundred twenty (120) days, to repair, alter, or improve such dwelling, building or structure so as to render it fit for human habitation or for current commercial, industrial, or business use or to vacate and close the dwelling, building, or structure as a human habitation; or
 - (2) If the repair, alteration, or improvement of such dwelling, building, or structure cannot be made at a cost not exceeding fifty (50) percent of the value of the dwelling, building, or structure, when repaired, the order shall require the owner or parties in interest, within the time specified in the order, not to exceed one hundred twenty (120) days, to remove or demolish such dwelling, building, or structure.
- (d) If the owner or party(ies) in interest fails to comply with an order to repair, alter or improve or vacate and close or remove or demolish the dwelling, building, or structure, the City Manager may cause such dwelling, building or structure to be repaired, altered or improved or to be vacated and closed or removed or demolished, as the City Manager has determined pursuant to paragraph (c), above. The City Manager may cause to be posted on the main entrance of any dwelling, building or structure so closed a placard with the following words:

“This building is unfit for human habitation or commercial, industrial or business use; the use or occupation of this building for human habitation or for commercial, industrial, or business use is prohibited and unlawful.”

(e) The duties of the City Manager set forth in paragraph (d) of this section shall not be exercised until the City Council has approved by ordinance the action to be taken.

Thomasville Municipal Code
Last updated 3-28-2019

(f) The amount of the costs of such repairing, altering or improving or vacating and closing or removal or demolition by the City Manager shall be a lien against the real property upon which such costs were incurred. Such lien shall attach to the real property upon the payment of all costs of repairing, altering or improving or vacating and closing or removal or demolition by the City and the filing of an itemized statement of the total sum of such costs by the City Manager in the office of the City Clerk on a lien docket maintained by the City Clerk for such purposes. If the dwelling, building, or structure is removed or demolished by the City Manager, he shall sell the materials of such dwelling, building, or structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the City treasury by the City Manager, shall be secured in such manner as may be directed by the City Clerk, and shall be disbursed by the City Clerk to the persons found to be entitled thereto by final order or decree of the court.

(g) The City may enforce the collection of any amount due on such lien for repairing, altering or improving or vacating and closing or removal or demolition of dwellings, buildings, or structures only in the following manner:

(1) The owner or party(ies) at interest shall be allowed to satisfy the amount due on the lien by paying to the City, within thirty (30) days after the perfection of the lien, a sum of money equal to the twenty-five percent (25%) of the total amount due and by further paying to the City the remaining balance due on the lien, together with interest at the rate of seven percent (7%) per annum, in three (3) equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as prescribed in this paragraph. The term "perfection" as used hereinabove is defined as the placement of the amount of the lien by listing the same upon the lien docket maintained by the City Clerk as referenced above.

(2) Should the property upon which the lien is perfected be sold, transferred, or conveyed by the owner or party(ies) at interest at any time prior to the termination of the three-year period, then the entire balance due on the lien shall be due and payable to the City on the date of the sale, transfer or conveyance.

(3) Should the amount due on the lien, or any portion thereof, be unpaid after the expiration of the three-year period, or upon the occurrence of the contingency provided for in subsection (2), above, the City may enforce the collection of any amount due on the lien for the repairs, alterations, improvements, vacating and closing, removal or demolition of dwelling, buildings, or structures in the same manner as provided in O.C.G.A. § 48-5-358, as amended, and other applicable state statutes. This procedure shall be subject to the right of redemption by any person having any right, title, or interest in or lien upon the property, all as provided by O.C.G.A. § 48-4-40 et seq.

(Ord. of 12-22-86(2), § I; Ord. of 1-11-88(2), § 1; Ord. of 2-14-94, §§ I--V; Ord of 12-8-03)

Section 5-289 Powers of city manager in regard to unfit buildings or structures.

An ordinance adopted by the city council may authorize the city manager to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the city in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use;
- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;

Thomasville Municipal Code
Last updated 3-28-2019

- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
 - (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article; and
 - (5) To delegate any of his functions and powers under this article to such officers and agents as he may designate.
- (Ord. of 12-22-86(2), § I)

Section 5-290 Service of complaints or orders upon parties in interest and owners of unfit buildings or structures.

(a) Complaints or orders issued by the city manager pursuant to this article shall, in all cases, be served upon each person in possession of such property, each owner, and each party in interest. The return of service signed by the city manager or an affidavit of service executed by any citizen of this state, reciting that a copy of such complaint or order was served upon each person in possession of such property, each owner, and each party in interest personally or by leaving such copy at the place of his residence, shall be sufficient evidence as to the service of such person in possession, owner, and party in interest.

(b) If any of the owners and parties in interest shall reside out of the city, service shall be perfected by causing a copy of such complaint or order to be served upon such party by the sheriff or any lawful deputy of the county of the residence of such party or parties, or such service may be made by any citizen. The return of such sheriff or lawful deputy or the affidavit of such citizen that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence, shall be conclusive as to such service.

(c) Nonresidents of this state shall be served by posting a copy of such complaint or order in a conspicuous place on the premises affected by the complaint or order. Where the address of such nonresidents is known, a copy of such complaint or order shall be mailed to them by registered or certified mail.

(d) If either the owner or any party in interest is a minor or an insane person or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the city or is a nonresident, he shall be served as provided for in paragraph (b) or (c) in such cases. If such minor or insane person or person laboring under disabilities has no guardian or personal representative or if such minor or insane person lives outside the city or is a nonresident, service shall be perfected by serving such minor or insane person personally or by leaving a copy at the place of his residence, which shall be sufficient evidence as to the service of such person. In the case of other persons who live outside of the city or are nonresidents, service shall be perfected by serving the judge of the probate court of the county wherein such property is located who shall stand in the place of and protect the rights of such minor or insane person or appoint a guardian ad litem for such person.

(e) If the whereabouts of any owner or party in interest is unknown and such whereabouts cannot be ascertained by the city manager in the exercise of reasonable diligence and the city manager shall make an affidavit to that effect, then the service of such complaint or order upon such person shall be made in the same manner as provided in paragraph (c) or service may be perfected upon any person, firm or corporation holding itself out as an agent for the property involved.

(f) A copy of such complaint or order shall also be filed in the proper office or offices for the filing of lis pendens notice in the county in which the dwelling, building or structure is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. Any such complaint or order or an appropriate lis pendens notice may contain a statement to the

Thomasville Municipal Code
Last updated 3-28-2019

effect that a lien may arise against the described property and that an itemized statement of such lien is maintained on a lien docket maintained by the clerk of the city.
(Ord. of 12-22-86(2), § I; Ord. of 1-11-88(2), § I; Ord. of 2-14-94, § V)

Section 5-291 Application to other private property.

All the provisions of this article including method and procedure may also be applied to private property where an accumulation of weeds, trash, junk, filth, and other unsanitary or unsafe conditions shall create a public health hazard or a general nuisance to those persons residing in the vicinity.
(Ord. of 12-22-86(2), § I)

Section 5-292 Injunctions against order to repair, close, or demolish unfit buildings or structures.

Any person affected by an order issued by the city manager may petition to the superior court for an injunction restraining the city manager from carrying out the provisions of the order and the court may upon such petition issue a temporary injunction restraining the city manager pending the final disposition of the case; provided, however, that such person shall present such petition to the court within fifteen (15) days of the posting and service of the order of the city manager. De novo hearings shall be had by the court on petitions within twenty (20) days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this provision.
(Ord. of 12-22-86(2), § I)

Section 5-293 Taking of unfit buildings or structures by eminent domain; police power.

Nothing in this article shall be construed as preventing the owner of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of this state.
(Ord. of 12-22-86(2), § I)

Section 5-294 5-294--5-310. Reserved.

Section 5-310A ARTICLE XII. STORMWATER MANAGEMENT

Section 5-311 Short title.

This article shall be known and may be cited as "The Stormwater Management Article." (Code 1958, § 7-273; Ord. of 7-14-86(1))

Section 5-312 Intent.

This article is intended to allow owners to develop undeveloped land and redevelop property provided stormwater runoff peak rates after development or redevelopment approximate existing conditions.
(Code 1958, § 7-274; Ord. of 7-14-86(1))

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-313 Definitions.

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

Detention facility, water detention structure means a facility which provides for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm. This facility is normally dry, but is designed to fill during runoff events.

Retention facility, water retention structure means a facility which provides for storage of stormwater runoff and will usually contain a substantial volume of water to serve recreational, aesthetic, water supply or other functions. Stormwater will be temporarily stored at above normal stages during runoff events.
(Code 1958, § 7-275; Ord. of 7-14-86(1))

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 5-314 Jurisdiction.

This article shall apply to all areas incorporated within the city limits and to all areas annexed into the city limits in the future.

(Code 1958, § 7-276; Ord. of 7-14-86(1))

Section 5-315 Activities requiring permit.

Any development activity or combination of development activities which would increase the rate of run-off requires a permit. Such activities include, but are not necessarily limited to the following:

- (1) Construction of a structure or addition to an existing structure;
- (2) Paving a portion of land;
- (3) Subdividing land.

(Code 1958, § 2-277; Ord. of 7-14-86(1); Ord. of 9-26-94, § I)

Section 5-316 General requirements.

(a) The discharge hydrograph produced for the developed or redeveloped site shall not exceed by more than ten (10) percent, in terms of peak flow, the hydrograph produced by conditions existing before development or redevelopment for a twenty-five (25) year frequency storm.

(b) Depending upon the contours, one (1) or more detention/retention facilities shall be planned. Where incremental development is allowed the detention/retention facility necessary for that part of the development must be constructed prior to the completion of any development within the same drainage area.

(c) When a proposed detention/retention facility is planned within a floodplain identified in the Flood Insurance Study for the City of Thomasville, the design of the dam and outlet device shall provide for the safe passage of the one-hundred-year flood.

(Code 1958, § 7-279; Ord. of 7-14-86(1))

Section 5-317 Design standards.

(a) Design of the water retention or detention facilities and control flow release device shall be designed according to recognized engineering standards, subject to the approval of the city engineer. The form and content of the plan and design information submitted is subject to the approval of the city engineer.

Thomasville Municipal Code
Last updated 3-28-2019

(b) The plan and calculations (including the as built plan) for parcels of land in excess of three (3) acres shall be done, sealed and signed by a state registered professional engineer.

(c) If the retention facility is designed for temporary storage of stormwater runoff to a maximum water or undercut depth of more than four (4) feet or a bank slope greater than two (2) (horizontal) to one (1) (vertical), permanent fencing at least four (4) feet in height shall be required around the facility. The fencing shall be designed, installed, and maintained to allow the free flow of runoff into the facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. Fencing may be waived by the city engineer in areas other than those zoned residential if the facility is more than five hundred (500) feet from a residential district.
(Code 1958, § 7-279.1; Ord. of 7-14-86(1))

Section 5-318 Alternate procedures.

(a) When developing a parcel of land which does not lie within a drainage basin where a significant drainage problem has been identified by the city engineer (for a twenty-five-year event rain), a developer, in lieu of constructing an on-site detention facility, may elect to pay a stormwater impact fee.

(b) The stormwater impact fee shall be based upon the amount of new impervious area created by the development. If roof or paving is involved, the impact fee will be calculated by multiplying the total new square footage of impervious area by ten cents (\$0.10) per square foot. For other types of surfacing and changes, a weighted factor will be applied based on a recognized engineering standard.

(c) A developer who is allowed to use the alternate procedure of paying an impact fee to the city and whose drainage from the property flows onto any adjacent property other than public right-of-way shall be required to enter into an agreement to indemnify the city in the event any claim or action is brought against the city as a result thereof. Such indemnification agreement shall be in a form satisfactory to the city attorney.

(d) When it is determined by the city engineer that an existing detention facility can be eliminated without adversely affecting downstream drainage networks, the owner thereof may eliminate the existing detention facility, provided the city agrees to accept a stormwater impact fee for the impervious area created by the development based on the formula identified in (b) above.

(Code 1958, § 2-280; Ord. of 7-14-86(1); Ord. of 2-22-93, § I; Ord. of 9-26-94, § II)

Section 5-319 Maintenance.

The installed system required by this article shall be maintained by the owner except that the city may accept certain systems for city maintenance. The selection of critical areas and structures to be maintained by the city shall be recommended to the city council by the city engineer. The city council will make final determination regarding the acceptance of the system recommended. All areas and structures to be maintained by the city must be dedicated to the city by plat or separate instrument and accepted by the city council.
(Code 1958, § 7-283; Ord. of 7-14-86(1))

Section 5-320 Enforcement.

It shall be the responsibility of the chief building official to insure that no permit is issued by that person's office unless the provisions of this article are observed by the applicant/owner. No building permit shall be issued until the city engineer has either determined that the work involved is exempt from the requirements of this article, or that a complete plan has been filed with the city engineer meeting the requirements of the article. If the permit has not been previously approved, the chief building official may only issue a provisional building permit contingent upon approval of the plan and compliance with the

Thomasville Municipal Code
Last updated 3-28-2019

provisions of this article. The owner/applicant shall acknowledge in writing his understanding that the building permit is contingent upon the above. No occupancy permit shall be issued until the provisions of this article have been met by the owner/applicant.

(Code 1958, § 7-285; Ord. of 7-14-86(1))

Section 5-321 Penalties.

Any person who violates or causes to be violated any provision of this article or permits any such violation or fails to comply with any of the requirements hereof shall be punished in accordance with the provisions of section 1-6. Each day upon which such violation occurs shall constitute a separate offense. In addition to any other remedies, whether civil or criminal, the violation of this article may be restrained by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law.

(Code 1958, § 7-286; Ord. of 7-14-86(1))

Section 5-322 Variance procedure.

Upon request by any person required to obtain a permit by this article and where it is proven by engineering study by the owner/applicant's engineer that an increase in the rate or volume of surface runoff shall not be harmful to downstream property owners, the city council, after favorable recommendations by the city engineer, may grant or deny a variance to this article.

(Code 1958, § 7-287; Ord. of 7-14-86(1))

Section 5-323 Conflict with other ordinances and laws.

In case of conflict between this article or any part thereof and the whole or part of any other existing ordinance, resolution or state law, the city ordinance, county resolution, or state law which is the most restrictive shall apply.

(Code 1958, § 7-291; Ord. of 7-14-86(1))

Section 5-324 Emergency exemption.

(a) This article shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, infestation by pest, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.

(b) A report of any such emergency action shall be made to the engineering department by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but not more than ten (10) days following such action. Remedial action may be required by the engineering department subject to appeal to the city council in the event of dispute.

(Code 1958, § 7-288)

Section 5-325 Bond to guarantee compliance.

Before approval of the building permit and issuance of a certificate of occupancy, compliance with this article shall be required. After approval of the permit for compliance, the owner/applicant may tender to the city a surety bond conditional to secure the construction of the improvements required by this article. The bond shall be in an amount equal to one hundred ten (110) percent of the estimated cost of the

Thomasville Municipal Code
Last updated 3-28-2019

construction as required by this article. It shall be the responsibility of the owner/applicant to get a quotation for the required work from a reliable contractor qualified to complete the required work within the required time. The city engineer may prepare an estimate in lieu of above and require a bond for an amount based upon his estimate. The surety will be subject to the condition that the improvements required by this article and the approved permit be completed within six (6) months of the date of issuance of the certificate of occupancy. If such improvements are not satisfactorily completed, within six (6) months, the terms of the bond shall specify that the city may proceed with the work and hold the applicant and surety jointly and severally responsible for the costs thereof. Such bond shall be executed by a corporate surety company authorized to do business in the state, holding certificate of authority from the Secretary of Treasury of the United States as acceptable surety on federal bonds and executed and issued by a resident agent licensed and having an office in the state representing such corporation surety. As an alternative, the applicant may deposit a certificate check with, payable to, the city in place of the surety bond or the applicant may deposit a bank letter of credit in a form acceptable to the city attorney. (Code 1958, § 7-289)

Section 5-326 Vested rights.

This article shall not in any way limit or modify the vested rights of any person to complete any development or improvements to lands based upon prior law where a previous permit or authorization has been granted or applied for and where such previous permit or authorization remains in effect. (Code 1958, § 7-290)

Section 5-327 5-327--5-350. Reserved.

Section 5-350A ARTICLE XIII. SOIL EROSION, POLLUTION, AND SEDIMENTATION CONTROL

Section 5-351 Definitions

The Following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. Best Management Practices (BMPs):

These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

2. Board: The Board of Natural Resources.

3. Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

4. Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

5. Coastal Marshland: Shall have the same meaning as in O.C.G.A. 12-5-282.

6. Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

7. CPESC: Certified Professional in Erosion and Sediment Control with current certification by

Thomasville Municipal Code

Last updated 3-28-2019

EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

8. Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
9. Department: The Georgia Department of Natural Resources (DNR).
10. Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
11. Director: The Director of the Environmental Protection Division or an authorized representative.
12. District: The Region V Soil and Water Conservation District.
13. Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.
14. Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
15. Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.
16. Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.
17. Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
18. Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.
19. Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
20. Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
21. Ground Elevation: The original elevation of the ground surface prior to cutting or filling.
22. Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.
23. Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the

Thomasville Municipal Code

Last updated 3-28-2019

purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

24. Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

25. Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et. seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

26. Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

27. Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

28. NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

29. NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

30. Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

31. Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

32. Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

33. Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

34. Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

35. Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

36. Properly Designed: Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

37. Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water

Thomasville Municipal Code

Last updated 3-28-2019

under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

38. Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

39. Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

40. Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Region V Soil and Water Conservation District.

41. Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

42. State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

43. State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

44. Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

45. Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

46. Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

47. Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or

Thomasville Municipal Code

Last updated 3-28-2019

intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

48. Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(ORD of 11/28/2018 (per O.C.G.A. 12-7-8(a)(2))

Section 5-352 Exemptions

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface
2. Mining Act of 1968".
3. Granite quarrying and land clearing for such quarrying;
4. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
5. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;
6. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
7. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
8. Any project carried out under the technical supervision of the Natural Resources

Thomasville Municipal Code

Last updated 3-28-2019

9. Conservation Service (NRCS) of the United States Department of Agriculture;

10. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

11. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

12. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

13. Any public water system reservoir.

(ORD of 11/28/2018 (per O.C.G.A. 12-7-8(a)(2))

Section 5-353 MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV

Thomasville Municipal Code

Last updated 3-28-2019

B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. MINIMUM REQUIREMENTS/ BMPs

1. Best management practices as set forth in Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

5. The LIA may set more stringent buffer requirements than stated in C.15. and 16., in light of O.C.G.A. § 12-7-6 (c).

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

2. Cut-fill operations must be kept to a minimum;

3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

Thomasville Municipal Code

Last updated 3-28-2019

4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance;
15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they

Thomasville Municipal Code

Last updated 3-28-2019

occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.

17. There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface as determined in accordance with Chapter 5 of Title 12 of the title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that the adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall

Thomasville Municipal Code

Last updated 3-28-2019

be defined as usable in its current state or with minor maintenance but not do degraded as to essentially require reconstruction.

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

d. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in EPD Rule 391-3-7.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved bugger variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.

D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

(ORD of 11/28/2018 (per O.C.G.A. 12-7-8(a)(2),))

Section 5-354 APPLICATION/PERMIT PROCESS – General

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-355 APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of City of Thomasville without first obtaining a permit from the Engineering Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

2. The application for a permit shall be submitted to the Engineering Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section IV B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV C. 15. & 16. has been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.

6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

Section 5-356 PLAN REQUIREMENTS

Thomasville Municipal Code

Last updated 3-28-2019

1. Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Section 5-357 PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV C. 15. & 16. are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Section 5-358 INSPECTION AND ENFORCEMENT

A. The Engineering Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and

Thomasville Municipal Code

Last updated 3-28-2019

maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

C. The Engineering Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION 3-359 PENALTIES AND INCENTIVES

A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. STOP-WORK ORDERS

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to

Thomasville Municipal Code

Last updated 3-28-2019

correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;

3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. **BOND FORFEITURE** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. **MONETARY PENALTIES**

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 5-360 EDUCATION AND CERTIFICATION

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a

Thomasville Municipal Code

Last updated 3-28-2019

minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

SECTION 5-361 ADMINISTRATIVE APPEAL; JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the council City of Thomasville within Fifteen days after receipt by the Local Issuing Authority of written notice of appeal.

B. JUDICIAL REVIEW

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Thomas County.

SECTION 5-362 VALIDITY AND LIABILITY

A. **VALIDITY.** If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

B. LIABILITY.

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.

2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

(Ordinance of 7-25-11, ORD of 11/28/2018 (per O.C.G.A. 12-7-8(a)(2)),)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-379 5-379--5-400. Reserved.

Section 5-400A ARTICLE XIV. ENERGY CODE

Section 5-401 Adopted.

There is hereby adopted by the City of Thomasville for the purpose of establishing rules and regulations relative to the design of building envelopes for adequate thermal resistance, low air leakage, the design and selection of mechanical, electrical, service water heating and illumination systems and equipment which will enable the effective use of energy and new building construction that certain code known as the International Energy Conservation Code as adopted by the state of Georgia with Georgia State Amendments, and such code is hereby adopted and incorporated as fully as if set out in this article. One (1) copy is filed in the office of the building inspection department, and is available for review by the general public upon request.

(Ord. of 5-27-96, § V; Ord of 7-23-08)

Section 5-402 5-402--5-450. Reserved.

Section 5-450A ARTICLE XV. WATER CONSERVATION RESTRICTIONS

Section 5-451 Definitions.

(a) *Commercial* means any type of building other than residential.

(b) *Construction* means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

(c) *Residential* means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

(Ord. of 3-23-92, § XII)

Section 5-452 Residential restrictions.

On or after April 1, 1992, no construction may be initiated within the City of Thomasville for any residential building of any type which:

(a) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992;

(b) Employs a showerhead that allows a flow of more than an average of 2.5 gallons of water per minute at sixty (60) pounds per square inch of pressure;

(c) Employs a urinal that uses more than an average of 1.0 gallons of water per flush;

(d) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or

(e) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(Ord. of 3-23-92, § XII)

Section 5-453 Commercial Restriction.

Thomasville Municipal Code

Last updated 3-28-2019

On or after July 1, 1992, there shall be no construction of any commercial building initiated within the City of Thomasville for any commercial building of any type which does not meet the requirements of subsections (a) through (e) of section 5-452.
(Ord. of 3-23-92, § XII)

Section 5-454 Existing building restrictions.

The requirements of section 5-452 shall apply to any residential construction initiated after April 1, 1992, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of, or addition to any existing building when such repair, or renovation of, or addition to such existing building includes replacement of toilets or showers or both.
(Ord. of 3-23-92, § XII)

Section 5-455 Exemptions.

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 5-452, 5-453, and 5-454 when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or showerheads within such existing buildings; or
- (2) When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets, or showerheads required by this article were installed; or
- (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
- (4) Units to be installed are:
 - a. Specifically designed for use by the handicapped,
 - b. Specifically desired to withstand unusual abuse or installation in a penal institution, or
 - c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsections (a)(2), (3), or (4) of this section shall obtain the exemption by applying at the office of the chief building official for the City of Thomasville. A fee of twenty-five dollars (\$25.00) shall be charged for the inspection and issuance of such exemption.
(Ord. of 3-23-92, § XII)

Section 5-456 Enforcement; penalty.

(a) This article shall be enforced by the office of the chief building official of the City of Thomasville, Georgia. Citations for violations may be issued by the chief building official of the City of Thomasville, Georgia.

(b) Any person, corporation, partnership, or other entity violating this article shall be tried before the municipal court of the City of Thomasville, Georgia. Upon conviction, a violation of this article may be punished by a fine not to exceed one hundred dollars (\$100.00).
(Ord. of 3-23-92, § XII)

CHAPTER 5, ARTICLE XVI, SIGN REGULATIONS;

Section 5-500 Findings.

After extensive research, study and deliberation the city council has determined:

Thomasville Municipal Code

Last updated 3-28-2019

(1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly and safely designed business environment, the protection of property values and the promotion of tourism in this unique community;

(2) An improperly regulated sign environment poses health and safety hazards to the public;

(3) The result of effective sign regulation will be to lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs which compete for the attention of pedestrian and vehicular traffic;

(4) Through proper regulation of signs, the attractiveness and economic well being of the city will be enhanced as a place to live, work, and conduct business;

(5) The City of Thomasville derives substantial revenue from tourism centered around the historic character of the City and its surrounding plantations; preservation of the City's historic character is necessary to protect and foster future tourism;

(6) The 10 historic districts established and recognized by the city pose special consideration in the regulation of signage, requiring signage within said districts and within a reasonable distance of any such district to reflect the character of the district and not detract from or be inconsistent with the historic aspects or character of that district;

(7) The following sources, in particular, comprise appropriate background for the regulation of signage within the City of Thomasville:

a. Signs, Billboards and Your Community, a Citizen's Manual for Improving the Roadway Environment by Effective Control of Billboards and Outdoor Advertising, by the Pennsylvania Resources Council Inc and Society Created to Reduce Urban Blight;

b. Information provided by Scenic America with respect to sign control;

c. Toronto Staff Report, dated February 6, 2001, reflecting staff input on proposal to install two electronic animation signs;

d. Billboard Regulation in Portland, A Report Adopted by the City Club of Portland Oregon on September 6, 1996;

e. Electronic Billboards and Highway Safety, prepared for the Bureau of Highway Operations, Division of Transportation Infrastructure Development, by CTC and Associates LLC June 10, 2003;

f. Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Final Report, September 11, 2001, from Human Centered Systems Team, Office of Safety Research and Development, Federal Highway Administration;

g. Materials related to a billboard collapse in Snellville Georgia, resulting in the death of three workers;

h. Driving Performance and Digital Billboards, a Study by Virginia Tech Transportation Institute;

i. A Critical, Comprehensive Review of Two Studies Recently Released by the Outdoor Advertising Association of America, prepared for the Maryland State Highway Administration by Jerry Wachtel, dated October 18, 2007; and

j. The Milwaukee County Stadium Variable Message Sign Study, dated December 1994;

k. The Impact of Driver Inattention on Near Crash/Cash Risk: An Analysis Using the 100 Car Naturalistic Driving Study Data prepared by National Highway Traffic Safety administration, US Department of Transportation, dated April 2006.

Thomasville Municipal Code
Last updated 3-28-2019

(8) Specific study of US 319 and US 84 corridors was performed for the City of Thomasville by the Florida Planning and Development Lab of Florida State University, Department of Urban and Regional Planning, dated September 2007. The study found that additional restrictions were needed on signage in the US 319 and US 84 urban corridors;

(9) Some signage has a single targeted function and identification of signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of providing addresses, which is a benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purposes of either visitation or responding to emergency calls. While such signage may be referenced based upon the function it serves within the context of this article, the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Section 5-501 Purpose and Intent.

(a) The purpose and intent of this article is to establish standards for the fabrication, erection, use, maintenance and alteration of signs, symbols and markings within the city. These standards are designed to protect and promote the health, safety, and welfare of persons within the city by providing regulations which allow and encourage creativity, effectiveness, and flexibility in the design and use of such devices while promoting traffic safety and avoiding an environment that encourages visual blight.

(b) It is also the purpose of this article to prohibit the future erection, placement, or location of portable and certain other types of signs determined to be detrimental to the aesthetic sense, historic character and public health, safety, and general welfare of the citizens of the city both generally and as it particularly affects tourism.

(c) A determination has been made by the city council that the regulations contained in this article are the minimum amount of regulations necessary to achieve the purposes set out above.

Section 5-502 Compliance with Standards Required.

All signs within the city shall be erected, constructed or maintained in accordance with the provisions of this article and applicable sections of the city's building and electrical codes.

Section 5-503 Definitions.

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

Advertising Device. See Sign.

Animated Sign. Means a sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs

Thomasville Municipal Code

Last updated 3-28-2019

set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (Light Emitting Diode) screen or any other type of video display, even if the message is stationary.

Area of Sign Face. Means the area, in square feet, within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of the support structure shall not be included in calculating area of sign face.

Banner. Means a sign, with or without characters, letters, illustrations, or ornamentations, applied to cloth, paper, plastic or fabric of any kind with only such material for a backing. Flags within the limitations of Section 5-505 shall not be considered banners.

Billboard. Means a freestanding sign with a sign face of more than 182 square feet on multi-lane divided highways or more than 150 square feet on other streets and highways or a wall sign with a sign face of more than 300 square feet.

Building Inspector. Means a building inspector of the city.

Changeable Copy Sign. Means a sign that is capable of changing the position or format of word messages or other displays on the sign face or of changing the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, moveable discs, moveable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Tri-vision Signs and LED Signs are specifically excluded from the definition of Changeable Copy Sign.

Double-Faced Sign. Means a sign which has two display areas opposite each other or where the interior angle formed by the display area is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Flag. Means a sign consisting of any fabric containing distinctive colors, patterns, logos or symbols, used as a symbol of a government or any other entity or organization.

Flashing Sign. Means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Flashing Signs are considered animated signs.

Freestanding Sign. Means a sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be permanently and firmly set in and below the ground surface and be wholly independent of a building for support.

Frontage. Means the distance for which property abuts one side of a street, road or highway, or other public way measured along the dividing line between the property and such road, or highway, or other public way.

Thomasville Municipal Code
Last updated 3-28-2019

Frontage, Building. Means the area in square feet of the front exterior wall of a particular establishment.

Ground Clearance. Means the distance in vertical feet from the ground, sidewalk or other surface to the lowest point of the sign face or sign structure, whichever is lower.

Height of Sign. Means the vertical distance in feet from the ground, sidewalk or other surface to the highest point of the sign face or sign structure, whichever is higher.

Historic impact area. Means the entire area designated by ordinance as a historic district as well as a buffer area 750 feet in depth completely surrounding each such historic district and measured from the district's exterior boundary.

Illuminated Sign. Means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Illuminated Sign, Direct. Means a sign illuminated by an internal light source.

Illuminated Sign, Indirect. Means a sign illuminated by an external light source directed primarily toward such sign.

Incidental Sign. Means a sign of no more than two (2) square feet that serves the purpose of guiding safe traffic movements onto, from or on property, and without which there is an increased risk of incompatible traffic movements or obstructions. Examples of incidental signs include but are not limited to, "Stop," "No Parking," "Entrance," "Loading Zone" and other similar traffic related directives.

LED Sign. Means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitted polymer (LEP), organic electro polymer (OEL), or any other similar technology. For the purpose of this article, LED signs are not considered changeable copy signs.

Lot. Means a unit of land as defined in a single deed recorded in the Superior Court Deed Records of Thomas County, Georgia. The description as specified in each recorded deed shall constitute a lot for the purpose of this article. Provided further, that two (2) or more adjoining lots in common ownership and which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one (1) lot for the purpose of this

Thomasville Municipal Code
Last updated 3-28-2019

article.

Lot, Corner. Means a lot which abuts on two (2) or more streets, or roads or both, at their intersection, or upon a curved street, provided that the two (2) sides of the lot, or the tangent to the curve of the street line at its starting points at or within the sidelines of the lot, intersect to form an interior angle of not more than 135 degrees.

Lot, Through. Means a lot other than a corner lot having frontage on more than one (1) street.

Marquee. Means a roofed structure attached to and supported by a building and projecting over public or private sidewalks or rights of way.

Marquee Sign. Means a sign suspended from the ceiling of a marquee.

Monument Sign. Means a freestanding sign which forms a solid structure from the ground to the top of the sign, and the width of which is constant from the ground to the top.

Multi Lane Divided Highway. Means a highway consisting of four (4) or more lanes with two (2) or more lanes each in opposing directions separated by a grassed or barrier median.

Non-conforming Sign. Means a sign, legally existing at the time of erection, but which does not conform to the provisions of this article.

Non-conforming Use. Means any use of a building or land which was legal at the time of inception but which does not conform to this article for the zoning district in which it is situated.

Owner. Means the person who has the legal right or exclusive title to the sign.

Permittee. Means the person who secures a permit from the city to erect, install, attach or paint a sign.

Thomasville Municipal Code
Last updated 3-28-2019

Planned Center, Office, Commercial, or Industrial. Means a group of two (2) or more retail stores, service establishments, offices, industries, or any other businesses planned to serve the public, which is in common ownership or condominium ownership.

Pole Sign. Means a freestanding sign that is mounted on a pole or other vertical support such that the bottom of the sign face is more than six (6) feet above the ground and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign face. Pole signs may also be mounted between two poles or vertical supports provided they otherwise meet the standards of this definition.

Portable Sign. Means a sign, whether on its own trailer, wheels or otherwise, which was designed and manufactured so that it can be transported from one place to another, and sidewalk and A-frame signs as further defined and regulated in this article.

Projecting Sign. Means any sign that is affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted.

Roof Sign. Means a sign mounted upon or above any portion of the roof of a building or structure including the upper slopes of a gambrell or mansard roof or any variations of such roofs. Signs mounted on the lower slope of a gambrell or mansard roof shall be considered wall signs.

Setback. Means the distance from the property line to the nearest plane of the applicable building, structure, or sign, measured perpendicularly to the property line.

Serial Sign. Means a sign which contains individual panels arranged vertically or horizontally, or both, in rows between two vertical supports, each panel utilized by a separate entity. Serial signs are designed to share signage among multiple tenants on a lot. Serial signs may be wall or freestanding signs. Freestanding signs shall have a minimum of two (2) vertical supports.

Shopping Center. See definition for Planned Center.

Sidewalk and A-Frame Signs. Means a portable sign the support structure of which is not imbedded in the ground. Such signs are constructed in such a manner that they stand on their own but are not permanently installed.

Sign. Means a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

Sign Face. Means the part of a sign that is or can be used to communicate its message.

Standard Informational Sign. Means a sign with an area not greater than four and one-half (4.5) square feet, with a sign face for short term use, containing no reflective elements, flags, or projections, and which, when erected, stands at a height of not greater than two and one-half (2.5) feet and is mounted on a wooden stake or metal frame with a thickness or diameter not greater than one and one-

Thomasville Municipal Code

Last updated 3-28-2019

half (1.5) inches.

Swinging Freestanding Sign. Means a freestanding sign suspended from a horizontal structural support supported by vertical structural steel columns or wooden posts.

Swinging or Projecting Wall Sign. Means a sign projecting more than eight (8) inches from the outside wall of any building upon which it is located and suspended from supports of any kind.

Temporary Sign. Means a sign of a non permanent nature.

Tri-Vision Sign. Means a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three (3) different sign messages in rotation. For purposes of this article, a tri-vision sign is not a changeable copy sign.

Wall Sign. Means a sign painted on, applied to or mounted to the wall or surface of a building or structure, the sign display surface of which does not project more than eight (8) inches from the outside wall of such building or structure provided that channel letters mounted to a raceway may not project more than twelve (12) inches. The total lettering on one wall of a building or structure shall constitute one wall sign. Signs shall not project above the top edge of a wall or above or below the front wall, edge or face of a marquee.

Window Sign. Means any sign placed inside or upon a window in such a manner as to be viewable and/or readable from the exterior of the building.

Zoning Administrator. Means the Zoning Administrator of the City.

Section 5-504 Permit Required; Procedures.

(a) Unless specifically exempted from obtaining a permit under the provisions of this article, no person shall erect, construct, replace, relocate or structurally alter any sign within the city without first obtaining a sign permit from the city.

(b) Applications for permits shall be made upon forms provided by the city and shall contain or have attached thereto the following information:

(1) Name, address and telephone number of the applicant.

(2) Tax lot ID and address of building, structure or lot to which or upon which the sign is to be attached or erected.

(3) Two (2) accurate drawings showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features (survey not required).

(4) One (1) accurate drawing to scale of the plans, specifications and method of construction and attachment of the sign to the building or ground. The drawing shall specifically include the size of the sign area, overall height of the sign, location of the sign installation and its relation to existing rights-of-way and all driveways, a sight distance diagram, and any protective devices or landscaping around the base of the sign. For all signs over 35 square feet in sign area, the drawings shall be an engineered structural drawing designed to the International Building Code.

(5) Name, address, telephone number and business license number of the

Thomasville Municipal Code

Last updated 3-28-2019

number of the person erecting the sign.

(6) Written consent of the owner of the lot to which or upon which the sign is to be erected with respect to freestanding signs and written consent of the owner of the lot and tenant of the improved space upon which a wall sign is to be erected.

(7) The location and size of all other signs on the lot upon which the sign is to be erected.

(8) The distance in feet to the nearest existing freestanding sign.

(9) The distance in feet from the location of the proposed sign to the nearest residentially zoned lot.

(10) The distance in feet from the location of the proposed sign to the edge of the nearest registered historic district, such distance to be measured as the crow flies from the site of the proposed installation to the nearest border of the historic district.

(11) The size of the lot upon which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented.

(12) If the sign is to be lighted, an application for electrical permit meeting all standards of the city's electrical code.

(13) The value of the sign.

(14) Comprehensive photographs of the lot showing all buildings, structures, existing signage and driveways.

(15) Such other information as the city shall require to show full compliance with this and other ordinances of the city.

(16) All applications for serial sign permits must be signed by the owner of the property upon which the sign is to be erected.

(c) No review of the specific content of any proposed sign shall be made or required.

(d) Sign permits shall be issued only to the owner of the lot or to tenants of improved and fully enclosed space for which the sign is to be erected. For all signs, the sign face of which does not exceed 32 square feet and the height of which does not exceed six (6) feet, permits may be issued to the owner of the lot or tenant of the improved space without designation of a licensed contractor. Any sign exceeding those dimensional requirements, with the exception of wall signs painted on an exterior wall, shall require designation of a licensed contractor to perform the sign fabrication and installation. Sign permits are authorizations granted to a specific applicant and are nontransferable. The sign permit holder shall remain responsible at all times for the erection, maintenance and condition of the sign. Once signs have been erected pursuant to valid permits, the sign permits are transferable only to a new owner or tenant who succeeds to the legal interest of the former sign permit holder; no transfer of a sign permit shall be complete without application to and approval by the City.

(e) For serial signs the property owner shall secure a permit for the sign structure as well as for removal of individual sign panels reserved for uses which no longer exist within the building or buildings covered by the serial sign. In addition to the permit required for a serial sign structure, a separate permit shall be required for each entity utilizing any portion of the serial sign.

(f) Each application for permit shall be accompanied by the applicable permit fees. Fees for permits shall be fixed from time to time by the city council.

(g) Upon the filing of an application for a permit the zoning administrator shall

Thomasville Municipal Code

Last updated 3-28-2019

review all information supplied, all plans and specifications submitted and the premises upon which the sign is proposed to be erected. Such review shall be completed within 14 calendar days of submission of a sign application. If, based on review of the permit application and inspection of the site, the proposed sign is in compliance with the requirements of this article and all other laws and ordinances of the city, the zoning administrator shall issue a permit upon payment of fees no later than 14 calendar days from the receipt of the application package. Application packages submitted in an incomplete form shall be returned to the applicant no later than 14 days from the date of submission with denial based upon incompleteness of the application. If no decision is made within 14 calendar days, the permit will be deemed approved, provided that any sign erected must comply with all size, height, location and other physical requirements of this article, and no vesting of rights for a sign in violation of these standards shall occur.

(h) The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this article, are incomplete, or contain any materially false statements. Violation of any provision of this article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this article, the zoning administrator shall revoke the permit. Should the zoning administrator deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before the 30th calendar day after the city received the application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within 30 calendar days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of on the date of original submission. Actions to revoke a permit shall be in writing, shall document the basis for the revocation, and shall be served in the same manner as a notice of denial.

(i) A sign permit shall become null and void if the sign for which the permit was issued has not been erected, installed or affixed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later a sign is desired to be erected at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

(j) An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the city planner, provided such appellant files a written notice of appeal with the city clerk within 10 business days of the zoning administrator's notice. Such appeals shall be considered by the city planner in a hearing held within 30 days of the notice of appeal being filed. The city planner shall issue a written decision to the applicant no later than 10 days following the close of the appeal hearing. If no decision is made within 40 days of appeal filing, the appeal will be deemed denied. Decisions of the city planner to affirm the decision of the zoning administrator or to overrule the decision of the zoning administrator and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation.

(k) In the event an applicant whose permit has been denied or permit holder whose permit has been revoked is dissatisfied with the decision of the city planner, such applicant or permit holder may petition for writ of certiorari to the Superior Court of Thomas County as provided by law.

(l) Any person commencing work on a sign before securing the necessary permit

Thomasville Municipal Code
Last updated 3-28-2019

from the zoning administrator shall be subject to double permit fees under the permit fees schedule.

Section 5-505 Signs Exempt From Permit Requirement.

The permit requirements of this article shall not apply to the following, provided that signs erected or placed are located on property of the person who erects such signs, and provided further that all signs exempted from the permit requirements shall nevertheless be maintained in accordance with the other remaining provisions of this code.

(1) Traffic control devices and other public safety signs on public streets and highways conforming to the Uniform Manual for Traffic Control Devices;

(2) Signs required to be posted by law in accordance with requirements of governing statutes;

(3) Warning signs and no trespassing signs not exceeding four and one-half (4.5) square feet in size;

(4) Signs established by governmental agencies;

(5) Incidental signs, limited to two (2) per driveway, and erected to a height of no more than two (2) feet;

(6) Standard informational signs meeting the standards of this article;

(7) Signs not visible from public thoroughfares;

(8) Signs within enclosed businesses, offices, malls or other enclosed areas and not visible from public rights of way;

(9) Signs painted on or applied to the window or door of a building and not obscuring more than 30 percent of the window area of such window or door;

(10) Flags, provided that

a. No flag shall exceed 24 square feet in area in any residential zone or 60 square feet in area in any commercial, industrial or institutional zone and shall not be flown from a pole, the top of which is higher than 25 feet in any residential zone or 40 feet in height in any commercial or industrial zone.

b. The number of flags allowed without permits shall not exceed two (2) per lot.

Thomasville Municipal Code
Last updated 3-28-2019

Any flag not meeting any one (1) or more of these standards shall be considered a banner.

(11) Standard informational signs, provided that:

a. The signs are located entirely on private property;

b. The aggregate sign area of all signs on the lot does not exceed 12 square feet for single family residential zones and the aggregate sign area of all standard informational signs on other lots does not exceed nine (9) square feet.

(12) Repainting or changing the lettering of an existing conforming sign with like style elements.

(13) Address numerals not exceeding four (4) inches in residential districts or eight (8) inches in non residential districts.

Section 5-506 Prohibited Signs.

(a) The following types of signs are prohibited in all zoning districts of the city:

(1) Roof signs;

(2) Sidewalk and A-Frame signs;

(3) Portable signs, with the exception of banners as allowed by section 5-524;

(4) Swinging or projecting wall signs in excess of two (2) square feet in area;

(5) Animated signs;

(6) LED signs;

(7) Tri-vision signs;

(8) Signs on public rights-of-way except signs erected by the jurisdiction controlling said right-of-way.

(b) Prohibited signs shall be removed within 48 hours of notice of violation of this section, provided that where permanent signs are installed, the 48 hour period may be extended for up to two (2) weeks by the zoning administrator where removal requires engagement of a sign contractor or other specialized expertise.

Section 5-507 Interference with Traffic Safety Prohibited.

No sign shall be erected or continued that:

(1) Obstructs the sight distance along a public right-of-way;

Thomasville Municipal Code
Last updated 3-28-2019

(2) Would tend by its location, color, illumination, or nature, to be confused with or obstruct the view of traffic signs and signals or to be confused with a flashing light of an emergency vehicle;

(3) Would by its nature tend to confuse motorists or create any potential hazard to motorists; or

(4) Uses admonitions such as “stop,” “go,” “slow,” “danger,” etc, in such a manner as to cause potential confusion with official traffic control signals and devices.

Section 5-508 Prohibited Attachments.

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock, or other natural object. Except in the downtown C-2 zoning district where building walls abut public rights-of-way, no signs other than those signs erected by a public governmental agencies or signs required by law, shall be placed on or overhang any portion of public rights-of-way or other public properties.

Section 5-509 Illumination.

(a) Sign illumination devices such as, but not limited to, flood or spotlights shall be so placed and so shielded as to prevent the rays or illumination therefrom from being cast into neighboring dwellings or approaching vehicles. No sign shall have blinking, flashing, scrolling, fading, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color or form. No signs shall mechanically or electronically change the content shown on the sign face more often than once in any 24 hour period. No revolving or rotating beam or beacon of light shall be permitted as part of any sign. No LED lighting is permitted as part of a sign. Direct illumination of signs shall be permitted only on the following roadways: Highway 19, Highway 319 from its intersection with Pinetree Boulevard in the Northeast portion of the city and running in a Northeasterly direction to the city limits; Highway 319 from its intersection with Pinetree Boulevard in the Southwestern portion of the city and running Southwesterly to the city limits; and the Bypass.

(b) The illumination of any sign within a historic impact area of the city shall be limited to indirect illumination only and shall be of such intensity or brightness that the illumination shall not interfere with the character of the historic district influenced by such historic impact area.

Section 5-510 False Advertising on Signs; Nuisances.

(a) No persons shall display false statements upon signs in such a manner as to mislead the public as to anything sold, services to be performed or information disseminated.

(b) When a business or service utilizing a sign is discontinued, all signs related to that business or service shall be removed or neutralized within 10 days from the date of notification by the zoning administrator. Sign cabinets or structures to which another sign face may ultimately be attached can conform to this requirement by painting over the existing sign with a color that harmonizes with the business building or by removing sign pan faces and replacing them with blank panels.

Thomasville Municipal Code
Last updated 3-28-2019

(c) No persons shall display any advertising material on any sign which constitutes a nuisance as defined in OCGA § 41-1-1. Any sign determined to be a nuisance by the zoning administrator is subject to notice and removal pursuant to the city's removal standards.

Section 5-511 Public Liability Insurance; Business Occupation Tax and Contractors Licenses Required.

No person shall engage in the business of erecting, painting or maintaining signs within the city, unless and until such person shall have paid a city occupation tax and obtained an applicable contractor's license. No permit for a sign which extends over a public right-of-way shall be issued until the owner or person in control of such sign shall have obtained liability insurance in the sum of \$1,000,000 for property damage for any one (1) claim and public liability insurance in an amount not less than \$1,000,000 for injuries, including accidental death to one (1) person, insuring the municipality against all loss, costs, damage, personal injury or expense incurred or sustained by or recovered against the city by reason of the construction or maintenance of such sign. The certificate of insurance shall state that the city is an additional insured and that the insurance carrier will notify the city 30 days in advance of any termination or restriction of coverage. The provisions of this section shall not apply to signs not requiring a permit under this article.

Section 5-512 Standards for Billboards.

(a) Billboards shall be allowed only in the following areas:

(1) Highway 19;

(2) Jackson Street and Highway 319 from Jackson Street's intersection with Pinetree Boulevard in the Northwest area of the city, moving in a Northwesterly direction from that intersection to the city limits;

(3) Jackson Street from its intersection in the Southwest portion of the city with Pinetree Boulevard, moving in a Southwesterly direction from that intersection to the city limits;

(4) Highway 84, excluding Business 84.

(b) Billboard Requirements:

(1) The maximum area of sign face shall be 300 square feet for freestanding signs and 350 square feet for wall signs.

(2) Only one (1) sign may be erected per supporting structure, which may be either a single faced or double faced.

(3) Maximum height, 25 feet.

(4) Minimum ground clearance, six (6) feet.

(5) Minimum setback, no closer to the roadway than any right-of-way line and no closer than 35 feet of an intersection point measured at any angle from the point of intersection.

Thomasville Municipal Code
Last updated 3-28-2019

(6) Minimum spacing, 750 feet from any other billboard, measured in a straight line from any angle.

(c) Billboards shall not be established at any location having principle frontage on any street within 100 feet of any church, school, cemetery, public park, public playground, railroad intersection or the nearest point of any residential zoning district.

(d) No billboard shall be erected in a historic impact area.

(e) Billboards shall not interfere with traffic safety

(f) The illumination of billboards shall comply with Section 5-509.

Section 5-513 Nonconforming Signs.

(a) Signs that on the effective date of this article were approved and legally erected under previous sign restrictions and that became or have become nonconforming with respect to the requirements of this article, may continue in existence subject to the following provisions of this section.

(1) No increase in the size of a nonconforming sign shall be permitted.

(2) Existing signs which were legally created and which have become nonconforming and do not meet the setback requirements of this article due to road widening may be moved to meet the setback requirement of this article, but shall not be increased in size, shape or changed in any manner, except as to become conforming.

(3) In all zoning districts the following nonconforming signs shall be prohibited and shall be removed by the owner:

a. Signs illegally erected or maintained with respect to prior ordinances.

b. Signs made of paper, cloth or non-durable materials (except standard informational signs).

Thomasville Municipal Code
Last updated 3-28-2019

c. Signs located in the public rights-of-way (except as permitted by the owners of said rights-of-way).

(b) Upon failure to comply with any requirement of this section, the zoning administrator may cause the removal of such sign at the expense of the owner.

(c) Any attempt to add a LED or Tri-vision sign face to a nonconforming sign shall negate its nonconforming status and require removal of the sign structure in its entirety.

(d) Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repairs shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article; provided the signs damaged by fire or act of God may be restored to their original condition.

(e) Each nonconforming sign shall be identified by the city and each sign owner shall be notified by the city within 180 days of the enactment of this article.

(f) The provisions of this section shall be enforced by the zoning administrator, with the aid of the police department and other city agencies.

(g) New signs related to legally established nonconforming uses of property may be erected, provided the signs comply with the applicable provisions of this article.

(h) No new signs shall be erected upon an old foundation which is located on a public right-of-way or which would cause any part of the sign to overhang a public right-of-way.

(i) If a nonconforming sign is installed on or overhangs any portion of a public right-of-way, the sign and its foundation shall be removed once the business to which the sign is attached ceases.

Section 5-514 Maintenance, Appearance and Inspection of Signs.

(a) All signs shall be maintained in good condition so as to present a neat and orderly appearance. The zoning administrator shall periodically inspect each sign in an attempt to ascertain whether the same is secure or insecure and whether it is in compliance with the requirements of this article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.

(b) The zoning administrator may institute removal procedures after due notice for any sign which shows gross neglect, becomes dilapidated, or is otherwise in violation of this article.

Section 5-515 Removal Procedures.

(a) The zoning administrator shall caused to be removed any sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically or structurally defective sign or a sign for which no permit has been issued or which is otherwise in violation of this article. The zoning administrator shall prepare a written notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation corrected within 30 days, the

Thomasville Municipal Code

Last updated 3-28-2019

sign shall be removed in accordance with the provisions of this section.

(b) All notices mailed by the zoning administrator shall be sent by certified mail and first class mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail or if the first class mail is not returned, after three (3) days of mailing. Alternatively, notice may be personally hand delivered to the sign owner, and notice shall be effective on such date of hand delivery.

(c) The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign if different than the property owner, and the occupant of the property. If any of such persons is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

(d) Any person having an interest in the sign or the property may appeal the determination of the zoning administrator ordering removal or compliance by filing a written notice of appeal within 10 days after receipt of notice.

(e) Notwithstanding the above, in cases of emergency, the zoning administrator may cause the immediate removal of a dangerous or defective sign without notice.

(f) Any sign removed by the zoning administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(g) When it is determined by the zoning administrator that the sign would cause imminent danger to the public safety, and contact cannot be made with the sign owner or building owner, no written notice will have to be served. In this emergency situation, the zoning administrator shall document the imminent danger and his or her attempts to contact the sign owner, and may correct the danger, all costs being charged to the sign owner and property owner.

(h) If it shall be necessary for the zoning administrator to remove a sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, he may sell the same at private or public sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Where the proceeds derived from such a sale are less than the cost of removal, such deficiencies shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as city property taxes.

Section 5-516 Labels Required on Signs.

(a) With each permit, the zoning administrator may issue a label bearing the same number as the permit with which it is issued. It shall be the duty of the permittee to affix such label to the sign in the lower right hand area of the sign so it will be easily seen. The absence of a proper label shall be prima facie evidence that the sign has been or is being erected or operated in violation of the provisions of this article. Labels may be color coded in the discretion of the city.

(b) The zoning administrator may inspect all existing signs in the city to determine if such signs conform to the provision of this article. Identification labels may be fixed to all signs which would have required a permit in order to identify existing conforming and nonconforming signs and to indicate the date of inspection.

Section 5-517 Variances.

No variances shall be allowed from any time or dimensional requirements, including but not

Thomasville Municipal Code

Last updated 3-28-2019

limited to, maximum height, maximum size in square feet, minimum ground clearance, or any distance or setback requirement, set forth in this article, any table thereto and any addition thereto, except that as to any dimensional requirement the zoning administrator may allow a variance of up to ten (10) percent of any one dimensional requirement only. Such variance shall be limited to actual hardship, provided such hardship is not a self created hardship of the owner. There shall be no appeal from the decision of the zoning administrator in this regard.

Section 5-518 Remedies.

In case any sign covered by this article is proposed to be erected, constructed, altered, converted or used in violation of any provision of this article, the zoning administrator shall, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of this article, requiring the presence of the violator in the municipal court. The zoning administrator may also institute action for injunctive relief or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

Section 5-519 Standards for signs erected on single-family residential lots.

(a) All signs erected on single-family residential zoned lots in the City that are used as a personal residence and not for commercial purposes shall comply with the following provisions:

(1) The aggregate sign area of all signs on any lot shall not exceed twelve (12) square feet; provided that during the period of time commencing with opening of qualifying for elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs may be erected on such lots.

(2) No sign shall be erected to a height greater than four (4) feet.

(3) Freestanding signs not exceeding six (6) square feet are allowed, subject to the limitation of one (1) per lot.

(4) Lots may contain standard informational signs, subject to the aggregate sign area allowance, without permit or fee, placed so that they are located entirely on private property.

(5) In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then such property may contain no more than one monument sign per entrance, not exceeding twenty-four (24) square feet, which may be indirectly lighted only.

(6) All signs erected shall be supported by independent means by use of a wooden stake or metal frame inserted directly into the ground. No banners, signs hung with string, or signs attached to walls shall be allowed.

(7) No sign erected on a single-family residential lot used for private residence may be illuminated, except as permitted by paragraph (5) above.

Thomasville Municipal Code
Last updated 3-28-2019

(b) On single-family residential zoned lots in the City that are used for commercial purposes, such as but not limited to, restaurants, bed and breakfasts, and other complementary legal uses in the district, one (1) monument sign or one (1) swinging freestanding sign may be erected on the lot, provided:

- (1) The sign face does not exceed twenty-four (24) square feet;
- (2) The sign is not erected to a height exceeding six (6) feet;
- (3) Any illumination is indirect only and meets the standards of section 5-509.
- (4) No other signage for which a permit would be required is permitted on the lot.

Section 5-520 Standards for Freestanding Signs.

(a) Quantity Per Location. When a freestanding sign is used it shall be considered the primary sign for the lot. Only one (1) freestanding sign per lot is permitted; provided that where billboards are otherwise permitted, the billboard shall not count against the one sign per lot allowance. If the location is a planned center, then only one (1) serial sign shall be used as the freestanding sign on the lot. All serial signs shall be owned and maintained by the owner of the property upon which this sign is erected. If the location is a through lot, an additional freestanding sign is permitted on the second street frontage, provided that the total sign face area of both signs does not exceed that as permitted in subsection (b) of this section. If the lot is a corner lot, one (1) additional freestanding sign is permitted but such second sign must be erected on the second street frontage; and provided further that the total sign face area of both signs does not exceed that permitted in subsection (b) of this section and both signs are separated by a distance of at least 100 feet, measured in a straight line at any angle.

(b) Maximum Size in Square Feet.

(1) In residential zoning districts not covered by section 5-519 the maximum size of any freestanding sign is 40 square feet, the sign shall not exceed 10 feet in width and the sign dimensions shall not exceed a ratio of two and one-half (2.5) to one (1) feet. Freestanding signs in such districts are limited to swinging freestanding signs and monument signs.

(2) In any portion of a historic impact area not covered by section 5-519, the maximum size of freestanding signs shall not exceed thirty (30) square feet. Freestanding signs in such areas are limited to swinging freestanding signs and monument signs.

(3) Along Highway 19; Jackson Street and Highway 319 from Jackson Street's intersection with Pinetree Boulevard in the Northwest area of the city, moving in a Northwesterly direction from that intersection to the city limits; Jackson Street from its intersection in the Southwest portion of the city with Pinetree Boulevard, moving in a Southwesterly direction from that intersection to the city limits; and Highway 84, excluding Business 84, the maximum size of any freestanding signs shall be 150 square feet, including changeable copy portions of the signs, except on multi lane divided highways where freestanding signs may be 182 square feet, including changeable copy portions of the sign. Freestanding signs may include monument signs, pole signs, and swinging freestanding signs.

Thomasville Municipal Code
Last updated 3-28-2019

(4) The maximum size of any freestanding signs in other remaining districts and on other streets of the City shall be sixty (60) square feet in sign area. Freestanding signs may include monument signs, pole signs, and swinging freestanding signs.

(c) Maximum Height.

(1) The maximum height of pole signs, where permitted, shall be 20 feet on all streets, except on multi lane divided highways where the maximum height of pole signs is 25 feet.

(2) The maximum height of monument signs and swinging freestanding signs in districts other than single family residential districts and outside historic impact areas shall be ten (10) feet.

(d) Minimum Ground Clearance. Pole signs, where permitted by subsection (b), shall maintain a minimum ground clearance of six (6) feet, provided that the zoning administrator may specify an additional minimum ground clearance in consideration of setbacks, motorist visibility, and pedestrian safety.

(e) Setbacks. Pole signs may be installed within zero (0) setback from the property line, provided that visual clearance for traffic safety is maintained and provided further that no part of the sign overhangs the property line and no part of the sign is within eight (8) feet of electric power lines. Freestanding signs erected as monument signs or swinging freestanding signs and maintaining limited or no minimum ground clearance shall be set back from the paved portion of the right-of-way a minimum of eight (8) feet, provided no such sign shall be erected off the owner's property.

Section 5-521 Standards for Marquee Signs.

(a) Quantity Per Location. One (1) marquee sign is allowed per business in addition to, or in lieu of, a freestanding sign. If a marquee sign is used, a swinging/projecting wall sign cannot be used unless it is attached to the wall above the marquee. A wall sign may also be used in addition to a marquee sign.

(b) Maximum Size. The maximum size of any marquee sign is two (2) square feet.

(c) Maximum Height. Not applicable.

(d) Minimum Ground Clearance. The minimum ground clearance of any marquee sign is seven and one-half (7.5) feet above the sidewalk.

(e) Setback. Not applicable.

Section 5-522 Standards for Swinging/Projecting Wall Signs.

Thomasville Municipal Code
Last updated 3-28-2019

(a) Quantity Per Location. One (1) swinging/projecting wall sign per business is allowed in addition to, or in lieu of, a freestanding sign. If a swinging/projecting wall sign is used, a marquee sign cannot be used unless the swinging/projecting wall sign is attached to the wall above the marquee. A wall sign may also be used.

(b) Maximum Size. The maximum size of any swinging/projecting wall sign is two (2) square feet.

(c) Maximum Height. The maximum height of any swinging/projecting wall sign is the top of the wall.

(d) Minimum Ground Clearance. The minimum ground clearance for any swinging/projecting wall sign is seven and one-half (7.5) feet above the sidewalk.

(e) Setback. Swinging or projecting wall signs mounted to the wall of buildings in the downtown C-2 zoning district may overhang the right-of-way (sidewalk), provided all other provisions of swinging or projecting wall signs are met and provided further that no part of the sign is within eight (8) feet of electric power lines.

Section 5-523 Standards for Wall Signs.

(a) Quantity Per Location. One wall sign per business building wall is allowed in addition to, or in lieu of, a freestanding sign. A marquee and or swinging/projecting wall sign may be used in accordance with the provisions of Section 5-522.

(b) Maximum Size. The total sign face area of a wall sign shall not exceed 20 percent of the total area of the wall on which it is painted or affixed or 300 square feet, whichever is less; if in a planned center 20 percent of the wall area of each business or 300 square feet, whichever is less, is the maximum size for a wall sign. The area of the lower slope of a gambrell or mansard roof shall be counted as wall area when the sign is mounted on the lower slope of such roofs.

(c) Maximum Height. The maximum height of a wall sign is the top of a wall.

(d) Minimum Ground Clearance. Not applicable.

(d) Setback. Wall signs may be installed with zero (0) setback from a property line, provided that no part of the sign overhangs the property line and that no part of the sign is within eight (8) feet of electric power lines. Signs mounted to the wall of buildings in the downtown C-2 zoning district may overhang the right-of-way (sidewalk) provided that all other provisions of swinging or projecting wall sign standards are met.

Section 5-524 Banners.

Banners may be displaced in certain circumstances, subject to the following terms and conditions:

Thomasville Municipal Code
Last updated 3-28-2019

(1) Every business, service organization, entity, nonprofit or other organization located in the City shall be permitted to display one (1) banner for a fourteen (14) day period, three (3) times per year, or alternatively, one (1) time per year for a period for six (6) consecutive weeks.

(2) The maximum size of any such banner shall be no more than fifty (50) square feet.

(3) Each banner displayed shall be made from vinyl or canvas with a minimum weight of eight (8) ounces. Each banner shall have metal grommets placed fifteen (15) inches on centers and in the corners for attachment. All edges of each banner shall be hemmed and reinforced by adding reinforcing material such as rope or nylon tape to the edges.

(4) Each banner shall be mounted on a building or similar solid structure. A banner displayed pursuant to this subsection shall not be mounted on poles, wires or other such devices.

(5) Each time a banner is displayed pursuant to the provisions of this section, there shall be charged a permitting fee as established from time to time by the Mayor and Council. Application for permit and payment of the permit fee shall be made to the office of the zoning administrator in the same manner and shall be handled as other sign permits. No banner shall be displayed until the permit has been issued by the City and the permit fee has been paid.

(6) Within 48 hours after notification of violation of this section, prohibited banners shall be removed.

Section 5-525 Conflicting provisions.

In the event two or more provisions of this Article conflict, or provisions of this Article are in conflict with any other City ordinance, the most restrictive provision shall control.

Section 5-526 Severability.

In the event a court of competent jurisdiction finds that any section, sentence, clause or phrase of this Article is void, such invalidity shall not affect the remaining sections, sentences, clauses or phrases of this Article. The offending provisions shall be severed from the Article and the remainder of the Article shall continue in full force and effect.

(Ord of 4-09-11 – Sec.5-500-526)

Section 5-527 through 5-545 Reserved

Section 5-546a ARTICLE XVII 'WETLANDS PROTECTION

Section 5-546d DIVISION I. IN GENERAL

Section 5-547 Findings of Fact

Thomasville Municipal Code
Last updated 3-28-2019

(a) The wetlands within Thomasville, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and population control; flood control; erosion control; natural resource education; scientific study; open space; and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with classified wetlands located in its jurisdiction must adopt a Wetlands Protection Ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated thereunder.

It is therefore necessary for Thomasville, Georgia to ensure maximum protection for wetlands by discouraging development activities in wetlands.

(b) Title and Purpose. This ordinance shall be known as the Wetland Protection Ordinance of Thomasville, Georgia. The purposes of this ordinance is to promote wise use of wetlands and protect wetlands, while taking into account varying ecological, economic development, recreational, and aesthetic values. Activities, which may damage wetlands, should be located on upland sites to the greatest degree practical as determined by a permitting process. The objective of this ordinance is to protect wetlands from alterations which will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic nature, and wildlife areas and to comply with the requirements of state law related to wetland protection.
(1999 (547-60), Amended, 06/30/1999)

Section 5-548 Definitions

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

City Council means the Mayor and Council of the City of Thomasville, Georgia.

Functions means the beneficial roles that wetlands serve, including: storage, conveyance, and attenuation of floodwater and storm water; protection of water quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical, and archeological value protection; and scenic, aesthetic, and recreational amenities.

Generalized Wetland Map means a map depicting jurisdictional wetlands within the City of Thomasville.

Hydric Soils means soils that form as a result of saturated soil conditions. A list of these soils is maintained by the Soil Conservation Service.

Thomasville Municipal Code
Last updated 3-28-2019

Hydrophytic Vegetation means Macrophytic plants tolerant of or dependent on saturated soil conditions.

Jurisdictional Wetland means a wetland area that meets the definition requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Regulated Activity means any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting those activities exempted in Section 3.2 of this ordinance and exempted in Section 404 of the Federal Clean Water Act.

Silviculture means the art of producing, reproducing and growing a forest of distinctive stands of trees.

Temporary Emergency Permit means a temporary permit that may be issued in certain circumstances specified herein.

Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophilic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland Delineation means the establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

Wetland Protection District means all wetlands within the jurisdiction of Thomasville, Georgia, which are indicated on the Generalized Wetland Map as “wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation”.

(1999 (547-60), Added,
06/30/1999)

Section 5-549 Amendments

These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soil, hydrology, flooding, or botanical species peculiar to wetlands become available.
(1999 (547-60), Added, 06/30/1999)

Section 5-549d DIVISION II. Wetland Protection District

Section 5-550 Wetlands Protection District

This ordinance shall apply to all wetlands within the Wetland Protection District as devised herein and located within the jurisdiction of Thomasville, Georgia. The Generalized Wetland Map, adopted as part of this ordinance, shows the general location of wetlands and of the Wetland Protection District and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Generalized Wetland Map shall be on file in the City of Thomasville Building Inspection Office and in the Office of the City Clerk.

(1999 (547-60), Added, 6/30/1999)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-551 Wetlands Protection District Boundaries

The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 Permit will be required prior to any activity. The Generalized Wetland Map does not necessarily represent the exact boundaries of jurisdictional wetlands within the jurisdiction of Thomasville, Georgia and cannot serve as a substitute for a delineation of wetlands boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended . Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

(1999 (547-60), Added,
06/30/1999)

Section 5-551a DIVISION III. Local Development Permits

Section 5-552 Requirements

No regulated activity will be allowed within the Wetland Protection District without written permission from the City of Thomasville or its designee in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this ordinance and other applicable regulations. All activities that are not exempted in Section 4.2 below or by other local development ordinances shall be prohibited without prior issuance of a local development permit. If the area proposed for development is located within fifty feet (50') of the Wetland Protection District boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present and that a Section 404

Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.

(1999 (547-60), Added,
06/30/1999)

Section 5-553 Permissible Uses (Use as a Right)

(a) The following uses shall be allowed as a right within the Wetland Protection District to the extent that they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, drainage, or dredging except as provided herein.

1. Operations conducted during normal silvicultural activities, including minor dredge and fill associated with road construction, harvesting, and reforestation practices provided they meet the performance standards and road construction best management practices required under Section 404 of the Clean Water Act.
2. Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
3. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.

Thomasville Municipal Code
Last updated 3-28-2019

4. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.
5. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
6. The pasturing of livestock provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved best management practices are followed.
7. Education, scientific research, and nature trails.

(b) Temporary Emergency Permit. A temporary emergency permit can be issued by the City of Thomasville or its designee for the following reasons:

1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and that, prior to the commencement of work, written notice has been given to the City of Thomasville or its designee and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of the wetland, are not impaired and that any adverse effect on the aquatic environment will be minimized.
2. Temporary water level stabilization measure with silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
3. Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of Section 4.2.
4. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

(1999 (547-60), Added, 06/30/1999)

Section 5-554 Site Plans

(a) Applications for a development permit within the Generalized Wetland Protection District shall include a site plan, drawn at a scale of 1" = 50', (The City of Thomasville may approve a different scale where necessary to clearly provide the required information) with the following information:

Thomasville Municipal Code
Last updated 3-28-2019

- (1) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, vertical scale must be shown on the cross-sectional drawings.
- (2) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet, more or less.
- (3) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream of water body.
- (4) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.
- (5) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- (6) All proposed temporary disruptions or diversions of local hydrology.

(b) Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of the Chief Building Official or its designee. The Chief Building Official shall require a bond of \$1,000.00 per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the City of Thomasville or its designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

(1999 (547-60), Added, 06/30/1999)

Section 5-555 Filing Fee.

At the time of the application, the applicant shall pay a filing fee of \$100.00.

(1999 (547-60), Added, 06/30/1999)

Section 5-556 Review Procedure.

The application shall be made with the City of Thomasville Building Department and applicant will receive written notification of the findings thereof.

(1999 (547-60), Added, 06/30/1999)

Section 5-556d DIVISION IV. MONITORING AND ENFORCEMENT

Section 5-557 Duration of Permit Validity.

(a) If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

(b) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve months after the date that work ceased.

Thomasville Municipal Code
Last updated 3-28-2019

(c) Written notice of the pending expiration of the development permit may be issued by the City of Thomasville Building Department.
(1999 (547-60), Added, 06/30/1999)

Section 5-558 Enforcement Authority.

(a) The Chief Building Official is hereby established as the administrator of this ordinance.

(b) The Chief Building Official and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys, or sampling as the Chief Building Official or their designee deems necessary.

(c) The Chief Building Official shall have authority to enforce this ordinance: issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

(d) Law enforcement officials or other officials having police powers shall have authority to assist the Chief Building Official or its designee in enforcement.

(e) The Chief Building Official designee shall have authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified herein.

(f) The Chief Building Official may require a bond as set forth in Section 4.4 and with surety and conditions sufficient to secure compliance with the conditions set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this ordinance.
(1999 (547-60), Added, 06/30/1999)

Section 5-559 Penalties.

(a) Any person who commits, takes part in, or assists in any violation of any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

(b) When a building or other structure has been constructed in violation of this ordinance, the violator may be required to remove the structure, at the discretion of the Chief Building Official or its designee.

(c) When removal of vegetative cover, excavation or fill has taken place in violation of this ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Chief Building Official or its designee.

(d) If the Chief Building Official or its designee discovers a violation of this ordinance that also constitutes a violation of provisions of the Clean Water Act as amended, the Chief Building Official or its designee may issue written notification of the violation to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers and the landowner.
(1999 (547-60), Added, 06/30/1999)

Thomasville Municipal Code
Last updated 3-28-2019

Section 5-560 Suspension or Revocation.

The Chief Building Official or its designee may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Chief Building Official or its designee may cause notice of its denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located.
(1999 (547-60), Added, 06/30/1999)