



Where Georgia comes together.

REGULAR MEETING OF THE PERRY CITY COUNCIL

October 4, 2016

**6:00 P.M.**

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor Pro Tempore Randall Walker.
4. Presentation(s)/Recognition(s): Mayor Pro Tempore Randall Walker.
  - \* Proclamation recognizing Customer Service Week
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Consent Agenda Items: Mayor Pro Tempore Randall Walker.
  - 7a. Council's Consideration – Minutes of the September 20, 2016 pre council meeting and September 20, 2016 council meeting.
8. Old Business: Mayor Pro Tempore Randall Walker.
  - 8a. Ordinance(s) for Second Reading(s) and Adoption:
    1. **Second Reading** of an ordinance altering the standards for the existing Planned Unit Development #10. The property is located in Walker Farms Subdivision: Lots 1, 2, 3, 4, 38, 39, 40, 163, 164, 165, 166, 193 and 194 – Mr. L. Gilmour.
    2. **Second Reading** of an ordinance amending the Perry Land Development Ordinance Article XV Soil Erosion and Sedimentation Control – Mr. L. Gilmour.
    3. **Second Reading** of an ordinance amending the Perry Land Development Ordinance Section Downtown Development District of the City of Perry Architectural and Sign Control Standards for Certificate of Appropriateness Permit; Section 46 Downtown Development District Certificate of Appropriateness – Mr. L. Gilmour.

9. Any Other Old Business: Mayor Pro Tempore Randall Walker.
  - 9a. Mayor Pro Tempore Randall Walker
  - 9b. Council Members
  - 9c. City Manager Lee Gilmour
  - 9d. City Attorney David Walker
  
10. New Business: Mayor Pro Tempore Randall Walker.
  - 10a. Matters referred from October 3, 2016 work session and October 4, 2016 pre council meeting.
  - 10b. Resolution(s) for Consideration and Adoption:
    1. Resolution amending the City of Perry Fee Schedule – Mr. L. Gilmour.
  - 10c. Consider appeal from Mr. Leighton Kersey relative to Stonebridge Subdivision – Mr. L. Gilmour.
  - 10d. Request from the Perry Ministerial Association for their Annual Christmas at the Square on December 4, 2016 at 5:30 p.m. – Chief S. Lynn.
    - Closure of Carroll Street between Jernigan Street and Washington Street.
    - Closure of Ball Street between Commerce Street and Main Street.
  
11. Department Head Items.
  
12. Council Members Items:
  
13. General Public Items:
  
14. Mayor Items:
  
15. Adjourn.

# City of Perry



## ~ Proclamation ~

### Recognizing Customer Service Week October 3- 7, 2016

**Whereas**, National Customer Service Week was established by the International Customer Service Association (ICSA) in 1984 and proclaimed a national event by the U.S. Congress in 1992. National Customer Service Week is celebrated annually during the first full week of October, with this year's festivities taking place October 3-7; and

**Whereas**, Customer Service Week provides a unique opportunity for service and support professionals around the globe to join in a celebration of the important role that customer service plays in every organization; and

**Whereas**, this year's theme, "One Goal, One Team, No Limits", embodies the spirit that every Customer Service Department strives to meet; and

**Whereas**, the core values of Customer Service Week is to boost morale, motivation and teamwork; reward frontline reps for the important work they do all year long and raise awareness of the importance of customer service; and

**Whereas**, the City of Perry is committed to providing Perry residents with high-quality, high-value public services; and the City of Perry considers its employees to be one of our greatest resources; and

**Whereas**, the City of Perry Customer Service staff demonstrate a strong work ethic and a commitment to provide superior customer service by offering their time and talents to make a difference in the lives of the citizens of our community.

**Now, Therefore**, I, James E. Faircloth, Jr., Mayor, do hereby declare the week of October 3, 2016 through October 7, 2016 as National Customer Service Week in the City of Perry and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing customer satisfaction and to recognize the contributions which Customer Service Technicians make every day to our comfort and quality of life.

**So Proclaimed** this 4<sup>th</sup> day of October in the Year of our Lord, 2016.

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James E. Faircloth, Jr.  
Mayor, City of Perry, Georgia

**MINUTES**  
**PRE COUNCIL MEETING**  
**OF THE PERRY CITY COUNCIL**  
**September 20, 2016**  
**5:05 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the pre council meeting of the Perry City Council held September 20, 2016 at 5:05 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr.; Mayor Pro Tempore Randall Walker; Council Members Willie King, Phyllis Bynum-Grace, William Jackson, Riley Hunt and Robert Jones.

Elected Official(s) Absent: None

Staff: City Attorney Matthew Hulbert, and Recording Clerk Cyndi Houser

Staff Absent: City Manager Lee Gilmour

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Battalion Chief Ephraim Wheeler – Fire and Emergency Services Department, Fire Marshal David Stanton – Fire and Emergency Services Department, Robert Smith – Economic Development Director, Brenda King – Director of Administration, Ellen Palmer – Digital Communications Manager, Decius Aaron – Director of Public Works, Steve Howard – Community Development and Kevin Dye – Director of Leisure Services

Guest(s)/Speaker(s): Mr. Gary Gerrard – Middle Georgia Military Affairs Committee

Media: Kristian Moriarty and Cheri Adams – Houston Home Journal

3. Items of Review/Discussion: Mayor James E. Faircloth, Jr.

The Mayor deviated from the agenda and asked Mr. Gerrard to speak to Council.

Mr. Gerrard is the liaison for the Middle Georgia Military Affairs Committee which sponsors the air show at Robins Air Base. The show will be held October 1<sup>st</sup> & 2<sup>nd</sup> this year and costs over \$500,000 to put on. The base budgets for part of the funding, but the balance is raised through donations from individuals, businesses, and local governments in a six (6) county area. Mayor Pro Tempore Walker, a member of the Committee, requested an action item be placed on the council meeting agenda to consider a donation to assist in the costs associated with this free show.

The Mayor returned to the agenda.

3a. Discussion of September 20, 2016 council meeting agenda.

5. Public Hearing(s): Mayor James E. Faircloth, Jr.

5a. Petition for Re-zoning Application No. R-16-03. Mr. Smith advised the PUD known as Walker Farms was requesting to alter the driveway entrances for 13 lots from back of property to front of property. The Planning Commission recommended denial of the request.

5b. Amendment to Perry Land Development Ordinance Article XV Soil Erosion and Sedimentation Control. Mr. Smith advised that the state government has new regulations regarding this subject and as part of the regulations, local governments must hold a hearing and adopt within twelve (12) months or by December 31, 2016.

5c. Amendment to Perry Land Development Ordinance Section Downtown Development District of the City of Perry Architectural and Sign Control Standards for Certificate of Appropriateness Permit; Section 46 Downtown Development District Certificate of Appropriateness. Mr. Smith stated this will move responsibility from Economic Development to Community Development.

5d. Consider maintaining 2016 Maintenance and Operations property tax millage rate at 14.050 mills. The City is required to hold three (3) public hearings regarding the millage rate. The third hearing will be September 26, 2016.

4. Department Head/Staff Items:

Ms. King, Mr. Aaron, Fire Marshal Stanton, Battalion Chief Wheeler, Mr. Smith, Mr. Dye and Ms. Palmer had no reports

Chief Lynn stated he had received an application for a parade permit from the Kiwanis Club for the annual Farm Days Parade which included street closures and fee waiver requests for the October 8, 2016 event. He asked that this item be added to the council meeting agenda for approval of street closures and the fee waiver.

5. Council Member Items:

Council Members – No reports

Mayor Faircloth - No report

6. Executive Session entered at 5:21 p.m.: On a motion by Council Member King, seconded by Council Member Jones and carried unanimously, Council went into executive session for personnel.
7. Executive Session adjourned; pre-council session reconvened. Council adjourned the executive session held September 20, 2016 and reconvened into the council's pre-council session.
8. Adopted Resolution No. 2016-43 stating the purpose of the executive session held on September 20, 2016 was for personnel. On a motion by Council Member Hunt, seconded by Council Member Jackson and carried unanimously adopted Resolution No. 2016-43 stating the

purpose of the executive session held on September 20, 2016 was for personnel. (*Resolution 2016-43 has been entered in the City's official book of record*).

9. Adjourn: On a motion by Mayor Pro Tempore Walker, seconded by Council Member Bynum-Grace and carried unanimously, the reconvened pre-council session held September 20, 2016 was adjourned at 5:34 p.m.

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
**September 20, 2016**  
**6:00 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held September 20, 2016 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr.; Mayor Pro Tempore Randall Walker and Council Members William Jackson, Willie King, Robert Jones, Riley Hunt and Phyllis Bynum-Grace.

Elected Official(s) Absent: None

Staff: City Attorney Matthew Hulbert and Recording Clerk Cyndi Houser

Staff Absent: City Manager Lee Gilmour

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Battalion Chief Ephraim Wheeler and Fire Marshal David Stanton – Fire and Emergency Services Department, Brenda King – Director of Administration, Decius Aaron – Director of Public Works, Kevin Dye - Director of Leisure Services, and Ellen Palmer – Digital Communications Manager.

Guest(s)/Speaker(s): Lt. Jack Johnson, Ms. Sherry Johnson, Captain James Buck, Major William Phelps and other members of the Police Department, Mr. Leighton Kersey – Stonebridge Subdivision, Mr. Alton Ellis, Mr. Bob Blackwell – Walkers Farm Subdivision, Dara Alemazkoo, Donald Young, Alonzo Lane, and Patricia Davis and Phillip Bryant – Boys & Girls Clubs of Central Georgia.

Media: Kristin Moriarty and Cheri Adams, Houston Home Journal and Nadia Ponder – ComSouth 100

3. Invocation and Pledge of Allegiance to the Flag: Council Member Jones rendered the invocation and Council Member Jackson led the pledge of allegiance to the flag.

4. Presentation(s)/Recognition(s): Mayor James E. Faircloth, Jr.

Mr. Dye presented Mr. Alton Ellis with a plaque recognizing his 25 years of service to the City and specifically with the Department of Leisure Services. Mr. Dye noted it is rare to have a native son in a position of dedication for as many years as Mr. Ellis has had. Mr. Ellis thanked Mayor and Council for their support of the department throughout the years.

Chief Lynn gave a brief overview of Lt. Jack Johnson's time with the police department. Mrs. Johnson placed the 20-year service pin on his uniform and then Mayor Faircloth presented Mrs. Johnson with a gift certificate. Lt. Johnson thanked Mayor, Council and his fellow officers for their support through the years.

5. Public Hearing(s): Mayor James E. Faircloth, Jr.

PUBLIC HEARINGS CALLED TO ORDER AT 6:10 P.M. Mayor James E. Faircloth Jr. called to order a public hearing at 6:10 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-67A-3 (c).

- 5a. Petition for Re-zoning Application No. R-16-03. Applicant TL-Higdon's Mulligan LLC requests to alter the standards for the existing Planned Unit Development #10. The property is located in Walker Farms Subdivision: Lots 1,2,3,4,38,39,40,163,164,165,166,193 and 194.

Staff Report: Mr. Smith provided a Power Point presentation showing the current state of the development and the requested re-zoning for driveways from back entry to front entry for thirteen lots. The Planning Commission recommended denial of the re-zoning request because it is inconsistent with the planned unit development standards.

Public Input: Mayor Faircloth called for any public input for or opposed to the amendment.

For:

Mr. Bob Blackwell, 4122 Riverside, Brunswick, representing the applicant, explained that it has been difficult to sell the remaining lots due to the amount of space used for the driveways that would be located on the backside of a house and that no builder is willing to build due to this restriction.

Mr. Dara Alemazkoor, 217 Steeple Court, stated this design is a safety hazard as well as creating drainage issues.

Mr. Donald Young, 104 Steeple Court, highlighted more of the design and safety hazards with this phase of the development.

Mr. Alonzo Lane, 204 Steeple Court, explained he has water problems due to the design and was also concerned about safety for the children in the subdivision because of the design.

Opposed: None

- 5b. Amendment to the Perry Land Development Ordinance Article XV Soil Erosion and Sedimentation Control.

Staff Report: Mr. Smith stated the federal guidelines have changed and local governments must hold a hearing and approve the changes no later than December 31<sup>st</sup>.

Public Input: Mayor Faircloth called for any public input for or opposed to the amendment.

For: None



Opposed: None

- 5c. Amendment to the Perry Land Development Ordinance Section Downtown Development District of the City of Perry Architectural and Sign Control Standards for Certificate of Appropriateness Permit; Section 46 Downtown Development District Certificate of Appropriateness.

Staff Report: Mr. Smith explained this amendment was a procedural transfer of responsibility from the Economic Development Department to the Community Development Department.

Public Input: Mayor Faircloth called for any public input for or opposed to the amendment.

For: None

Opposed: None

- 5d. Consider maintaining 2016 Maintenance and Operations property tax millage rate at 14.050 mills.

Mayor Faircloth explained Council must vote on the millage rate each year and it is required that three (3) public hearings be held prior to voting. The third and final hearing will be held on Monday, September 26, 2016.

Public Input: Mayor Faircloth called for any public input for or opposed to the amendment.

For: None

Opposed: None

Public Hearings Closed at 6:41 p.m. Mayor James E. Faircloth Jr. closed the public hearings at 6:41 p.m.

6. Citizens with Input.

Mr. Leighton Kersey, developer for Stonebridge Subdivision, expressed his concern about the requirements he has been asked to put in place for the third phase of this development. He felt he was being unjustly treated and would be spending monies for items that did not make sense.

Patricia Davis and Phillip Bryant of the Boys and Girls clubs of Central Georgia explained there are currently several independent locations and they are trying to place all of them under one umbrella to consolidate resources for the counties served in Middle Georgia. Most of their programs are geared toward after-school and summer. They felt there is a need in Perry and the surrounding area and would like to open a facility in Perry and asked Council to consider supporting this effort by underwriting overhead costs for a building.

7. Consent Agenda Items: Mayor James E. Faircloth, Jr.
  - 7a. Council's Consideration – Minutes of September 6, 2016 pre-council meeting, September 6, 2016 council meeting and September 14, 2016 special meeting. Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member King seconded the motion, and it carried unanimously.
8. Old Business: Mayor James E. Faircloth, Jr.
  - 8a. Ordinance(s) for Second Reading(s) and Adoption:
    1. Adopted Ordinance 2016-17 amending the Perry Land Development Ordinance Section 80.1.2 and 80.6.2 – Article VIII – Use Requirements by District. Council Member Bynum-Grace moved to adopt an ordinance to amend the Perry Land Development Ordinance Section 80.1.2 and 80.6.2 – Article VIII – Use Requirements by District. Council Member King seconded and it carried unanimously. *(Ordinance 2016-17 has been entered into the City's official book of record.)*
    2. Adopted Ordinance 2016-18 Authorizing and Adopting Post Issuance Compliance Policies and Procedures for Governmental Tax-Exempt Bonds and Tax Credit Bonds. Mayor Pro Tempore Walker moved to adopt an ordinance authorizing and adopting post issuance compliance policies and procedures for governmental tax-exempt bonds and tax credit bonds. Council Member Jones seconded the motion and it carried unanimously. *(Ordinance 2016-18 has been entered into the City's official book of record.)*
9. Any Other Old Business: Mayor Faircloth
  - 9a. Mayor James E. Faircloth, Jr – None
  - 9b. Council Members – None
  - 9c. City Attorney Matthew Hulbert – None
10. New Business: Mayor James E. Faircloth, Jr.
  - 10a. Matters referred from September 20, 2016 pre-council meeting.
    1. Approval of a monetary donation to the Middle Georgia Military Affairs Committee. Mayor Pro Tempore Walker explained the need to assist in the funding of the free air show held every three (3) years at Robins Air Force Base. The air show is open to the public and the public is encouraged to attend this air power and agility display, but it does require monies beyond what is budgeted by the Base. Mayor Pro Tempore Walker moved to donate \$1,000 to the air show from the Hotel/Motel Tax Fund-Promotion; Council Member Bynum-Grace seconded and it carried unanimously.
    2. Approval of the Farm Days Parade street closure request and application fee waiver. Chief Lynn explained the Kiwanis Club sponsors this annual parade and they requested street closures from Washington to Main Street, Main Street

through Courtney Hodges and on to the Fairgrounds. They also requested a waiver of the parade application fee. Council Member Jackson moved to approve the street closures for Saturday, October 8, 2016 and also waive the application fee. Council Member King seconded and it carried unanimously.

10b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance altering the standards for the existing Planned Unit Development #10. The property is located in Walker Farms Subdivision: Lots 1,2,3,4,38,39,40,163,164,165,166,193 and 194. *(No action required by Council.)*
2. **First Reading** of an ordinance amending the Perry Land Development Ordinance Article XV Soil Erosion and Sedimentation Control. *(No action required by Council.)*
3. **First Reading** of an ordinance amending the Perry Land Development Ordinance Section Downtown Development District of the City of Perry Architectural and Sign Control Standards for Certificate of Appropriateness Permit; Section 46 Downtown Development District Certificate of Appropriateness. *(No action required by Council.)*

10c. Perry Housing Week Report – Mr. R. Smith

Mr. Smith provided a Power Point presentation showing the many activities that took place during the first Housing Week celebration in Perry. It kicked off with an overview of the projects planned for the Sand Hill neighborhood. The Outreach Event included going door-to-door handing out 150 resource bags. The week capped off with a cleanup in the neighborhood which brought out forty-five volunteers from Habitat for Humanity, new enlistees from the Navy, a sorority from Warner Robins as well as City departments, council members and interested individuals. He also provided a listing of the grants that have been received and noted these funds will be used to replace roofs and do general repairs in this neighborhood which consists mostly of elderly people on fixed incomes. Mr. Smith announced the GICH team would be attending a retreat later in the week.

10d. Resolution(s) for Consideration and Adoption: James E. Faircloth, Jr.

1. Adopted Resolution 2016-44 appointing Mr. Z. Lee Parker, Fire Chief and Director of Emergency Services. Mayor Faircloth announced that thirty three applications were received for the Fire Chief's position and it was narrowed down to six (6). After much consideration, Mr. Lee Parker was selected. Mayor Pro Tempore Walker motioned to appoint Mr. Z. Lee Parker as Fire Chief and Director of Emergency Services effective October 31, 2016. Council Member Jones seconded the motion. It carried with five members for the appointment and Council Member Hunt opposed.

11. Department Head Items.

Ms. King, Mr. Dye, Mr. Smith, Fire Marshal Stanton, and Battalion Chief Wheeler had no reports.

Chief Lynn announced that 2 recruits will graduate from the Georgia Public Safety Training Center on Friday and start on Monday in the department. The animal control facility has begun site preparation, positioned rebar and will pour cement on Monday.

Mr. Aaron noted that the Public Works Department is transitioning to the new logos for all the vehicles.

Ms. Palmer stated that there have been 1,300 “hits” to the new Facebook page since it went live.

12. Council Members Items:

No reports

Attorney Hulbert – No report

13. General Public:

None

14. Mayor Items:

- Friday, September 23<sup>rd</sup> will be the Triple Ribbon Day proclamation signing at Central Georgia Technical College.
- Monday, September 26, 2016 will be a work session meeting
- Tuesday, September 27, 2016 is Walk with Mayor and Council in District 1 starting at 5:30 pm at the intersection of Kings Chapel Road and Houston Lake Road.
- The next regular meeting will be October 4<sup>th</sup> at 6:00 pm.

15. Adjourn: There being no further business to come before Council in the regular council meeting held September 20, 2016, Council Member Jackson motioned to adjourn at 7:25 p.m.; Council Member Hunt seconded the motion and it carried unanimously.



Where Georgia comes together.

Department of Community Development

Public Hearing  
Sept. 20, 2016  
Tuesday @ 6:00 PM

August 23, 2016

The Honorable James E. Faircloth, Jr.  
Perry City Council  
Post Office Box 2030  
Perry, Georgia 31069

Re: Rezoning Application #R-16-03  
Walker Farm Subdivision, Perry  
Lots 1,2,3,4,38,39,40,163,164,165,166,193 & 194

Dear Mayor and Council:

On August 22, 2016 the Perry Planning Commission reviewed the above referenced petition for a rezoning request as submitted by TL-Higdon's Mulligan, LLC for the above noted location.

The request was for an alteration to the standards for the existing Planned Unit Development #10.

The Perry Planning Commission recommended denial of the application as submitted.

Sincerely,

Jacob W. Poole, Chairman  
Perry Planning Commission

JWP/cs

# STAFF REPORT

**CASE NUMBER: R-16-03**

**APPLICANT:** TL-Higdon's Mulligan LLC.

**REQUEST:** Alter the standards for the existing PUD #10

**LOCATION:** Walker Farms S/D Lots 1, 2, 3, 4, 38, 39, 40, 163, 164, 165, 166, 193, & 194.

**ADJACENT ZONING/LANDUSES:**

Parcel: PUD	Vacant Land Single Family
North: PUD	Vacant Land
South: PUD	Vacant Land Single Family
East: PUD	Vacant Land Single Family
West: PUD	Vacant Land/Single Family

**STANDARDS GOVERNING ZONE CHANGES:**

1. *The suitability of the subject property for the zoned purposes. The property is currently zoned PUD. The applicant desires to change a condition of the PUD*
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions. The market for the style of development originally proposed has not materialized.*
3. *The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public. The destruction of property values does not promote public welfare.*
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner. The gain to the public may be a more desirable style of dwelling.*
5. *Whether the subject property has a reasonable economic use as currently zoned. The property has a reasonable use as currently zoned.*
6. *The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property. There has not been a building permit issued for a new dwelling in Walker Farms since 2011. All developed lots not having the requirement of a rear entry drive off the access easement have been developed.*
7. *Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property. The proposed change will allow drive ways to enter off the boulevard which seems to be one of the contributing factors for these lots not developing.*

8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.* The proposed zoning will change the boulevard overall design and create the potential for traffic issues if the condition is removed. The boulevard is designed to move traffic through the neighborhood. There are six dwellings currently facing the boulevard, three corner lots have a side street entry.

9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.* The Character Area Map from 2007 depicts this area as Urban Residential. The proposed change is in conformance with the land use plan.

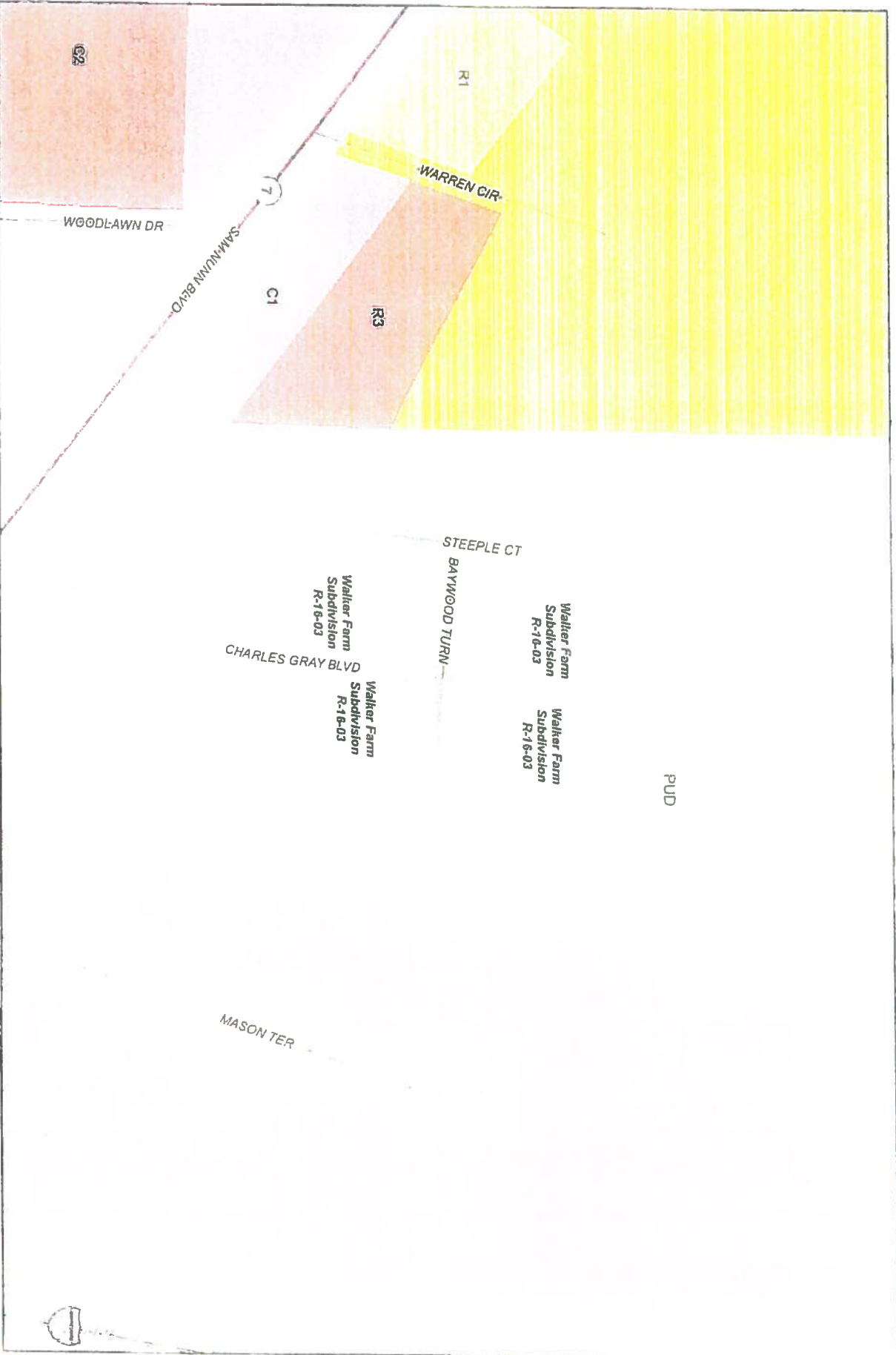
10. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.* The proposal will allow the development to be served with sanitary sewer instead of septic tank and should result in a section of an unpaved street being improved.

11. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.* Its reasonable to conclude the rear entry lots are not favorable to develop given all other lots are developed. However, the concept to take the boulevard to the Perry Parkway must be considered the priority.

#### **STAFF CONCLUSIONS:**

The applicant desires to remove the condition of a rear entry only driveway for the thirteen lots listed. There has been no new permit issued since 2011. The only lots available to develop today require a rear entry driveway across the easement. Changing the condition may allow the thirteen lots to develop more quickly. The big picture here is whether or not future development of Walker's Farm is going to be with a true boulevard that has no driveways connecting or allow driveways to enter from the boulevard and impede the flow of traffic. The original PUD classification was for the condition of no driveways from the boulevard. There are three different property owners and eight tenths of a mile of new road to be constructed in order for the boulevard to connect to the Perry Parkway. I was not able to determine if the property owners, Cutcord 100 LLC, Notes Acquisitions LLC or the applicant have plans to develop the remainder of the properties as originally submitted. Staff is not in favor of the request. The need to have a connector between the Perry Parkway and Sam Nunn Boulevard was a factor in approving the original PUD Classification.

Legend	
	Perry Zoning
	C3
	SU
	M1
	C2
	MC2
	OC
	R1
	R2
	R2A
	R3
	RAG
	RMH



*City of Perry Zoning Review*

Case: R-16-03





TL-Higdon's Mulligan LLC  
 42 Brunswick Point Drive  
 Brunswick, GA 31525

Email: bob@gazellecre.com

Phone: (404) 219-5559

Date:	7-19-2016
Sent to:	Houston County Tax Commissioner City of Perry
Re:	List of 13 lots fronting Charles Gray Blvd (Perry, GA) TL-Higdon's Mulligan LLC, current owner

**One check is enclosed for the payment of the following properties:**

Lot Count	Tax Parcel #	Address & Lot # (Phase I of Walker Farms)	Lot #	Description
1	OP0690 001000	200 CHARLES GRAY BLVD (LOT #: 1)	1	Walker Farms S/D Phase I Lot #: 1
2	OP0690 002000	202 CHARLES GRAY BLVD (LOT #: 2)	2	Walker Farms S/D Phase I Lot #: 2
3	OP0690 003000	204 CHARLES GRAY BLVD (LOT #: 3)	3	Walker Farms S/D Phase I Lot #: 3
4	OP0690 004000	206 CHARLES GRAY BLVD (LOT #: 4)	4	Walker Farms S/D Phase I Lot #: 4
5	OP0690 038000	304 CHARLES GRAY BLVD (LOT #: 38)	38	Walker Farms S/D Phase I Lot #: 38
6	OP0690 039000	306 CHARLES GRAY BLVD (LOT #: 39)	39	Walker Farms S/D Phase I Lot #: 39
7	OP0690 040000	308 CHARLES GRAY BLVD (LOT #: 40)	40	Walker Farms S/D Phase I Lot #: 40
8	OP0690 163000	309 CHARLES GRAY BLVD (LOT #: 163)	163	Walker Farms S/D Phase I Lot #: 163
9	OP0690 164000	307 CHARLES GRAY BLVD (LOT #: 164)	164	Walker Farms S/D Phase I Lot #: 164
10	OP0690 165000	305 CHARLES GRAY BLVD (LOT #: 165)	165	Walker Farms S/D Phase I Lot #: 165
11	OP0690 166000	303 CHARLES GRAY BLVD (LOT #: 166)	166	Walker Farms S/D Phase I Lot #: 166
12	OP0690 193000	203 CHARLES GRAY BLVD (LOT #: 193)	193	Walker Farms S/D Phase I Lot #: 193
13	OP0690 194000	201 CHARLES GRAY BLVD (LOT #: 194)	194	Walker Farms S/D Phase I Lot #: 194

**SUBJECT PROPERTY**

1. TOTAL AREA OF LOT IS 10.00 ACRES
2. TOTAL AREA OF PAVEMENT IS 1.50 ACRES
3. TOTAL AREA OF PAVED DRIVEWAYS IS 0.50 ACRES
4. TOTAL AREA OF PAVED SIDEWALKS IS 0.50 ACRES
5. TOTAL AREA OF PAVED PARKING IS 0.50 ACRES
6. TOTAL AREA OF LOT IS 10.00 ACRES
7. TOTAL AREA OF LOT IS 10.00 ACRES
8. TOTAL AREA OF LOT IS 10.00 ACRES
9. TOTAL AREA OF LOT IS 10.00 ACRES
10. TOTAL AREA OF LOT IS 10.00 ACRES

**SUBDIVIDER**

701 130  
 701 130  
 701 130

**24-HR CONTACT**

701 130  
 701 130  
 701 130

**OWNER'S CERTIFICATION**

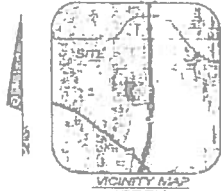
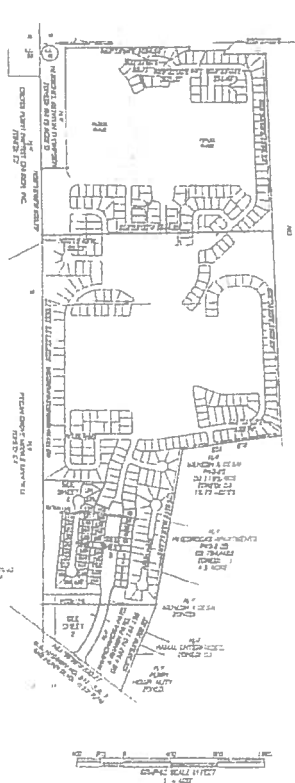
I, the undersigned, certify that I am the owner of the land shown on this plan and that I have read and understand the provisions of the City of Point Loma Ordinance No. 14487 and the provisions of the City of Point Loma Ordinance No. 14487 and the provisions of the City of Point Loma Ordinance No. 14487.

**CERTIFICATE OF APPROVAL BY THE COUNCIL**

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing petition, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

**CERTIFICATION OF FINAL APPROVAL BY THE COMMISSION**

I, the undersigned, certify that I am the owner of the land shown on this plan and that I have read and understand the provisions of the City of Point Loma Ordinance No. 14487 and the provisions of the City of Point Loma Ordinance No. 14487 and the provisions of the City of Point Loma Ordinance No. 14487.



**GENERAL NOTES**

1. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.

**SURVEYOR'S CERTIFICATION**

I, the undersigned, certify that I am a duly licensed and qualified surveyor and that I have read and understand the provisions of the City of Point Loma Ordinance No. 14487 and the provisions of the City of Point Loma Ordinance No. 14487 and the provisions of the City of Point Loma Ordinance No. 14487.

**RESIDENTIAL DEVELOPMENT STANDARDS**

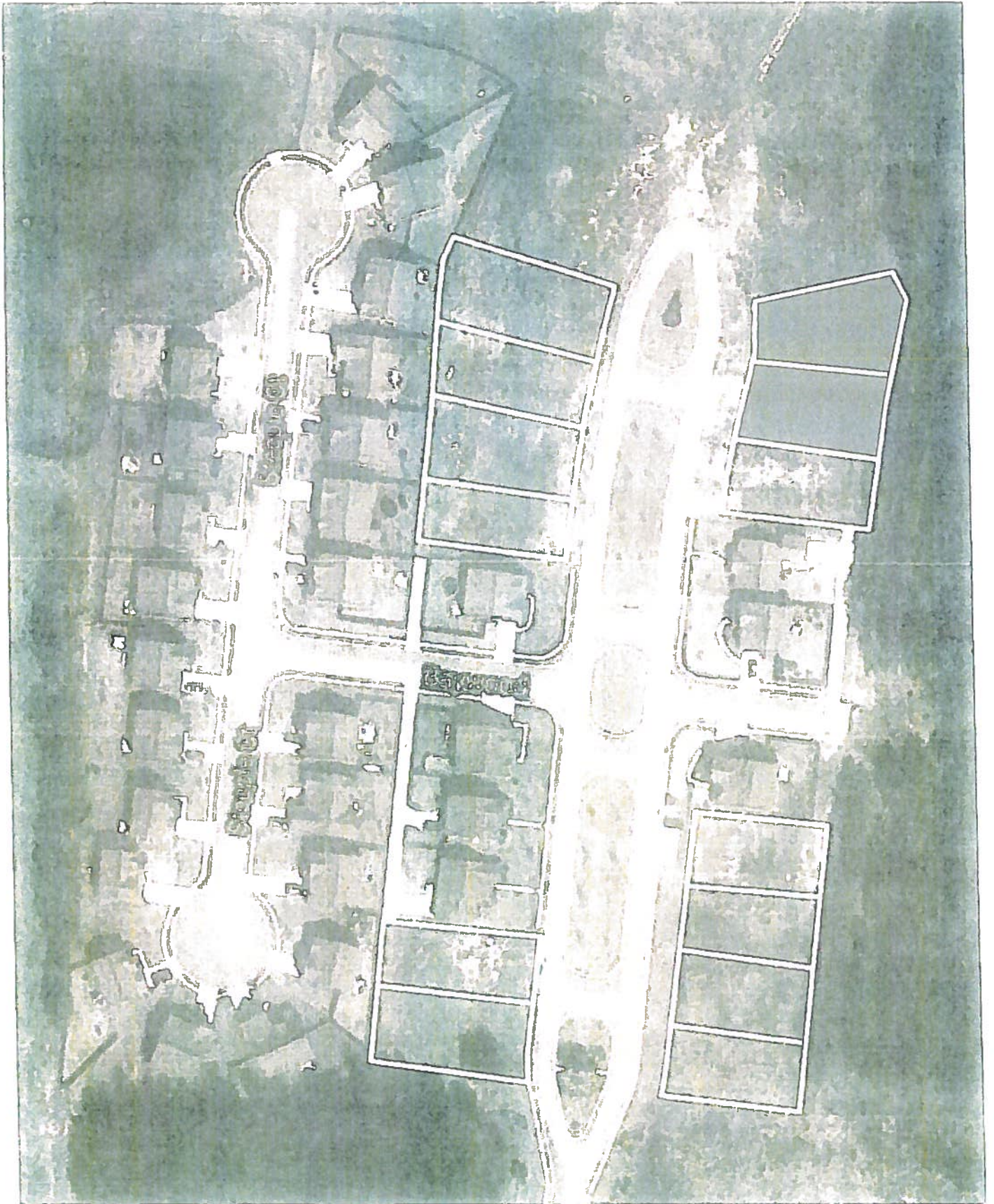
1. MINIMUM LOT AREA: 10,000 SQ. FT.
2. MINIMUM FRONT YARD SETBACK: 25 FEET
3. MINIMUM SIDE YARD SETBACK: 5 FEET
4. MINIMUM REAR YARD SETBACK: 5 FEET
5. MINIMUM FRONT YARD SETBACK: 25 FEET
6. MINIMUM SIDE YARD SETBACK: 5 FEET
7. MINIMUM REAR YARD SETBACK: 5 FEET

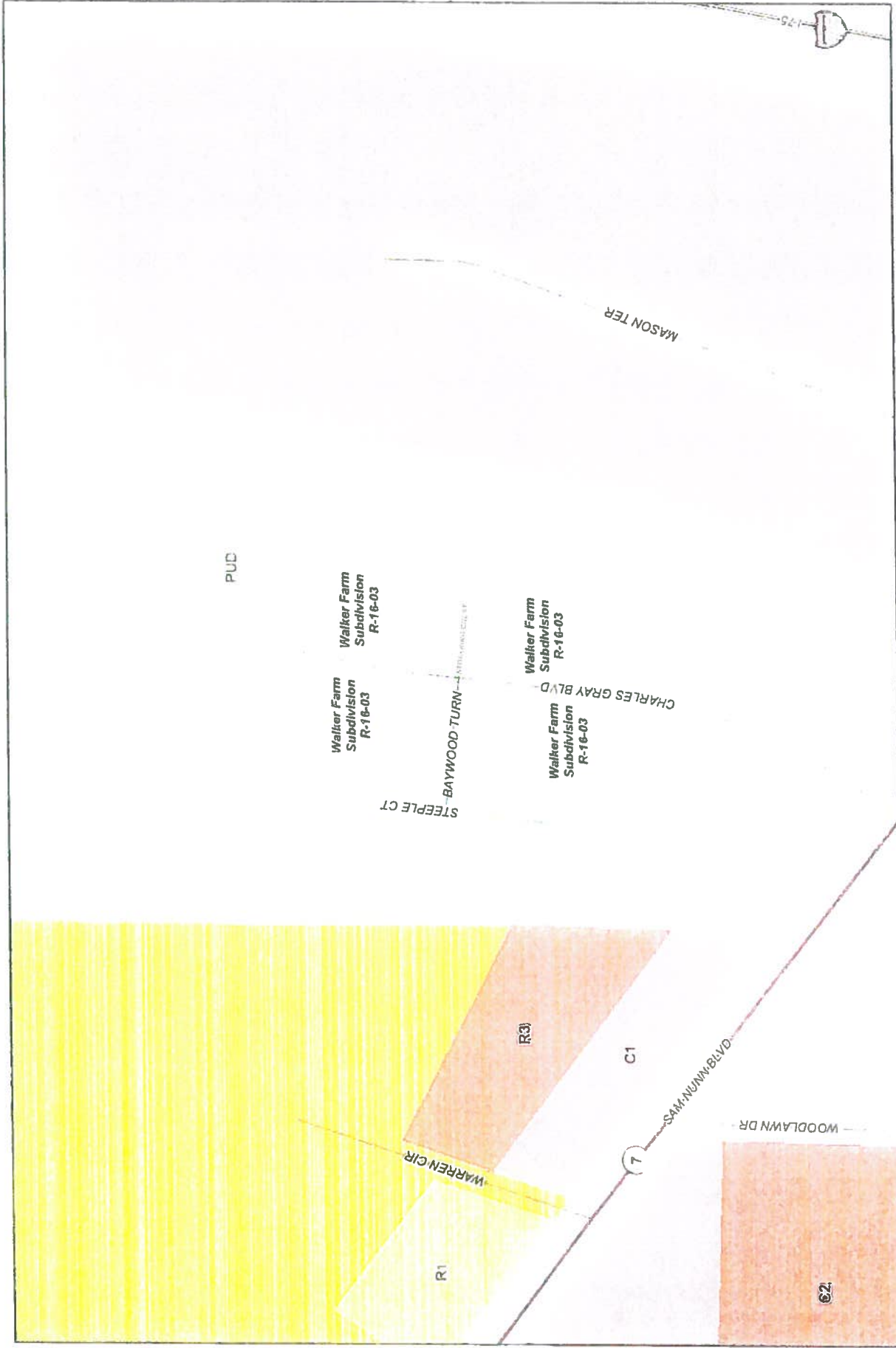


**WALKER FARM SUBDIVISION**  
 PHASE 1

**POINT TO POINT LAND SURVEYORS**  
 8100 Jackson Street  
 San Diego, California 92121  
 (619) 594-4487

UNION COUNTY, CALIFORNIA  
 COUNTY RECORDS  
 FILE NO. 14487  
 DATE: 03/01/2008  
 DRAWN BY: J.L.  
 CHECKED BY: G.M./A.M.  
 APPROVED BY: L.F.G.  
 FILE NO. 14487  
 SHEET NO. 1  
 OF 1 SHEET





PUD

Walker Farm  
Subdivision  
R-16-03

Walker Farm  
Subdivision  
R-16-03

Walker Farm  
Subdivision  
R-16-03

Walker Farm  
Subdivision  
R-16-03

# City of Perry Zoning Review

Case: R-16-03



1 inch = 300 feet



Legend	
	C3
	M2
	OC
	GU
	IN
	M1
	C2
	R1
	RAG
	RMH
	PUD
	R2
	R2A
	R3
	R3

WARREN CIR

7

SAM NUNAN BLVD

62

WOODLAWN DR

CHARLES GRAY BLVD

BAYWOOD TURN

STEEPLE CT

MASON TER

175




Where Georgia comes together.

Department of Community Development

TO: Lee Gilmour, City Manager

CC: Steve Howard, Building Official  
Decius Aaron, Public Works Director

FROM: Chad McMurrian, Lead Engineering Technician 

DATE: August 25, 2016

SUBJECT: 206 Steeple Court / Walker Farm Subdivision, storm water drainage.

Mr. and Mrs. Tankersley have expressed concern for the development of lots behind their home at 206 Steeple Court. Mr. Tankersley's concern is storm water runoff from the properties at 303, 305, 307, and 309 on Charles Gray Boulevard, shed water on to properties 202, 204, 206, and 208 on Steeple Court. Upon, visiting the site I concur with Mr. Tankersley's reason for concern.

Please see attached. Original plans are designed with a storm water drainage easement and alley, driveway entrance to the back of each home, this concept would help detour water from lots around to the storm water retention pond.

- Back entry drive to homes / utility and drainage easement: highlighted in pink is incomplete and does not allow proper drainage.
- Lots of concern, on Steeple Court: highlighted in yellow, are receiving water shed from incomplete lots on Charles Gray Blvd.
- Lots on Charles Gray Blvd: highlighted in orange, are incomplete and at a higher elevation than lots on Steeple Court.

Below, I have attached pictures of the storm water drainage easement and alley between these lots.





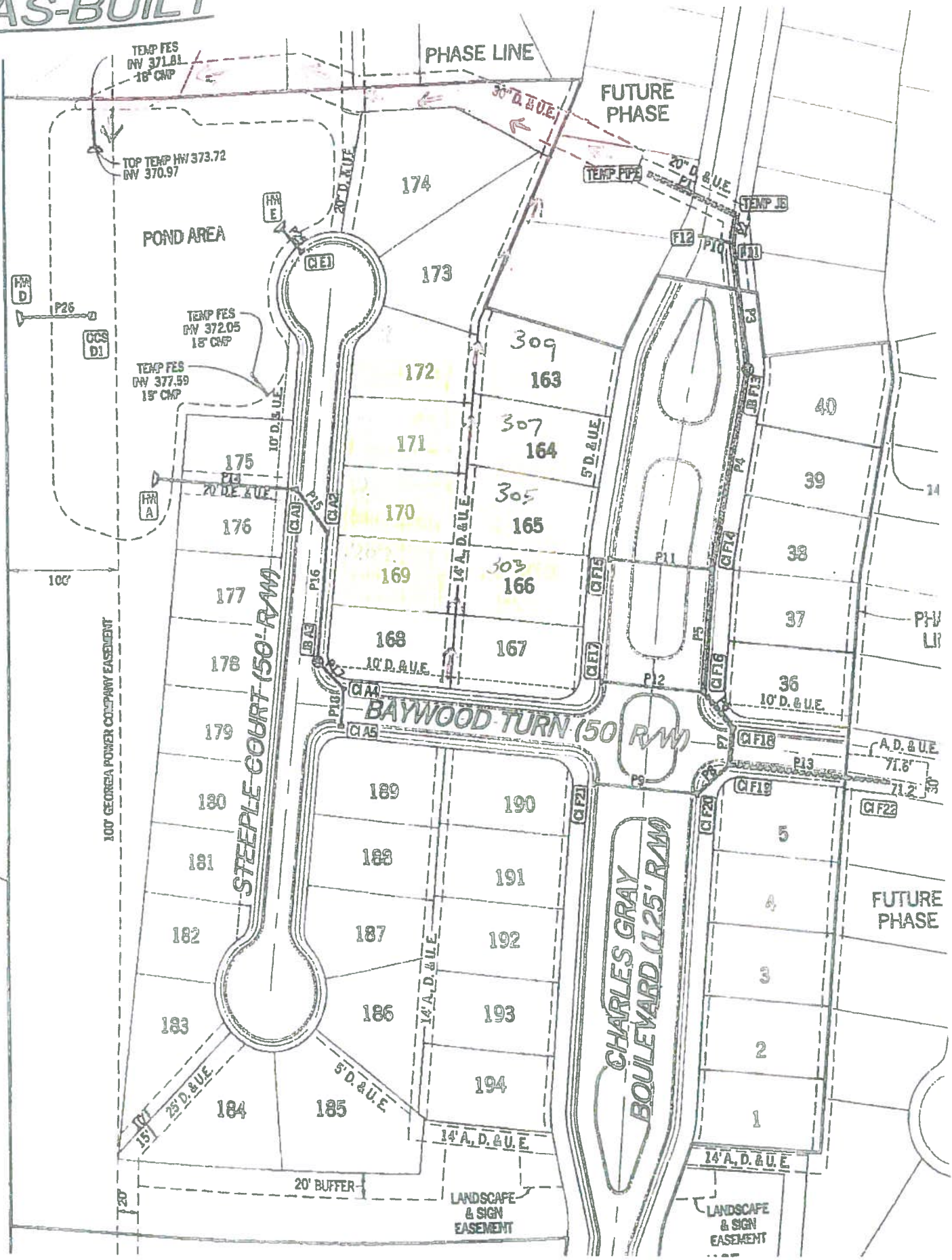
Where Georgia comes together.

Department of Community Development



Provided, redesign of lots 303, 305, 307, and 309 Charles Gray Blvd. are approved for front entry home driveway access. The drainage easement in the back of these lots will need to be resubmitted for review and approval of storm water drainage, which will not negatively impact the lower elevation homes on Steeple Court.

# AS-BUILT



PECAN GROVE MOBILE MANOR LLC  
77NFD-CA

WAYN  
ZC

100' GEORGIA POWER COMPANY EASEMENT

CHARLES GRAY BOULEVARD (125' R/W)

STEEPLE COURT (50' R/W)

BAYWOOD TURN (50' R/W)

FUTURE PHASE

FUTURE PHASE

PHASE LINE

LANDSCAPE & SIGN EASEMENT

LANDSCAPE & SIGN EASEMENT



**Where Georgia comes together.**

Department of Community Development

*Public Hearing  
Sept. 20, 2016  
Tuesday @ 6:00 PM*

August 23, 2016

The Honorable James E. Faircloth, Jr.  
Perry City Council  
Post Office Box 2030  
Perry, Georgia 31069

Re: Amendment to Perry Land Development Ordinance  
Article XV Soil Erosion and Sedimentation Control

Dear Mayor and Council:

On August 22, 2016 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the approval of the changes as provided for the referenced section of the Perry Land Development Ordinance

Sincerely,


Jacob W. Poole, Chairman  
Perry Planning Commission

JP/cs





Where Georgia comes together.

TO: Perry Planning Commission  
FROM: Christine Sewell – Administrative Assistant   
DATE: August 5, 2016  
RE: PLDO Amendment

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I have been advised from Mr. Howard that as per the Georgia Erosion and Sedimentation Act (O.C.G.A. 12-7-8(a)(2)), Local Issuing Authorities must amend their ordinances within 12 months of any amendment of the Act. Therefore, the deadline for Local Issuing Authorities to amend their local erosion and sedimentation ordinances to reflect the 2015 and earlier amendments to the Georgia Erosion and Sedimentation Act is December 31, 2016.

I have attached the current PLDO ordinance and the revised as noted.

The entire ordinance as you will note is being changed.

Please be prepared to discuss at your August 22<sup>nd</sup> meeting. Thank you.

Current

**ARTICLE XV  
SOIL EROSION AND SEDIMENTATION CONTROL**

Rev. 01.05.10

**Section 150. Definitions**

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

- (1) **BEST MANAGEMENT PRACTICES (BMP's):** 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) **COMMISSION:** The Georgia Soil & Water Conservation Commission.
- (6) **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina which is also referred to as CPESC or CPESC, Inc.
- (7) **CUT:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- (8) **DEPARTMENT:** The Georgia Department of Natural Resources.
- (9) **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 by Certified Professional in Erosion and Sediment Control, Inc.
- (10) **DIRECTOR:** The Director of the Environmental Protection division of the Department of Natural Resources.
- (11) **DISTRICT:** The Ocmulgee River Soil and Water Conservation District.

- (22) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
- (23) **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.
- (24) **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.
- (25) **NATURAL GROUND SURFACE:** The ground surface in its original state before any grading, excavation or filling.
- (26) **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 colloidally dispersed particles are present.
- (27) **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
- (28) **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
- (29) **OPERATOR:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation, and pollution control plan or to comply with other permit conditions. .
- (30) **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.
- (31) **PERMIT:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
- (32) **PERSON:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility,

- (42) **STATE WATERS:** Any and all rivers, streams, creeks, branches, lakes reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- (43) **STRUCTURAL EROSION AND SEDIMENTATION CONTROL MEASURES:** Measures 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 rip-rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.
- (44) **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.gaepd.org](http://www.gaepd.org). 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.
- (45) **VEGETATIVE EROSION AND SEDIMENTATION CONTROL PRACTICES:** Practices 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 or perennial sod-forming grass.
- Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.
- (46) **WATER COURSE:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- (47) **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

- (6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 152.3 of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (8) Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within two-hundred feet (200') of the bank of any state waters. and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity and which is within two-hundred feet (200') of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9, or 10 of this section;
- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia 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 State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of Code Section 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 with a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power, except where an electric membership corporation

activities issued by the Division pursuant to subsection (f) of Code Section 12-5-30 for each day on which such discharge results in the turbidity of receiving waters being increased by more than 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) Code Section 12-5-30 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 Sections 152.3(15) and 152.3(16), in light of O.C.G.A. § 12-7-6 (c).

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

- (1) Stripping of vegetation, regarding 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 practical erosion potential;
- (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;

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 occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width disturbance of not more than fifty (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.
- (16) There is established a fifty (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 twenty five (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

will be carried out in such a manner that the provisions of Sections 152.2 and 152.3 of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by three (3) copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with EPD Rule 391-3-7-10.

- (3) A fee shall be charged as established by Council.
- (4) 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, as amended, provided that such fees shall be 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.
- (5) Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within (35) days of receipt. Failure of a 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 152.3.(15) and (16) and bonding, if required as per Section 153.2(7), have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. 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.
- (6) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended within three (3) years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
- (7) The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding three-thousand dollars (\$3,000.00) per acre or fraction thereof of the proposed land-disturbing activity prior to issuing the permit. If this applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.



- (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 154. Inspection and Enforcement**

**154.1.** The Planning and Zoning 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 both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. 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.

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.

**154.2.** The Planning and Zoning 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.

**154.3.** 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

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 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.

### **155.3. Bond Forfeiture**

If through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions Section 153.2.(7). The 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.

### **155.4. 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

Planning and Zoning Commission within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.

**157.2. 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 Houston County.

### **Section 158. Effectivity, Validity and Liability**

**158.1 Effectivity** This ordinance shall become effective on the 5<sup>th</sup> day of January, 2010.

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

#### **158.3. 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.

Revised

## Model Soil Erosion, Sedimentation And Pollution Control Ordinance

NOW, THEREFORE, BE IT ORDAINED, BY

### SECTION I TITLE

This ordinance will be known as City of Perry  
Soil Erosion, Sedimentation and Pollution Control  
Ordinance.”

### SECTION II 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 Marshlands:** 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 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 by 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 Ocmulgee 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 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 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 Ocmulgee 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](http://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 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.

### SECTION III 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 Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in 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;
5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to 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;
  6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (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;
  7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
  8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 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;
  9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State 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;

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

SECTION IV  
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 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.15,16 and 17, 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;
  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 runoff 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 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; and
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 this 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 storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that 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 be defined as usable in its current state or with minor maintenance but not so 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 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 buffer 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.

## SECTION V APPLICATION/PERMIT PROCESS

### A. 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.

### B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of City of Perry without first obtaining a permit from the Community Development 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 Community Development 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 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 and 17 have 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.

#### C. PLAN REQUIREMENTS

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.

#### D. 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 and 17 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 VI INSPECTION AND ENFORCEMENT

- A. The Community Development 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 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 Community Development 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 VII 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 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 VIII  
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 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 IX  
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 Perry Planning Commission within thirty (30) 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 Houston County, Georgia.

SECTION X  
EFFECTIVITY, VALIDITY  
AND LIABILITY

- A. EFFECTIVITY  
This ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.
- B. 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.
- C. 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.

ATTEST:

Signature

Signature



Where Georgia comes together.

Department of Community Development

**Public Hearing**  
**Sept. 20, 2016**  
**Tuesday @ 6:00 PM**

August 23, 2016

The Honorable James E. Faircloth, Jr.  
Perry City Council  
Post Office Box 2030  
Perry, Georgia 31069

Re: Amendment to Perry Land Development Ordinance  
Section Downtown Development District of the City of Perry Architectural & Signage Control  
Standards for Certificate of Appropriateness Permit

Section 46 Downtown Development District Certificate of Appropriateness

Dear Mayor and Council:

On August 22, 2016 the Perry Planning Commission reviewed the above referenced amendments to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the approval of the changes as provided for the referenced sections of the Perry Land Development Ordinance


Sincerely,

Jacob W. Poole, Chairman  
Perry Planning Commission

JF/cs



Where Georgia comes together.

TO: Perry Planning Commission  
FROM: Christine Sewell – Administrative Assistant   
DATE: August 3, 2016  
RE: PLDO Amendments

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Recently there have been some changes with regards to the issuance of Certificate of Appropriateness (COA) in the Downtown District. When the Main Street Advisory Board was formed the functions for review fell to the Main Street Design Committee with the Economic Development Department issuing the COA once the process was completed.

The procedures for approval and issuance will remain, but Economic Development will no longer issue the COA, it will fall to the responsibility of the Community Development Department.

COA's are addressed in two sections in the PLDO: Appendix B and Section 46 and therefore, both sections need to be amended. Copies of the sections are attached with the language highlighted in red and strike through.

Should you have any questions, please let me know. Thank you.

**DOWNTOWN DEVELOPMENT DISTRICT  
OF THE  
CITY OF PERRY**

**ARCHITECTURAL AND SIGNAGE CONTROL STANDARDS FOR  
CERTIFICATE OF APPROPRIATENESS PERMITS**

These standards have been established under the authority of the City of Perry Land Development Ordinance; specifically, Article IV, Section 45, Sub-Section 45.3 of said ordinance.

The Downtown Development District Ordinance was enacted to provide Standards for Architectural and Signage Control. The purpose is to make the Downtown Development District a more visually attractive and historically accurate area that will enhance the natural and visual assets of the District, its gateways and corridors.

The intent of these standards is to provide necessary information to facilitate development design, plan review, ensure the preservation of the District and enforcement process in order that the provisions of the ordinance are administered in the most effective, efficient and economical manner.

**2.01 SIGNAGE CERTIFICATE OF APPROPRIATENESS**

All signs shall require a Certificate of Appropriateness issued by the City of Perry ~~Economic Development—Community Development~~ Department prior to erecting the sign. The City of Perry ~~Economic Development Community Development~~ Department may exempt signs which are in conformance with the Standards for Architectural and Signage Control at their sole discretion. The standards for signage are contained in Section 106 of the Perry Land Development Ordinance.

**2.02 ARCHITECTURAL STANDARDS**

- 1) The intent of this section is to encourage and maintain the viability and visual compatibility of structures in the Downtown Development District.
- 2) Within the Downtown Development District, new construction and existing buildings, structure, and appurtenances attached thereto which are moved, reconstructed, materially altered, repaired or painted, including repainting the same color, shall be visually compatible with buildings, squares, and places to which they are visually related generally, in terms of the following factors:
  - a) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
  - b) Proportion of Building From Façade. The relationship of the width of building to the height of the front elevation shall be visually compatible with buildings, squares, and places to which it is visually related.
  - c) Proportion of Openings Within the Facility. The relationship of the width of the windows in a building to the height of the windows shall be visually compatible with buildings, squares, and places to which it is visually related.
  - d) Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, squares, and places to which it is visually related.

- e) **Rhythm of Spacing of Buildings on Streets.** The relationship of buildings to open space between it and the adjoining buildings shall be visually compatible to the buildings, squares, and places to which it is visually related.
  - f) **Rhythm of Entrance and/or Porch Projection.** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible to the buildings, squares, or places to which it is visually related.
  - g) **Relationship of Materials. Texture and Color.** The relationship of the materials, texture and color of the façade of a building shall be visually compatible with the predominant materials in the buildings to which it is visually related.
  - h) **Roof Shapes.** The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
  - i) **Walls of Continuity.** Appurtenances of a building such as walls, wrought iron, fences, evergreen landscape masses, building facades shall if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the buildings, squares, or places to which it is visually related.
  - j) **Scale of a Building.** The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings, squares and places to which it is visually related.
  - k) **Directional Expression of Front Elevation.** A building shall be visually compatible with the buildings, squares and places to which it is visually related in the directional character, whether this is vertical character, horizontal character or non-directional character.
  - l) **Temporary structures** are permitted for construction projects or catastrophic loss. These structures require approval from the ~~Downtown Development Authority~~ ~~Community Development Department~~.
- 3) **Colors:** Colors should be in keeping with color palettes currently in use, or of historical significance to the City of Perry. The ~~Economic~~ ~~Community~~ Development Department may suggest or make available certain color palettes, which are not required to have a Certificate of Appropriateness.
- 4) Within the Downtown Development District, new construction and existing buildings, structure, and appurtenances attached thereto which are moved, reconstructed, materially altered, repaired or painted, including repainting the same color, shall be visually compatible with buildings, squares, and places to which they are visually related generally, in terms of the following factors:

### 2.03 ARCHITECTURAL CERTIFICATE OF APPROPRIATENESS

- 1) **Architectural Approval:**
  - a) **Repairs:** Repairs or maintenance required including changing of doors, windows, roofing, decayed wood or repainting are exempt from the hearing procedure provided the repair does not significantly alter the existing structure.

### 2.04 PERMITS

All required building permits and zoning approvals shall be secured from the Community Development Department and a Downtown Development District Certificate of Appropriateness shall be secured from the ~~Economic~~ ~~Community~~ Development Department prior to commencement of work.



**Section 46. Downtown Development District Certificate of Appropriateness.**

**46.1. Certificate of Appropriateness.** Application for a Downtown Development District Certificate of Appropriateness shall be made to the office of the Zoning Enforcement Officer on forms provided therefore, obtainable from the office of the Zoning Enforcement Officer. Detailed drawings, plans or specifications shall not be required but each application shall be accompanied by such sketches, drawings, photographs, descriptions, or other information showing the proposed sign, exterior alterations, additions, changes of new construction as are reasonably required for the ~~Economic Community~~ Development Department.

**46.2. Action on Application for Certificate of Appropriateness.** The Zoning Enforcement Officer shall transmit the application for a Downtown Development District Certificate of Appropriateness, together with the supporting information and materials, to the ~~Economic Community~~ Development Department for approval. The ~~Economic Community~~ Development Department shall receive the application, together with the supporting information and materials, and act upon the application, within 30 days after filing thereof, otherwise the application shall be deemed to be approved and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made. The ~~Economic Community~~ Development Department shall present the application for a Certificate of Appropriateness to the Downtown Development District Board of Review and the Board may advise the ~~Economic Community~~ Development Department and make recommendations in regard to the appropriateness. If the ~~Economic Community~~ Development Department approves the application, a Certificate of Appropriateness shall be issued. If the Certificate of Appropriateness is issued, the application shall be processed in the same manner as applications for building permits. If the ~~Economic Community~~ Development Department disapproves the application, a Certificate of Appropriateness shall not be issued. The ~~Economic Community~~ Development Department shall state its reasons in writing, and shall advise the applicant and a Certificate of Appropriateness shall not be issued.

**46.3. Appeal Provision.** Any person adversely affected by any determination made by the ~~Economic Community~~ Development Department relative to the issuance or denial of a Downtown Development District Certificate of Appropriateness may appeal such determination to the Planning Commission.

**A RESOLUTION  
TO AMEND THE CITY OF PERRY  
FEE SCHEDULE TO PROVIDE  
FOR A SPECIAL EVENT FEE AND FIRE MARSHAL  
REVIEW FEES**

**WHEREAS**, the recently established special event permit specified a fee is to be paid;

**WHEREAS**, the City's Fire Marshal has reviewed State and other local governments' Fire Marshal Review Fees; and

**WHEREAS**, Council has determined it is appropriate to charge certain fees for particular services;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY RESOLVES** that the City of Perry Fee Schedule is amended as follows.

Section 1 A. Licenses and Permits 3. Non-Business Permits is amended by adding:

r. Special Event Permit \$60.00/each

Section 1 B. Charge for Services, 2. Public Safety, b. Fire Services is amended by adding

5. Fire Marshal Review Fees

a. Site Review	\$120.00/each
b. New Structure	
1) Less than 10,000 sq. ft.	\$150.00/each
2) Greater than 10,000 sq. ft.	.015/sq. ft./each
c. Remodeling Structure	
1) Less than 2,500 sq. ft.	\$ 50.00/each
2) 2,501-10,000 sq. ft.	150.00/each
3) Greater than 10,000 sq. ft.	.015/sq. ft./each
d. Fire Alarm Review	\$150.00/each
e. Sprinkler Review	\$150.00/each

Section 2 B. Charge for Services, 2. Public Safety, b. Fire Services 3. Fire Safety Inspections

Delete a) Construction Plan Review  
Fire suppression Review \$120.00/each

SO RESOLVED THIS \_\_\_\_\_ DAY OF OCTOBER 2016.

CITY OF PERRY

By: \_\_\_\_\_  
JAMES E. FAIRCLOTH, JR., MAYOR

City Seal

Attest: \_\_\_\_\_  
ANNIE WARREN, CITY CLERK



Where Georgia comes together.

## City of Perry Special Events Application

### Applicant and Sponsoring Organization Information

Name:	Perry Ministerial Association
Name of individual representing sponsor organization:	John C. Lehenbauer
Street address:	208 Langston Road
City/State/Zip code:	Perry, GA 31069
Mailing address if different from above:	
Cell phone:	478-397-5914
Email address:	perryministerial@gmail.com
If this event benefits a City of Perry non-profit organization, which one?	We do accept gifts of diapers, baby items for Caring Solutions Crisis Pregnancy Center
Contact person on site for day of event:	John Lehenbauer
Cell phone:	478-397-5914
Is this a first time event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If held before, when and where?	I've been told, it has a 50+ year history

### Event Information

Type of event (Check all that apply): <input type="checkbox"/> Parade <input type="checkbox"/> Festival <input type="checkbox"/> Concert/Music <input checked="" type="checkbox"/> Other
* For parades, races and block parties, please, request the event applications specific to those events.
If other, specify: Reading of Christmas Story from Scripture, Singing of Christmas carols
Event title: Christmas at the Square
Event date: Sunday, Dec. 4, 2016
Event hours: Start: 5:30 p.m. End: 6:45 p.m.
Set-up: Date: 12/4/16 Time: 3:00 p.m.
Break down: Date: 12/4/16 Time: 7:30 p.m.
Expected attendance: Participants: 50 Spectators: 300

## Event Description

<p>Briefly describe event and activities. Include the purpose of the event. Explain how it benefits the City of Perry and its residents. Attach any of the following that are applicable: site plan, including location of stage, restroom facilities, vendor booths, etc.</p> <p>Purpose of event is to celebrate the true meaning of Christmas - namely the birth of Christ Jesus. It benefits the community by providing an event at which our Christian churches can gather to jointly hear the Christmas story as read from the Gospel of Luke, join in singing Christmas carols, and witness the lighting of the Christmas tree. Luminaries are lit by local Boy Scouts along our community streets.</p>
<p>I understand that only event activities outlined an approved in this application and approved by Perry City Council are permitted, and hosting additional activities that have not been approved may be grounds for the event permit to be revoked. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

## Event Details

<p>Attach schedule or brochure for all activities associated with event.</p>
<p>Will items or services be sold at the event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>If yes, describe:</p>
<p>Will event have amplified sound? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If yes, describe: A fairly simple sound system to amplify speakers, choirs, instruments</p>
<p>Is the event free to the public? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Will vendors cook or heat food? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>If yes, describe:</p>
<p>Will any areas be fenced off or barricaded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>If yes, describe:</p>
<p>If event is downtown, will downtown businesses be open during the event? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If event includes music, please, list names of bands and their websites or Facebook pages below:</p> <p>Pre-event music is provided by the Langston Road Chorale. Brass instrumentation is provided by Christ Lutheran Church.</p>

## Insurance

A certificate of insurance must be filed with the City of Perry City Clerk at least 30 days before the event on a standard ACORD form. The City of Perry must be listed as an additional insured with respect to general liability and alcohol liability if alcohol will be served. Check the policy document for required general liability and alcohol liability minimum coverage amounts.

Insurance form(s) attached

*Due to the informal nature of our organization we have never carried insurance. If we need to do so for this event, please let us know.*

## Alcohol Permit Information

\* Serving beverages in glass bottles at events is prohibited. Event organizer will notify any participating restaurants not to allow glass bottles to leave their premises.

\* Event organizer will stop alcohol service one hour before the scheduled end of the event.

Does your event involve the sale of alcoholic beverages?  Yes  No

If yes, describe:

\* If alcoholic beverages are to be sold, a special event alcohol permit is required, and a copy of the state license must be sent to the City of Perry City Clerk at least 60 days before the event is to be held.

Name of business serving alcohol:

Street address of business serving alcohol:

City/State/Zip Code:

Mailing address if different from above:

Cell phone:

Email address:

Name of licensee:

License number:

Is a copy of the licensee's alcohol license attached?  Yes  No

Hours alcohol will be served at event:

Is alcohol serving area open to public?  Yes  No

Is this an open container request?  Yes  No

Is current alcohol liability insurance policy naming City of Perry as additional insured attached?  Yes  No

Is a copy of the special event alcohol permit from the City of Perry Police Department attached?  Yes  No

Terms & Conditions:

I hereby agree that as a condition to the issuance of a Special Event Alcohol Permit, the business owner/sponsor of the event shall indemnify and hold the City harmless from claims, demand or cause of action which may arise from activities associated with the event. I hereby solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a Special Event Alcohol Permit are true, and no false or fraudulent

statement or answer is made herein to procure the granting of such permit.

I hereby state and understand that should a complaint be filed against the owner/sponsor of the event for violation of any regulation associated with the application for the City of Perry Alcoholic Beverage Catering License, the permit issued for the event will immediately become void and will not be reissued for the same location.

Licensee's name:	Date:
Licensee's signature:	
Sworn and attested before me on this _____ day of _____, 20_____	
Signature of special event organizer/applicant:	
Name, signature and stamp of Notary Public:	
* The sale of alcohol/mixed drinks requires excise reporting.	

### Street Closure Requests

Names of streets to be closed:		
Street: Carroll	Between: Jernigan	and: Washington
Street: Ball	Between: Commerce	and: Main
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
When are you requesting the street closure(s)? 4:30 p.m. - 7:15 p.m.		
Why are you requesting the street closure(s)? Safety for participants		
Type of street closure: <input checked="" type="checkbox"/> Complete <input type="checkbox"/> Rolling		
If event includes a parade, describe the parade route:		
Parade assembly area:		Parade disbanding area:
The event organizer is responsible for notifying affected businesses and residents of street closures. Describe your notification plan and attach a copy with this application:		

## Restroom Facilities

Will event organizer provide portable restroom facilities?  Yes  No

## Tram/Shuttle Plan

Will event involve the use of a tram/shuttle plan?  Yes  No

How many trams/shuttles will be required?

Please, describe or provide an attachment of your tram/shuttle plan and route:

Please, describe your parking plan:

## Sanitation

Describe your clean-up plan for during and after the event:

Volunteers pick up litter from site.  
I believe City Works Dept. has picked up luminaries in the past

## Electricity and Water

Will your event require access to electricity?  Yes  No (From historic courthouse)

If so, where? Historic downtown courthouse

What electrical load will you require? Just a couple 110volt outlets

Will your event require access to water?  Yes  No

If so, where?

I understand that I may incur an additional charge for use of City electricity and/or water:

Yes  No

## Police/Security

\* If police/security is required for event, off-duty officers may be hired at the rate at a rate set by the Chief of Police per hour for the duration of the event, with a minimum of three hours.



\* Based on the event, the Police Department will determine how many officers will be required.  
 \* An officer is required to be on duty at any event where alcohol is served on City of Perry property.

Number of officers requested:

Total hours for officers requested:

### Fire and Emergency Medical Services

Describe your plan for providing emergency medical services:

Due to the short nature of this program, around one hour, we feel that being able to access 911 by phone is sufficient for our Christmas at the Square.

\*If Emergency Medical or Fire Protection Services are required for the event, off-duty members can be hired at a rate set by the Chief of Fire and Emergency Services per officer per hour. The Chief of Fire and Emergency Services Department reserves the right to set the staffing minimums based upon the specifics of the event (including type of event, expected attendance, time of year and areas to be affected).

### Weather Emergency Procedures

\* When lightning and/or thunder occurs, advise participants to seek shelter in a car or building. Please, wait 20-30 minutes before proceeding.

I understand that the City of Perry Chief of Fire and Emergency Services or his/her designee may determine that weather conditions are too dangerous and cancel the event at any time.

Yes  No

### Health Department

I understand that the City of Perry does not schedule Health Department inspections and will work with vendors to schedule any required inspections by the Houston County Health Department, 98 Cohen Walker Drive, Warner Robins, (478) 987-2020 at least two weeks before the event.  Yes  No

### Event Publicity

If you would like your event included in the upcoming FYI Newsletter, please, submit your news release to the City of Perry Digital Communications Manager at least one month before your event at [ellen.palmer@perry-ga.gov](mailto:ellen.palmer@perry-ga.gov).

## Indemnification and Hold Harmless

Subject to the granting of all permits required by the City of Perry, the City of Perry authorizes \_\_\_\_\_ (Special event organizer/applicant) to utilize the sites(s) known as \_\_\_\_\_ for the purposes of conducting the activities described within the special events permit application.

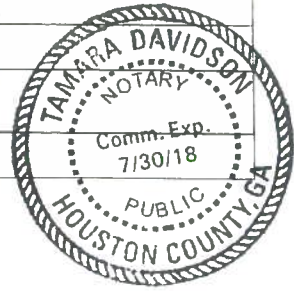
The special events organizer/applicant agrees that the City of Perry assumes no responsibility or liability for any defects or other conditions on the site of the event on City of Perry property, whether the conditions are known or unknown to either party and/or discoverable by either party. The special events organizer/applicant agrees to assume the risk for any and all defects and/or other conditions, whether these defects and or other conditions are dangerous and/or whether these defects or other conditions are discoverable by either party and/or known or unknown to either party.

The special events organizer/applicant shall indemnify and hold City of Perry and its officers, agents and employees harmless and free from any and all claims, including but not limited to personal injury, property damage, alleged to have arisen or resulted wholly or partially from the exercise of any of the rights granted herein to the special event organizer/applicant. This indemnification and hold harmless agreement includes, but is not limited to, the payment of all attorney fees, expenses, costs, judgment and other expenses that may be incurred by City of Perry, its officers, employees or agents as a result of any and all such claims.

Signature of special event organizer/applicant: *John C. Lehenbauer*

Name, signature and stamp of Notary Public: *Tamara Davidson* *Tamara Danu*

Date: *9/26/16*



## Agreement and Signature

An application processing fee is required at the time of the application's submittal to the City of Perry. If alcohol is being served, an additional special event alcohol permit is also required at time of the application's submittal. If the application is approved, fee will be rolled over into permit fee. An application must be submitted in time to be included on a Perry City Council meeting agenda for consideration at least 60 days before the proposed event or festival.

I, the undersigned representative, have read the rules and regulations referenced in this application and am duly authorized by the organization to submit this application on its behalf. The information herein is complete and accurate.

Printed name: *John Lehenbauer*

Signature: *John C. Lehenbauer*

Date: *9/25/16*

- Special event application fee enclosed
- Special event alcohol permit application section enclosed

Please, send completed application to:

City of Perry  
Attn: City Clerk  
P.O. Box 2030

Perry, GA 31069  
(478) 988-2736  
(478) 988-2705 (fax)  
annie.warren@perry-ga.gov

Or hand-deliver application to:  
City Clerk at  
Perry City Hall  
1211 Washington Street  
Perry, GA 31069.

# Perry Ministerial Association

PO Box 1426, Perry, Georgia 31069

*Pastor John Lehenbauer, 2015 President*

August 4, 2016

Major William Phelps  
Perry Police Department  
1207 Washington St  
Perry, GA 31069

Re: Traffic re-routing for Christmas at the Square, **Sunday, Dec. 4**

Dear Perry Police Department and Perry City Council,

Greetings. We are writing to request assistance with traffic re-routing for our Annual Christmas at the Square hosted by the Perry Ministerial Association and our Perry area churches. The event will take place in much the same way it has for the past several years. Events for the day will include:

## Christmas at the Square, Sunday, December 4

5 – 6 p.m. Pre-event activities. Pictures at the Manger. Booths. Hot Chocolate. Etc.  
5:30 pm Music by the Langston Road Chorale  
6 – 6:30 p.m. Opening Prayer, Welcome by the Mayor  
Message by Pastor, Lighting of the Christmas Tree,  
Reading of the Christmas account from Luke 2, with Christmas Carols

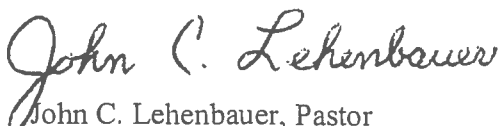
The streets for which we request closure/rerouting are:

**Carroll Street between Jernigan and Washington Street**  
**Ball Street between Commerce and Main Street**

We anticipate traffic beginning to arrive for this event at approximately 4:30 p.m. and traffic departing around 7:15 p.m. Boy Scout Troop 96 places luminaries along the streets for this event and the Perry Fire Department lights these luminaries. The Public Works Department has picked up these luminaries after the event.

Our stage for this event will be located on the grassy side of the historic downtown Houston County Courthouse on the Carroll Street side. We have invited churches and businesses to set up tables on the sidewalks across the street from the courthouse on the Carroll, Jernigan, and Ball Street sides, to serve hot chocolate, cookies, etc. If you need further information, feel free to contact me. In advance, we want to thank the Police Department, the Mayor, and the City Council for your assistance with traffic flow for this event.

In His Service,



John C. Lehenbauer, Pastor  
Perry Ministerial Association  
Ph/Txt: (478) 397-5914  
john@lehenbauer.us

HOUSTON COUNTY PUBLIC WORKS DEPARTMENT

2018 Kings Chapel Road  
Perry, Georgia 31069  
(478) 987-4280 • Fax (478) 988-8007



August 15, 2016

Pastor John Lehenbauer  
Christ Lutheran Church  
Perry Ministerial Association, President  
208 Langston Road  
Perry, GA 31069

Re: Christmas at the Square – Sunday, December 4, 2016 at 6 p.m.

Dear Pastor Lehenbauer:

I write to advise that the request from the Perry Ministerial Association to utilize the County's Government Building property on Carroll Street in Perry on Sunday, December 4, 2016 for Christmas at the Square is authorized.

The occupants of the government building have been contacted and advised there will be activity on the exterior of the building in the process of preparing for this event. There would be no offices in the complex open at the time of this event.

If I may be of any further assistance, please do not hesitate contact me.

Sincerely,

Robbie Dunbar  
Director of Operations

Copy: Lee Gilmour, City Manager  
Tony Holder, Building Maintenance Supervisor  
Government Building Staff: Mary Branch  
JoAnn Shipes  
Charlotte Meeks



# CHRISTMAS AT THE SQUARE

*A Historic Perry Tradition*

SUNDAY, DECEMBER 4, 2016

AT THE HISTORIC DOWNTOWN PERRY COURTHOUSE

5:30 PM MUSIC BY THE LANGSTON ROAD CHORALE

6:00 CHRISTMAS AT THE SQUARE

**Welcome** ..... John Lehenbauer, Pastor, *Christ Lutheran Church*

**Opening Prayer** ..... Dennis Harden, Pastor *New Hope Baptist Church*

**Thank You** ..... Heath Clark, Board of Directors, *Caring Solutions Pregnancy Center*

**Mayor's Welcome and Remarks** ..... James Faircloth, Jr., Mayor, *The City of Perry*

**Lighting of the Christmas Tree**

**The Christmas Message** ..... *Local Pastor*

**Reading of Luke 2, interspersed with Christmas Carols sung by all**

Displays/tables

Perry Hospital, Houston County Right-to-Life

Caring Solutions Pregnancy Center, Pictures at the Manger, Hot Chocolate

*A Love Offering will be received for Caring Solutions Pregnancy Center, Warner Robins  
(Gift cards, Newborn diapers, wipes, baby toys, cash, are welcomed in the receptacle provided)*

*Thank You to Boy Scout Troop 96 for their placement of Luminaries.*