

## City of Blue Ridge

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480 West First Street • Blue Ridge, Georgia • (706) 632-2091

City of Blue Ridge  
Special Called Council Meeting Minutes  
City Hall  
480 West First Street  
August 2, 2016 at 10:00 a.m.

Present: Mayor Pro Tem Rodney Kendall  
Council Members Angie Arp, Harold Herndon,  
And Bruce Pack  
City Clerk Kelsey Ledford

Absent: Mayor Donna Whitener  
Council Member Rhonda Thomas

- 1) Call Meeting to Order:  
Council Member Bruce Pack made a motion to call the meeting to order. The motion was seconded by Council Member Angie Arp. The Council voted 4-0. Motion carried.
- 2) Prayer and Pledge of Allegiance:  
Council Member Bruce Pack offered a word of prayer followed by the Pledge of Allegiance.
- 3) Council Meeting Rules of Procedures:  
Mayor Pro Tem Rodney Kendall stated that the Council Meeting Rules of Procedures were available at the Council desk.
- 4) SPLOST Intergovernmental Agreement:  
Council Member Angie Arp made a motion to approve the SPLOST Intergovernmental Agreement (attached) and give the Mayor the authority to execute the agreement. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.
- 5) City Park:  
Council Member Angie Arp discussed the Kiwanis grant and gave an update as to her progress with the city park. She stated that she hopes to have three quotes for equipment by next week.
- 6) City Hall Cleaning Service:  
Council Member Angie Arp made a motion to allow the Office Manager the discretion to contract cleaning services for City Hall. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

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- 7) Sign Ordinance Amendment (Second Reading and Adoption):  
Council Member Angie Arp made a motion to approve the second reading and adopt the Sign Ordinance Amendment (attached). The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.
  
- 8) Fireworks Ordinance Amendment (Second Reading and Adoption):  
Council Member Angie Arp made a motion to approve the second reading and adopt the Fireworks Ordinance Amendment (attached). The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.
  
- 9) Ordinance Amending the Zoning Map for Stiles Property:  
Council Member Angie Arp made a motion to approve the second reading and adopt the Ordinance Amending the Zoning Map for Stiles Property (attached). The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Motion carried.

Council Member Bruce Pack stated that before the meeting was adjourned he would like to say something. He commented about the park and stated that he liked Blairsville's park and hopefully the City would get positive feedback once the park was finished. Council Member Angie Arp stated that she hoped to have playground equipment installed by end of September or October.

- 10) Adjournment:  
Council Member Harold Herndon made a motion to adjourn the meeting. The motion was seconded by Council Member Bruce Pack. The Council voted 4-0. Meeting adjourned.

  
\_\_\_\_\_  
Mayor Pro Tem Rodney Kendall

  
\_\_\_\_\_  
City Clerk Kelsey Ledford

September 13, 2016  
Approved

SPLOST INTERGOVERNMENTAL AGREEMENT

STATE OF GEORGIA

COUNTY OF FANNIN

INTERGOVERNMENTAL AGREEMENT  
FOR THE USE AND DISTRIBUTION OF PROCEEDS FROM THE 2017  
SPECIAL PUPOSE LOCAL OPTION SALES TAX FOR CAPITAL OUTLAY  
PROJECTS

THIS AGREEMENT is made and entered this the 12th day of July, 2016 by and between Fannin County, a political subdivision of the State of Georgia (the "County"), and the City of Blue Ridge, and the City of McCaysville, Georgia (the "Municipalities", individually and collectively).

WITNESSETH:

WHEREAS, O.C.G.A. § 48-8-110 et seq. (the "Act"), authorizes the levy of a one percent County Special Purpose Local Option Sales Tax (the "SPLOST") for the purpose of financing capital outlay projects for the use and benefit of the County and qualified municipalities within the County; and

WHEREAS, the County and Municipalities met to discuss possible projects for inclusion in the SPLOST referendum on the 28th day of June, 2016 and on the 12th day of July, 2016 in conformance with the requirements of O.C.G.A. § 48-8-111 (a); and

WHEREAS, the county and the Municipalities have negotiated a division of the Special Local Option Sales Tax proceeds as authorized by the Act; and

WHEREAS, the County pursuant to a recorded vote on July 12, 2016, authorized the Chairman to enter into the within the SPLOST INTERGOVERNMENTAL AGREEMENT; and

WHEREAS, the City of McCaysville meet at a specially called meeting held on August 1, 2016; and

WHEREAS, the City of McCaysville approved the within SPLOST INTERGOVERNMENTAL AGREEMENT; and

WHEREAS, the City of Blue Ridge meet at a specially called meeting held on August 2, 2016; and

WHEREAS, the City of Blue Ridge meet approved the within SPLOST INTERGOVERNMENTAL AGREEMENT; and

NOW, THEREFORE, in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration the County and the Municipalities consent and agree as follows:

Section I. Representations and Mutual Covenants

A. The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:

- (i) The county is a political subdivision duly created and organized under the Constitution of The State of Georgia;
- (ii) The governing authority of the county is duly authorized to execute, deliver and perform this Agreement; and
- (iii) This Agreement is a valid, binding, and enforceable obligation of the County; and
- (iv) The County will take all actions necessary to call an election to be held in all voting precincts in the County on the 8th day of the November, 2016 for the purpose of submitting to the voters of the County for their approval, the question of whether or not a SPLOST shall be imposed on all sales and uses within the special district of Fannin County for a period of 6 Years, commencing on the 1st day of October, 2017, to raise an estimated \$30,000,000.00 to be used for funding the projects specified in Exhibit A attached hereto.

B. Each of the Municipalities makes the following representations and warranties which may specifically relied upon by all parties as a basis for entering this Agreement:

- (i) Each municipality is a municipal corporation duly created and organized under the Laws of the State of Georgia;
- (ii) The governing authority of each municipality is duly authorized to execute, deliver and perform this Agreement;

(iii) This Agreement is a valid, binding and enforceable obligation of each Municipality:

(iv) Each Municipality is a qualified municipality as defined in O.C.G.A. §48-8-110 (4); and

(v) Each Municipality is located entirely or partially within the geographic boundaries of the special tax district created in the County.

C. It is the intention of the County and Municipalities to comply in all respects with O.C.G.A. § 48-8-110 et seq.

D. the County and Municipalities agree to promptly proceed with the acquisition, construction, equipping and installation of the projects specified in Exhibit A of this Agreement and in accordance with the priority order referenced in Section 8 of this Agreement.

E. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be maintained as a public facility and in public ownership. If ownership of a project financed pursuant to this Agreement is transferred to private ownership, the proceeds of the sale shall, for the purposes of this agreement be deemed excess funds and disposed of as provided under O.C.G.A. § 48-8-121 (g)(2).

F. The county and Municipalities agree to maintain thorough and accurate records concerning receipt of SPLOST proceeds and expenditures for each project undertaken by the respective county or municipality as required fulfilling the terms of this Agreement.

## Section 2. Conditions Precedent

A. The obligations of the County and municipalities pursuant to this Agreement are conditioned upon the adoption of a resolution of the County calling for the imposition of the SPLOST in accordance with the provisions of O.C.G.A. § 48-8-111 (a).

B. This Agreement is further conditioned upon the approval of the proposed imposition of the SPLOST by the voters of the County in a referendum to be held in accordance with the provisions of O.C.G.A. § 48-8-111 (b) through (e).

C. This Agreement is further conditioned upon the collecting of the SPLOST revenues by the State Department of Revenue and transferring same to the county.

### Section 3. Effective Date and Term of the Tax

The SPLOST, subject to approval in an election to be held on November 8, 2016, shall continue for a period of Six (6) Years with collections beginning on date the department of revenue specifies as the collection start date.

### Section 4. Effective Date and Term of This Agreement

This Agreement shall commence upon the date of its execution and shall terminate upon the later of:

- (i) The official declaration of the failure of the election described in this Agreement;
- (ii) The expenditure by the County and all of the Municipalities of the last dollar of money collected from the Special Purpose Local Option Sales Tax after the expiration of the Special Purpose Local Option Sales Tax; or
- (iii) The completion of all projects described in Exhibit A.

### Section 5. County SPLOST Fund; Separate Accounts; No Commingling

A. A special fund or account shall be created by the County and designated as the 2017 Fannin County Special Purpose Local Option Sales Tax Fund ("SPLOST Fund"). The County shall select a local bank which shall act as a depository and custodian of the SPLOST Fund upon such terms and conditions as may be acceptable to the County.

B. Each municipality shall create a special fund to be designated as the City of with their respective city name inserted Special Purpose Local Option Sales Tax Fund. Each municipality shall select a local bank which shall act as a depository and custodian of the SPLOST proceeds received by each Municipality upon such terms and conditions as may be acceptable to the municipality.

C. All SPLOST proceeds shall be maintained by the County and each Municipality in the separate accounts or funds established pursuant to this Section. Except as provided in Section 6, SPLOST proceeds shall not be commingled with other funds of the County or Municipalities and shall be used exclusively for the purposes detailed in such funds or accounts.

## Section 6. Procedure for Disbursement of SPLOST Proceeds

A. Upon receipt by the County of SPLOST proceeds collected by the State Department of Revenue, the county shall immediately deposit said proceeds in the SPLOST Fund. The Monies in the SPLOST Fund shall be held and applied to the cost of acquiring, constructing and installing the County capital outlay projects listed in Exhibit A and as provided in Paragraph B of this Section.

B. The County, following deposit of the SPLOST proceeds in the SPLOST Fund, shall within 10 business days disburse the SPLOST proceeds due to each Municipality according to the schedule in Exhibit A. the proceeds shall be deposited in the separate funds established by each Municipality in accordance with Section 5 of this Agreement.

C. Should any municipality cease to exist as a legal entity before all funds are distributed under this Agreement, that Municipality's share of the funds subsequent to dissolution shall be paid to the County as part of the County's share unless an act of the Georgia General Assembly makes the defunct Municipality part of another successor Municipality. If such an act is passed, the defunct Municipality's share shall be paid to the successor Municipality in addition to all other funds to which the successor Municipality would otherwise be entitled.

## Section 7. Projects

All capital outlay projects, to be funded in whole or in part from SPLOST proceeds, are listed in Exhibit A which is attached hereto and made part of this Agreement.

## Section 8. Priority and Order of Project Funding

Projects shall be fully or partially funded and constructed in accordance with the schedule found in Exhibit A of this Agreement. Except as provided in Paragraph B and Paragraph C of Section 9 of this Agreement, any change to the priority or schedule must be agreed to in writing by all parties to this Agreement.

## Section 9. Completion of Projects

A. the County and municipalities acknowledge that the costs shown for each project described in Exhibit A are estimated amounts.

B. If a county project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit A, the County may apply the remaining unexpended funds to any other county project in Exhibit A.

C. If a municipal project has been satisfactorily completed at a cost less than the estimated cost listed for the project in Exhibit A, the Municipality may apply the remaining unexpended funds to any other project included for that Municipality in Exhibit A.

D. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be completed or substantially completed within five years after the termination of the SPLOST. Any SPLOST proceeds held by a County or Municipality at the end of the five year period shall, for the purposes of this Agreement, be deemed excess funds and disposed of as provided under O.C.G.A. § 48-8-121 (g)(2).

#### Section 10. Certificate of Completion

Within thirty (30) days after the acquisition, construction or installation of a municipal project listed in Exhibit A is completed, the Municipality owning the project shall file with the County a Certificate of Completion signed by the mayor or chief elected official of the respective Municipality, setting forth the date on which the project was completed, and the final cost of the project.

#### Section 11. Expenses

The County shall administer the SPLOST Fund to effectuate the terms of this Agreement. Furthermore, the County and the Municipalities shall be jointly responsible based upon their total SPLOST percentage split, for the costs of the legal notices for the holding of the SPLOST election. The County shall be reimbursed for the percentage cost of the SPLOST legal notices owed by the County and the Municipalities from their respective shares of SPLOST proceeds deposited in the SPLOST Fund.

#### Section 12. Audits

A. During the term of this Agreement, the distribution and use of all SPLOST proceeds deposited in the SPLOST Fund and each Municipal fund shall be audited annually by an independent certified public accounting firm in accordance with

O.C.G.A. § 48-8-121 (a)(2). The County and each Municipality receiving SPLOST proceeds shall be responsible for the cost of their respective audits. The County and Municipalities agree to cooperate with the independent certified public accounting firm in any audit by providing all necessary information.

B. Each Municipality shall provide the County a copy of the audit of the distribution and use of the SPLOST proceeds by the Municipality.

### Section 13. Notices

All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given when delivered personally or sent by registered or certified United States mail, postage prepaid, as follows:

Fannin County  
Office of the Board of Commissioners  
400 West Main Street, Suite 100  
Blue Ridge, Georgia 30513

Blue Ridge  
Office of the Mayor  
480 West Main Street  
Blue Ridge, Georgia 30513

McCaysville  
Office of the Mayor  
223 Blue Ridge Drive  
Blue Ridge, Georgia 30555

### Section 14. Entire Agreement

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing between the County and the Municipalities with respect to distribution and use of the proceeds from the Special Purpose Local Option Sales Tax. Furthermore, this Agreement supersedes all prior agreements,

negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to distribution and use of said SPLOST.

#### Section 15. Amendments

This Agreement shall not be amended or modified except by agreement in writing executed by the governing authorities of the County and the Municipalities.

#### Section 16. Governing Law

This Agreement shall be deemed to have been made and shall be construed and enforced in accordance with the laws of the State of Georgia.

#### Section 17. Severability

Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is receive under this Agreement or materially affects the operation of this Agreement.

#### Section 18. Compliance with Law

The County and the Municipalities shall comply with all applicable local, State, and Federal statutes, ordinances, rules and regulations.

#### Section 19. No Consent to Breach

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

#### Section 20. Counterparts

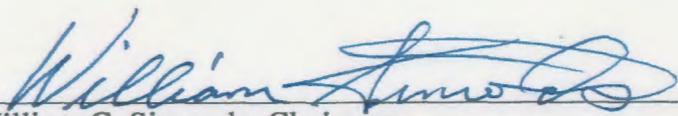
This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

#### Section 21. Mediation

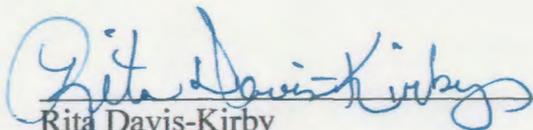
The County and Municipalities agree to submit any controversy arising under this Agreement to mediation for a resolution. The parties to the mediation shall mutually select a neutral party to serve as mediator. Costs of mediation shall be shared equally among the parties to the mediation.

IN WITNESS WHEREOF, the County and the Municipalities acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution by the County on the date indicated herein.

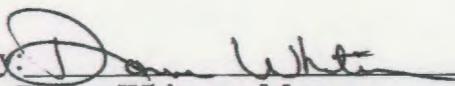
COUNTY OF FANNIN, GEORGIA

By:  (Seal)  
William C. Simonds, Chairman

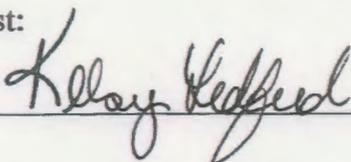
Attest:

 Clerk  
Rita Davis-Kirby

MUNICIPALITY OF BLUE RIDGE, GEORGIA

By:  (Seal)  
Donna Whitener, Mayor

Attest:

 Clerk

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MUNICIPALITY OF McCAYSVILLE, GEORGIA

By: Thomas Seabolt (Seal)  
Thomas Seabolt, Mayor

Attest:

Nancy Godfrey Clerk

**EXHIBIT "A"**

**Distribution of proceeds: All projects have equal priority and shall receive a pro rata allocation of SPLOST funds on a monthly basis in accordance with the table below.**

**2017 SPLOST Revenue Estimate: \$30,000,000.00 over the next 6 years.**

<b>Project</b>	<b>County/ Municipality</b>	<b>Estimated Cost</b>	<b>Priority</b>	<b>Pro Rata Percentage</b>
<b>Maintenance, Repair and Construction of roads, streets, bridges and sidewalks</b>	<b>Fannin</b>	<b>17,370,000</b>	<b>1</b>	<b>57.9</b>
<b>Water Projects Countywide</b>	<b>Fannin</b>	<b>2,100,000</b>	<b>1</b>	<b>7.0%</b>
<b>Capital Outlay-Admin Building/Parking Deck</b>	<b>Fannin</b>	<b>3,150,000</b>	<b>1</b>	<b>10.5%</b>
<b>Recreation Equipment/Facilities</b>	<b>Fannin</b>	<b>1,500,000</b>	<b>1</b>	<b>5.0%</b>
<b>Public Safety Facilities/Public Service Equipment</b>	<b>Fannin</b>	<b>2,100,000</b>	<b>1</b>	<b>7.0%</b>
<b>Roads, Streets and Bridge purposes.</b>	<b>Blue Ridge</b>	<b>1,470,000</b>	<b>1</b>	<b>4.9%</b>
<b>Water or Sewer or both, capital outlay purposes</b>	<b>Blue Ridge</b>	<b>420,000</b>	<b>1</b>	<b>1.4%</b>
<b>Building Improvements and Infrastructure capital outlay purposes</b>	<b>Blue Ridge</b>	<b>210,000</b>	<b>1</b>	<b>.70%</b>
<b>Capital Outlay for Roads, Streets, and Bridge purposes, including, but not limited to, Construction, Repair, Maintenance, and equipment for the same, which purposes may include sidewalks and bicycle paths</b>	<b>McCaysville</b>	<b>1,080,000</b>	<b>1</b>	<b>3.6%</b>

<b>Capital Outlay, Water, Sewer, Utility and Equipment</b>	<b>McCaysville</b>	<b>300,000</b>	<b>1</b>	<b>1.0%</b>
<b>Capital Outlay Public Safety Equipment and Facilities</b>	<b>McCaysville</b>	<b>300,000</b>	<b>1</b>	<b>1.0%</b>

If the imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of Fannin County and the City of Blue Ridge and the City of McCaysville, based upon each entity's total SPLOST percentage to be paid out of SPLOST funds not to exceed the estimated principal amount of \$30,000,000.00 for the above purposes."

PUBLISHED June 1, 2016  
ZONING HEARING June 21, 2016  
FIRST READING July 12, 2016  
PASSED August 2, 2016

AN ORDINANCE NO. 2016-08-02

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BLUE RIDGE, GEORGIA; TO DELETE IN ITS ENTIRETY ARTICLE 17 AND TO PROVIDE FOR A NEW ARTICLE 17 AS TO THE REGULATION OF SIGNS AS PROVIDED BY THIS ORDINANCE; TO AMEND ARTICLE 2 OF THE ZONING ORDINANCE AS TO THE DEFINITIONS OF CERTAIN SIGNS; TO PROVIDE FOR THE PURPOSE OF THIS ORDINANCE; LOCATION OF SIGNS, AND GENERAL PROVISIONS REGULATING SIGNS; TO ESTABLISH SIGN TYPES AND STANDARDS; TO FURTHER REGULATE BILLBOARDS WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PERMIT CERTAIN TYPES OF SIGNS WITHIN CERTAIN ZONING DISTRICTS; TO PROHIBIT CERTAIN SIGNS INCLUDING DANAGEROUS OR DEFECTIVE SIGNS; TO ESTABLISH SIGN PERMIT REQUIREMENTS; TO PROVIDE FOR NON-CONFORMING SIGNS; TO EXEMPT TEMPORARY SIGNS FROM THE PERMITTING REQUIREMENTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia is authorized by O.C.G.A. § 36-66-1, et seq. and the City Charter, to exercise its police power to enact zoning ordinances to regulations as to land use as to property within the City of Blue Ridge, Georgia; and

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia desires to update its regulations and policies regarding the erection, alteration, construction, and reconstruction of signs within the City of Blue Ridge, Georgia;

**WHEREAS**, the City Council does hereby establish and promulgate the sign regulations, included as a part of the zoning regulations insofar as the governance of signs is concerned, within the City of Blue Ridge, Georgia, and as provided by this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Blue Ridge, Georgia, and it is hereby ordained by the above-referenced authority, as follows that the following changes to Article 2 are adopted and substituted for the named provision and that Article 17 is deleted in its entirety and the new Article 17 is substituted in its entirety:

**SECTION 1.           DEFINITIONS.**

This ordinance shall amend Article 2 of the Zoning Ordinance of the City of Blue Ridge, Georgia to delete certain definitions related to Article 17 regarding signs and after the amendment the definitions to read as follows:

1. Article 2 Rules and Definitions of the Zoning Ordinance is hereby amended by substituting the following definitions in the Zoning Ordinance which shall read as follows:

(a) *Sign*. A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, idea, information, directions, product, place, activity, person, institution, organization or business. The term sign shall not be deemed to include official court, governmental notices, traffic warning or control devices or street signs.

(b) *Sign, Bench*. A sign located on any part of the surface of a courtesy bench or seat, trash cans, water fountains, and similar devices and structures offered for the public without charge.

(c) *Sign, Double Faced (Back-to-Back)*. A structure with two parallel, or nearly parallel signs, back-to-back, and located not more than twenty-four (24) inches from each other at the narrowest point.

(d) *Sign, Electronic Message Board*. A free-standing sign that uses the changing lights, regardless of type, to form written or graphic messages wherein the sequence of messages, graphics and the rate of change is electronically programmed and can be modified by electronic processes.

(e) *Sign, Non-conforming*. A sign which was lawfully erected but no longer complies with local or state regulations due to changes in local or state law or changes in rules and regulations since the date of the erection of the sign.

(f) *Sign, Projecting*. A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building, but not including marquee or roof mounted signs.

(g) *Sign, Temporary*. A sign or advertising display constructed of cloth, canvas, fabric, plywood, cardboard with waterproof finish, or other light material and designed or intended displayed for a short period of time.

2. Article 2 Rules and Definitions of the Zoning Ordinance is hereby amended by adding the following definition in the Zoning Ordinance which shall read as follows:

*Flag*. A fabric banner or pennant mounted to a building by a pole and attached to said pole by one side only.

## SECTION 2.

## AMENDMENT OF THE ZONING ORDINANCE

This ordinance shall amend the Zoning Ordinance of the City of Blue Ridge, Georgia, to delete in its entirety, Article 17 of said ordinance regarding signs and outdoor advertising, and replacing it with a new Article 17, to read as follows:

### ARTICLE 17 – SIGNS AND OUTDOOR ADVERTISING

17.1 Purpose. The purpose of this Article is to regulate and permit signs that will not, by their size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, or morals; and to permit and regulate signs in such a way as to support and complement aesthetic and visual objectives in the Community.

17.2 Location. The location of signs shall conform with State law. (See O.C.G.A. §§ 32-1-21; 32-50-51; 21-1-1, et al.) In general, except for governmental signs as allowed by State law, all signs shall be located on private property.

17.3 General Provisions.

17.3-1 Corner Visibility Clearance. In any district no sign or sign structure above a height of four (4) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines of two (2) streets, or of a street with a railroad right-of-way which setback shall be measured along an arc with a fifteen (15) foot radius. However, a singular, sign structure or supporting structure not more than ten (10) inches in diameter, or ten (10) inches by ten (10) inches square, if located on a corner lot where services are provided to the motoring public, may be located within the required corner visibility area if all other requirements of this Article are met and the lower elevation of the sign display surface is at least ten (10) feet above ground level. The provisions of this paragraph shall control over all other setbacks when right of way intersections are involved.

17.3-2 Measuring Signs.

- a. Display Surface. See the definition for Sign Display Surface in Article 2 of this ordinance. The display area is measured in terms of square feet.
- b. Height of Signs. The maximum height of a sign is measured from the base of the sign structure, at grade with the ground, to the highest point of the support structure or display surface, whichever is higher. If the base of the sign structure is below the grade of the nearest adjacent street surface, then height is measured from the grade of the nearest adjacent street surface to the highest point of the support structure or display surface, whichever is higher. If the sign is attached to a building then the height of the sign can be no greater than the maximum building height of the district in which the building is located, unless otherwise stated.

- c. **Setback.** For the purposes of sign regulation under this Article, the setback requirements reference the minimum distance from a street right-of-way line required for the placement of a sign structure. For side or rear line setbacks in all zone districts, sign structures shall comply with a minimum setback of five (5) feet from the property line, but in no case shall the sign display surface extend across any property line.

#### 17.3-3 Lighting Restrictions.

- a. Lighted, neon, strobe lights or other luminous signs giving off light resulting in glare, blinding, or any other adverse effect on traffic shall not be permitted.
- b. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. External lights must be mounted and be shielded, if necessary, to prevent light from shining anywhere but the sign face. Illumination in excess of 3.01 times at a distance of ten (10) feet over the property line of the sign premises is adverse.
- c. No internally illuminated ground or pole signs shall be erected within fifty (50) feet of any dwelling within a residential district.
- d. No sign shall be erected if it contains, or is illuminated by any flashing, intermittent, or moving light or lights, except an electronic message board sign.
- e. No sign shall be erected which simulates an official traffic control, first responder emergency lighting or warning sign so as to confuse or mislead the traffic or hide from view any traffic or street sign or signal.

#### 17.3-4 Other Guidelines.

- a. No sign shall be erected, attached, or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevents free passage from one part of a roof to any other part thereof.
- b. No sign shall be erected, attached, painted, or drawn on any tree, rock, fence, or other natural feature, retaining wall, or utility post along the public right-of-way.
- c. **Enter-Exit Type Sign, i.e. on-premise directional signs.** For public safety and convenience purposes in all zone districts, enter-exit type signs or directional signs with a display area of less than two (2) square feet in size are allowed and are not counted towards the maximum number of allowed signs per lot or establishment. Such signs shall have a setback requirement of three (3) feet from the R/W if less than four (4) feet high, otherwise the setback is ten (10) feet.

17.4 Sign Types and Standards. The following sign standards apply to all districts except as specified elsewhere in this Article.

17.4-1 Pole Signs. Pole signs shall not extend over a public right-of-way. All signs with the display area abutting the right-of-way line shall have the display area ten (10) feet or more above ground level measured from the grade at the right-of-way line. Signs with any portion of the display area less than ten (10) feet above ground level must be erected ten (10) feet from the right-of-way line.

- a. Sign Locations on property with direct frontage a minimum of one-hundred linear(100) feet parallel with the Right of Way on the Appalachian Development Highway (Georgia Route 515). The maximum sign display shall be one hundred forty (140) square feet, and the maximum height shall be fifty (50) feet. Any sign more than twenty-five (25) feet in height shall be erected twenty (20) feet from the right-of-way line.
- b. Other Locations. The maximum sign display area shall be fifty (50) square feet, and the maximum height shall be no greater than the maximum building height allowed in the zone district where the sign is located. If the site is occupied by a building having 50,000 square feet of floor area or larger, then the maximum height shall be thirty-five (35) feet.

17.4-2 Ground Signs. Ground signs less than four (4) feet high shall be setback at least three (3) feet from the right-of-way line. The maximum area of a ground sign shall be forty (40) square feet. If the subject property has frontage (a minimum of 100 linear feet parallel with the Right of Way) Georgia 515, the maximum area of a ground sign shall be sixty (60) square feet and on these frontage properties, the minimum setback shall be ten (10) feet from the right-of-way line.

17.4-3 Wall Signs and Flush Mounted Canopy Signs. Wall signs and flush mounted canopy signs (including signs attached flat against the wall or canopy and painted signs) shall be securely fastened by metal supports to the building surface along the sign's greatest dimension. If such signs project more than four (4) inches from the building surface, they shall maintain a clear height of eight (8) feet above ground level. Wall signs may not extend higher than the building upon which they are mounted.

- a. Individual Business. The total number of wall signs or canopy signs on all facades of a building is counted as one (1) sign, and the total sign display surface of each wall shall not exceed ten (10) percent of the wall area. For uses in the Limited Commercial (C-1) zone district under the Zoning Ordinance and for office uses approved in the High Density Residential (R-3) zone district under the Zoning Ordinance through the conditional use process, the use is limited to one (1) wall sign not to exceed sixteen (16) square feet.

- b. Multi-Businesses/Shopping Center. The maximum display surface of wall signs or canopy signs for each business shall not exceed ten (10) percent of the front façade of each individual business.

#### 17.4-4 Projecting Signs.

- a. Projecting signs are allowed in commercial (except C-1) and manufacturing districts.
- b. Projecting signs are allowed in the Central Business District (CBD) and are allowed to extend over a pedestrian way, but not over a roadway, provided a clear height of eight (8) feet above grade is maintained.
- c. One projecting sign per façade of a building is allowed.
- d. The maximum display area, including framework, shall not exceed six (6) square feet.
- e. The horizontal dimension of projecting sign shall not exceed three (3) with the innermost edge of the sign located not more than one (1) from the building façade.
- f. The placement of any projecting sign shall comply with all codes, i.e. electrical system clearance requirements.
- g. The upper most section of projecting signs shall not exceed twelve (12) above grade and in no case shall exceed the height of the building to which it is attached.

17.4-5 Hanging Canopy Signs. All hanging canopy signs shall not exceed six (6) square feet in size and the lowest extremity of the sign shall not be less than eight (8) feet above the grade of walkways or right-of-ways beneath the cover of said canopy.

#### 17.4-6 Roof Signs.

- a. Roof signs shall not project beyond the face of the exterior wall of the building on which they are located.
- b. The highest point of a roof sign shall not exceed the ridge line of the roof.
- c. Roof signs shall not be erected on building or structures with a flat roof.
- d. The maximum size of a roof sign shall not exceed fifty (50) square feet.

17.4-7 Window Signs. Each ground level business having glass directly oriented to a street shall count all of the glass area towards one (1) allowable sign, but no single window shall be covered more than twenty-five (25) percent. Window signs on or above the second floor are prohibited except when a business has no ground floor frontage, in which case, no window shall be covered more than twenty-five (25) percent.

17.4-8 Banners. The maximum size of a banner (when allowed) shall not exceed thirty-two (32) square feet.

17.4-9 Billboards.

- a. Such signs shall not be erected within 100 feet of any residence, church, school, or similar institution, nor within 1,000 feet of another billboard (i.e. only one such sign per location), measuring on the same side of the public right-of-way to which such signage is directed. The maximum height of such signs shall be equal to the maximum building height allowed in the zone district where the sign is located.
- b. Such sign, if used, shall count as one of the permanent allowed signs for the establishment or vacant lot upon which erected and shall meet the setbacks required for any building in the zone district where the sign is to be located.
- c. Such sign shall only be erected on properties which abut a State or Federal Highway that are zoned either General Commercial (C-2) zone district or Manufacturing (M-1) zone district under the Zoning Ordinance.
- d. Such sign, designed as a double-face sign, is counted as one sign, but stacked or v-shaped are counted as two (2) signs and not allowed.
- e. If a billboard is initially erected on a vacant/undeveloped lot, which then develops with a commercial or industrial use, the billboard is then counted as one of the allowed signs for that establishment.
- f. A currently existing billboard may be relocated as to another placement upon the same property that the billboard was originally constructed upon, and under the following conditions:
  1. That the billboard is merely to be placed upon another location on the tract or parcel of land as to which it was permitted and originally constructed;
  2. All other requirements of Section 17.4-8 as to billboards must be met;
  3. That the granting of the relocation is necessary for the preservation and enjoyment of the property owner's property rights in the billboard, and is not merely to serve as a convenience to the property owner;
  4. That the authorizing of the relocation of the billboard will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas, or impair in any other respect the health, safety, comfort, morals, or general welfare of the inhabitants of the City, and must be for some objective reason other than the mere convenience of the property owner; and

5. That the relocation of the billboard must be specifically approved by majority vote of the City Council in a public meeting, and after receiving a recommendation of the Planning Commission.

Prohibition of Future Billboards or Billboard Signs. Erection of additional or new billboards or billboard signs after August   9  , 2016 is prohibited within the City's corporate municipal boundaries. Relocation of a currently existing billboard, as provided hereinabove, shall not be deemed to be the erection of a new billboard or the erection of a billboard sign.

#### 17.5 Use of Signs Permitted by Districts.

17.5-1 Agriculture/Residential Districts. All lots in the Residential Agricultural (R-A) zone district, Low Density Residential (R-1) zone district, Medium Density Residential (R-2) zone district and High Density Residential (R-3) zone district shall be allowed no more than one permanent sign which can be either a ground sign or wall sign. The display surface of such sign shall not exceed six (6) square feet. (For public safety and convenience purposes, each entrance/exit driveway for: 1) an approved Planned Unit Development (PUD) in Residential Agricultural (R-A) and Medium Density Residential (R-2) zone districts; 2) a subdivision development; or 3) a residential development under construction is allowed one (1) ground sign as described in Section 17.4-2.)

On vacant and undeveloped lots in the above residential districts, permanent signs are not allowed. Such vacant and undeveloped lots are allowed temporary signs, which are regulated under temporary sign requirements as described in Section 17.7-2(b).

17.5-2 Commercial/Industrial Districts. The maximum number of signs for an establishment and the sign types permitted in C-1, C-2, CBD, and M-1 zone districts are shown in Table 17.1, unless otherwise specified. All such signs shall meet the standards according to Section 17.4.

17.5-3 In the CBD, those conventional lots, having front, side, or rear yards meeting setback requirements of this Zoning Ordinance compared to a lot that contains a building occupying 100 percent of the lot, may use one (1) ground sign or one (1) pole sign, as provided herein. Otherwise, ground signs or pole signs are prohibited in the CBD.

- a. Only those properties zoned CBD with the main building located a minimum of 25' from any street right-of-way shall be allowed to have a pole sign. The maximum allowable area for a pole sign located in the CBD is fifty (50) square feet, including the supporting framework. Dimensions shall not exceed sixty (60) inches in width and ten (10) feet in height. Pole signs shall be limited to a single support pole not to exceed eight (8) inches in diameter or a single eight (8) inch by eight (8) inch support structure.
- b. Pole signs located within the CBD shall have a maximum height of twenty (20) feet and shall not extend over a public right-of-way. If the bottom edge of the sign area or framework is less than ten (10) feet above grade, the edge of the signage area closest

to the right-of-way shall be located a minimum of ten (10) feet from the street right-of-way. The placement of any pole sign shall comply with all pertinent codes, i.e. proximity to an electrical power source regulation.

17.5-4 On vacant and undeveloped lots in the above commercial and industrial districts, permanent signs are not allowed. Such vacant and undeveloped lots are allowed temporary signs, which are regulated under temporary sign requirements as described in Section 17.7-2 (b).

17.5-5 Residential uses in these commercial or industrial districts shall comply with the signage requirements of Section 17.5-1.

Table 17.1  
Sign Types and Maximum Number of Signs

SIGN TYPES/ MAX. NUMBER	INDIVIDUAL ESTABLISHMENT	SHOPPING CENTER		BUSINESS/ INDUSTRIAL PARK	
	3 total per establishment  When allowed, one pole or ground sign per road frontage only.	1 total per road frontage	3 total per business within the shopping center	1 total per Park road entrance	2 total per industry/ business within the park
Pole Sign	X* (Not in C-1)	X*			
Ground Sign	X**	X		X	X
Roof Sign	X (Not in C-1)				X
Wall Sign	X		X		X
Flush Canopy Sign	X		X		X
Hanging Canopy Sign	X		X		
Window Sign	X		X		X
Billboard***	X	X			X

X - Permitted by Right

\* - An Electronic Message Board, which creates changeable copy using multiple light bulbs in sequence is permitted in the C-2 zone district only and is limited to 1 per individual business or as the primary signage for a shopping center.

\*\* - See Section 17.5-2 regarding the CBD.

\*\*\* - Allowed only in C-2 and M-1 zones; See Section 17.4-9.

17.6 Prohibited Signs. Any signs that will pose public safety problems are prohibited. The following types of signs and displays, as they are defined herein, are unlawful to erect or maintain in all zoning districts:

17.6-1 Dangerous or Defective Signs. No persons shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition including temporary signs. Any such sign shall be removed or repaired by the owner or the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the building official shall proceed as described in Section 17.9.

17.6-2 Animated Signs; except as permitted in temporary events, Section 17.7-2(b).

17.6-3 Portable Signs.

17.6-4 Pendants and Streamers; except as permitted in temporary events, Section 17.7-2(b).

17.6-5 Banners; except as permitted in temporary events, Section 17.7-2 (b).

17.6-6 Billboards; except as permitted herein.

17.6-7. Flags. Flags are allowed as follows:

- a. One building mounted flag on a pole and not exceeding twenty (20) square feet in area, may be displayed on any building in any district without permit.
- b. One free standing pole mounted flag per parcel, not exceeding fifty (50) square feet in area may be displayed in any commercial, residential, or industrial district provided the lot meets conventional setback requirements for front, side or rear yards as set forth in the Zoning Ordinance and the pole is set back from the building and sign structure setback line at least ten (10) feet. The pole must be permitted as to construction standards as other poles in accordance with this Article. The maximum height of any flag pole shall not exceed the building height of the zoning district in which the flag pole is erected.

## 17.7 Administration.

### 17.7-1 Construction and Maintenance.

- a. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and unless constructed of galvanized or non-corroding metal, shall be periodically given a protective coating. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.
- b. The provisions and regulations of this ordinance shall not apply to the ordinary servicing, repainting, cleaning, or changing of the message without a change in structure.

## 17.7-2 Sign Permit.

### a. General Requirements.

- 1) A sign permit is required before a sign may be erected or attached to, suspended from or supported on a building or structure; and before an existing sign may be enlarged, relocated or materially improved upon to an extent of sixty (60) percent of its total replacement value. All signs require a permit, except temporary signs as provided in Section 17.7-2(b) and building mount flags.
- 2) After review, a sign permit shall be issued by the Building Inspector, or other designated City agent, when the plans, specifications and intended use of the applied sign or part thereof conforms to the applicable provisions of this ordinance and the Building Code as certified by the Building Inspector or other designated City agent. The application shall be accompanied by plans which identify the locations of signs, including proof the sign location meets all applicable setbacks, materials to be used, area of sign faces and other construction conformity and such other applicable information that the Building Inspector, or other designated City agent, may require in the exercise of reasonable discretion in acting upon the application.
- 3) Each application shall contain an agreement to indemnify and hold the City of Blue Ridge harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure.
- 4) A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six (6) months after the date of issuance.

- b. Temporary Signs. For public safety purposes, to prevent litter and blight, and to avoid depreciating effects on private property, the City of Blue Ridge recognizes the need for the occasional use of signage for temporary purposes, whereby the signage is not permanent, but has a limited life related to the timing of a special event, cause, or purpose. This temporary signage is authorized without a permit with the expectation that the purposes of this signage will be accomplished in a specific time period, then timely removed from the City of Blue Ridge, thus enhancing the purposes stated above.

In all cases in all zone districts, such temporary signage shall be placed only on private property with the permission of the property owner. The maximum size of temporary freestanding signage shall be thirty-two (32) square feet; the setback shall be ten (10) feet from the right-of-way; and the maximum height shall be ten (10) feet. Temporary signs may also include animated signs, pendants and streamers and balloons.

- 1) **Special Event Signs.** Temporary special event signs are allowed to be erected in the City of Blue Ridge whereby the public will be informed about an upcoming event or directed to the location of a temporary event. Temporary signs for special events may be posted up to ninety (90) days prior to the special event. Removal of the signage is expected within seven (7) days after the event. Such special event signs, for the same event, are only allowed one (1) time per calendar year.
  
- 2) **Political Signs** shall be restricted to thirty-two (32) square feet in area and shall be located on private property only and with the permission of property owner.

#### 17.7-3 Permit Fee.

- a. No permit shall be issued until an application accompanied with a sign plan is approved by the Building Inspector or other designated City agent and fees have been paid as established by the City of Blue Ridge.
  
- b. A permit fee as set from time to time by resolution of the City Council shall be paid to the City of Blue Ridge for each permit required by this ordinance.

**17.8 Non-Conforming Signs.** All signs shall be subject to the provisions below governing non-conforming structures/uses. Such provisions, however, shall not be construed to prevent a legally operating non-conforming user from using signs otherwise permitted for similar conforming uses.

The lawful use of land area or sign structure existing at the time of enactment of or subsequent amendment to this ordinance may be continued subject to the following restrictions, even though such use does not conform with the provisions of this ordinance. Existing non-conforming sign structure shall not be:

1. Changed to another non-conforming sign;
  
2. Torn down and rebuilt as a non-conforming sign;
  
3. Rebuilt, altered, or repaired after damage exceeding sixty (60) percent of its then replacement value.

For the purpose of administration of this Section, ordinary maintenance of a sign is not deemed to be or constitute an extension or enlargement of the sign, and changing the message within the display area is not deemed a change prohibited by this Section.

#### 17.9 Enforcement

**17.9-1 Violation.** It shall be unlawful to erect or maintain any sign in violation of the provisions of this ordinance. The Building Inspector or other duly authorized agent of the City

shall have the power to give the owner thereof written notice of such violation, said notice to include a brief statement of the particulars in which such violation may be required to be remedied if possible, or the provision which indicates no sign can be permitted. If a sign has been registered with the Building Inspector, or other duly authorized agent of the City, notice to the registered owner or the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing a copy of the notice to the sign, graphic structure, or building for a period of ten (10) days shall be sufficient notice of violation.

17.9-2 Penalties. If such violation is not remedied within ten (10) days after such notice, the owner shall remove the sign immediately or be subject to the maximum penalties allowed by the City Charter, with each day that the sign does not comply with this ordinance considered a separate violation.

17.9-3 Removal. If the sign is not removed by the owner, the Building Inspector, or other duly authorized agent of the City, shall have the right to remove such sign at the expense of the owner thereof, and to destroy or otherwise dispose of the same. In addition to the above provisions, the Building Inspector, or other duly authorized agent of the City, may cause any sign or structure to be removed which:

- a. is structurally unsafe;
- b. constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or inhibits the visibility of vehicular traffic;
- c. is not kept in good repair; or
- d. is capable of causing electrical shocks, to be removed following notice of twenty-four (24) hours to the owner at the expense of the owner thereof, and to destroy or otherwise dispose of the same.

#### 17.10 Variances

a. Variances from the regulations of this ordinance shall be limited to hardship situations which shall meet all of the following conditions:

1. There exists extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the City and which affect the visibility of the proposed sign.
2. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other similar properties.
3. Granting the variance requested would not confer upon the property of the applicant any significant privileges that are denied to other similar properties.

4. The requested variance will be in harmony with the purpose and intent of these regulations and will not be injurious to the general welfare of the City's residents.

5. The special circumstances or hardships are not the result of actions of the applicant or in existence when applicant purchased the property.

6. The variance is not a request to permit a type of sign which otherwise is prohibited by this ordinance.

7. The mere existence of a non-conforming sign or advertising device or other variances shall not constitute a valid reason to grant a variance.

8. Visibility of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot.

9. Placement of the sign elsewhere on the lot would not remedy the visual obstructions.

10. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

b. Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

c. Relief from the application of the provisions of this ordinance by use of variances granted by the Board of Zoning Appeals or the City Council on appeal from the Board shall be granted only upon a finding of hardship as previously defined. The procedure and hearing on such variances shall be noticed using the same time frames and notice requirements as for variances from the provisions of the standard zoning ordinance and following the same procedures.

**SECTION 2.**                    **REPEAL OF CONFLICTING ORDINANCES TO THE  
EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 3.**                    **SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

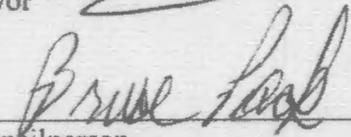
**SECTION 4. EFFECTIVE DATE.**

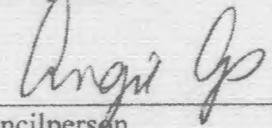
The effective date of this ordinance shall be upon its passage by the City Council

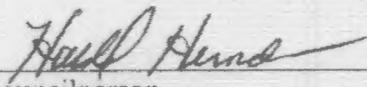
SO ORDAINED, this 2 day of August, 2016.

BLUE RIDGE CITY COUNCIL

By:   
Mayor

  
Councilperson

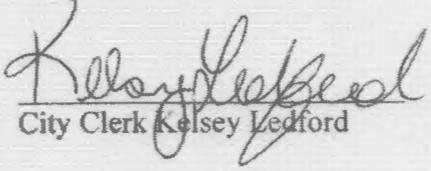
  
Councilperson

  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:

  
City Clerk Kelsey Ledford



RDS/11c/2881-136/W185243

FIRST READING July 12, 2016

PASSED August 2, 2016

AN ORDINANCE NO. 2016-08-02(b)

AN ORDINANCE TO AMEND THE ORDINANCES OF THE CITY OF BLUE RIDGE, GEORGIA, TO REGULATE THE SALE, USE, IGNITION OF, POSSESSION, MANUFACTURE, TRANSPORT OR THE STORAGE OF ANY CONSUMER FIREWORKS OR FIREWORKS TO THE EXTENT PERMITTED BY THE GENERAL LAW OF THE STATE OF GEORGIA; TO PROVIDE A TITLE FOR THE ORDINANCE; TO PROVIDE DEFINITIONS FOR THE ORDINANCE; TO PROHIBIT THE SALE, USE OR POSSESSION OF CONSUMER FIREWORKS OR FIREWORKS UPON OR OVER THE PUBLIC PROPERTY OF THE CITY EXCEPT BY PERMIT ISSUED BY THE CITY COUNCIL; TO PROVIDE FOR THE ISSUANCE OF SPECIAL USE PERMITS AS TO THE USE OF ANY CONSUMER FIREWORKS OR FIREWORKS AT A TIME NOT PERMITTED GENERALLY UNDER STATE LAW OR AT A LOCATION NOT PERMITTED FOR SUCH USE ABSENT A SPECIAL USE PERMIT; TO PROVIDE FOR THE REGULATORY FEE FOR THE ISSUANCE OF A SPECIAL USE PERMIT; TO PROVIDE FOR THE ISSUANCE OF AN OCCUPATIONAL TAX LICENSE TO ALLOW A PERMANENT FIREWORKS RETAILS SALES FACILITY OR STORE TO BE LOCATED WITHIN THE MUNICIPALITY; TO PROVIDE REGULATIONS REGARDING A TEMPORARY CONSUMER FIREWORKS RETAIL SALES STAND; TO PROVIDE FOR THE LICENSE FEE FOR A DISTRIBUTOR SELLING CONSUMER FIREWORKS FROM A TEMPORARY CONSUMER FIREWORKS RETAILS SALES STAND; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly has greatly expanded the sale at retail or wholesale, the use, possession, manufacture, transport, and storage of consumer fireworks or fireworks by the general public;

WHEREAS, the City Council of the City of Blue Ridge, Georgia is authorized by Art. IX, § II, ¶ III of the Constitution of the State of Georgia of 1983, and O.C.G.A. §§ 25-10-1 et seq. to regulate the sale at retail or wholesale, the use, the possession, the manufacture, the

transport, and storage of any consumer fireworks or fireworks to the extent authorized by the general law of the State of Georgia;

WHEREAS, the City Council of the City of Blue Ridge, Georgia, finds that it is appropriate for the public safety and general welfare of the citizens of the municipality, that the City of Blue Ridge regulate consumer fireworks or fireworks to the extent authorized by the general law of the State of Georgia; and

BE IT ORDAINED by the City Council of Blue Ridge, Georgia, and it is hereby ordained by the authority of the City Charter, the above-referenced authority and authority as provided by Georgia law, as follows:

**SECTION 1.           AMENDMENT TO THE ORDINANCES OF THE CITY OF BLUE RIDGE.**

This ordinance shall amend the ordinances of the City of Blue Ridge regulating consumer fireworks or fireworks, by deleting in its entirety the current ordinance and substituting this ordinance to read, as follows:

**Section 1.       Title.**

The sections of this ordinance shall be known and designated as the “Fireworks Regulations Ordinance.”

**Section 2.       Definitions.**

(a) As used in this ordinance, the term:

(1) “Consumer fireworks” means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of

Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.

(2) "Consumer fireworks retail sales facility" shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.

(3) "Consumer fireworks retail sales stand" shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.

(4) "Distributor" means any person, firm, corporation, association, or partnership which sells consumer fireworks.

(4.1) "Electric plant" shall have the same meaning as provided for in O.C.G.A. § 46-3A-1.

(5) "Fireworks" means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

(6) "NFPA 1124" means the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 Edition.

(7) "Nonprofit group" means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title 14 of the [Official Code of Georgia Annotated] Georgia Non-Profit Corporation Code, or a sponsored organization of a public or private elementary or secondary school in this state.

(8) "Proximate audience" means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Georgia Safety Fire Commissioner.

(9) "Pyrotechnics" means fireworks.

(10) "Store" shall have the same meaning as provided for by NFPA 1124; provided however, that such term shall only include such buildings with at least 4,000 square feet of retail display space and wherefrom:

(A) No more than 25% of such retail display space is used for consumer fireworks and items or products as provided for under paragraph (2) of subsection (b) of this ordinance section; and

(B) Other items or products which are not consumer fireworks or items or products as provided for under paragraph (2) of subsection (b) of this ordinance section are sold; and provided further that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, with all such mercantile locations are collectively known to the public by the same name or share central management.

(11) "Wastewater Treatment Plant" shall have the same meaning as provided for in O.C.G.A. § 43-51-2.

(12) "Water Treatment Plant" shall have the same meaning as provided for in O.C.G.A. § 43-51-2.

(b) As used in this ordinance, the term “consumer fireworks” or “fireworks” shall not include:

(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term “consumer fireworks” or “fireworks” include ammunition consumed by weapons used for sporting and hunting purposes; and

(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes, snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grams or less of explosive mixture.

**Section 3. Limited Prohibition as to Consumer Fireworks or Fireworks.**

(a) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or ignite or cause to be ignited, or to possess, manufacture, transport, or store any consumer fireworks or fireworks, within the City except as expressly authorized by the general law of the State of Georgia but also as limited by this ordinance as follows:

(1) It shall be unlawful for any person, firm, corporation, association or partnership to use or ignite or cause to be ignited any consumer fireworks or fireworks, within the City on any day after the time of 9:00 p.m., and up to and including the time of 11:59 p.m.,

and during the morning hours of 12:00 midnight until 10:00 a.m. of any day pursuant to the noise ordinance of the City and this ordinance, except as otherwise provided for under subparagraph (2) of this Section or such use or ignition is allowed pursuant to the issuance of a special use permit pursuant to Section 4 of this ordinance.

(2) Notwithstanding subparagraph (a)(1) of this section, the use or ignition of any consumer fireworks or fireworks, within the City is further allowed for additional hours without a special use permit as follows:

(A) The use or ignition of any consumer fireworks or fireworks is allowed on January 1, July 3, July 4, and December 31 of each year after the time of 9:00 p.m. and up to and including the time of 11:59 p.m. without a special use permit; and

(B) The use or ignition of any consumer fireworks or fireworks, within the City is allowed on January 1 of each year for the additional time of 12:00 midnight and up to and including the ending time of 1:00 a.m. without a special use permit.

(b) The right to use or ignite or cause to be ignited, any consumer fireworks or fireworks, as provided herein, is further subject to any regulations and restrictions concerning the use of consumer fireworks due to a declaration of drought by the Georgia Governor, and with the municipal City limits being within the boundaries of the area covered by the drought declaration. The regulations and restrictions of the drought declaration shall not be effective on January 1, July 3, July 4, or December 31 of any year. The drought regulations and restrictions shall also be rescinded upon the expiration or conclusion of the drought declaration. Any person that violates the drought regulations and restrictions by the use or ignition of consumer fireworks or fireworks will also be subject to a violation of this ordinance, and subject to the penalties for violation of this ordinance as provided herein.

(c) It shall be unlawful for any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited any consumer fireworks or fireworks, within the City in violation of O.C.G.A. §§ 25-10-2 and 25-10-2.1, and such violation shall be deemed to be a violation of this ordinance, besides being a violation of state law.

**Section 4. Prohibition of Consumer Fireworks or Fireworks in City Public Areas or the Use of Fireworks at a Time Not Authorized by the General Law of the State of Georgia Except Pursuant to a Special Use Permit.**

(a) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or ignite or cause to be ignited, or to possess, manufacture, transport, or store any consumer fireworks or fireworks, on, upon, or above any City property, including but not limited to the public areas of the City including parks, or during the hours of 9:00 p.m. and up to and including the time of 11:59 p.m. on any day, except as provided herein and except as allowed by a special use permit issued by the City.

(b) It shall be unlawful for any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited any consumer fireworks on any day at a time not allowed by the general law of the State of Georgia or this ordinance within the City, or upon any City public property, or both, unless such person, firm, corporation, association, or partnership is issued a special use permit by the City Council for the use or ignition of consumer fireworks in such ways. The applicant for a special use permit shall use the application forms of the City for said permit, and shall designate the time or times and/or location that such person, firm, corporation, association, or partnership desires to use or ignite or cause to be ignited such consumer fireworks or fireworks. The City Council shall consider the application, and considering reasonable factors such as the time requested, the proposed location of the fireworks display, prior experience concerning the applicant's use of fireworks, the potential for fires or

wildfires, and other reasonable factors, and in its discretion based upon these factors grant or deny the issuance of a special use permit. If the special use permit is granted by the City Council, then the applicant shall pay a special use permit fee of \$100.00 to the City. If the application is denied, then the applicant shall have a right of appeal to the superior court of the applicable county pursuant to the procedures for the grant of a writ of certiorari by said court. The City of Blue Ridge, the City Council, and the agents of the City shall have no liability as to any decision made pursuant to this section.

**Section 5. Occupational Tax for a Licensed Distributor Operating a Permanent Consumer Fireworks Retail Sales Facility or Store in the City.**

A licensed distributor operating a permanent consumer fireworks retail sales facility or store shall be entitled to receive a City occupational tax license for said facility or store upon making application for said license from the City pursuant to the City's procedure, and providing a copy of the license issued to the distributor and as to said permanent facility or store by the Georgia Safety Fire Commissioner or the judge of the probate court of the applicable county and as provided by general law. The occupational tax license fee for said licensed distributor shall be assessed for said licensed distributor upon the same basis as other businesses, professions, or occupations under the City's occupational tax ordinance. Any termination, revocation, or suspension of the license issued by the Georgia Safety Fire Commissioner shall act to automatically in similar fashion terminate, revoke, or suspend the City occupational tax license issued to said licensed distributor. If the licensed distributor selling consumer fireworks from a permanent consumer fireworks retail sales facility or store is a part of a store having multiple store locations as provided within O.C.G.A. § 25-10-51, then any City occupational tax license issued for said store location shall be sufficient to authorize the sale or the offer for sale at retail

or wholesale any consumer fireworks or fireworks without having said store acquiring an additional occupational tax license from the City as to the sale of consumer fireworks or fireworks.

**Section 6. License for a Temporary Consumer Fireworks Retail Sales Stand.**

The City of Blue Ridge is hereby authorized to issue a temporary license (and which shall also serve as a temporary occupational tax license) for a temporary consumer fireworks retail sales stand or stands, provided that the City fire department, or the fire department that is legally authorized to operate within the City, determines that the temporary consumer fireworks retail sales stand meets the requirements of the general law of the State of Georgia, including but not limited to O.C.G.A. § 25-10-5.1(c)(1) and O.C.G.A. § 25-10.5.1(a)(1). In accordance with O.C.G.A. § 25-10-5.1(c)(2), a temporary license shall also be granted in the event that the judge of the probate court of the applicable county determines that such a temporary license should be issued due to an appeal of the decision by the applicable fire department. The application for the temporary consumer fireworks retail sales stand shall be submitted to the applicable fire department, and with a copy provided to the administrative office of the City. Any temporary license issued shall identify the temporary consumer fireworks retail sales stand applicable to such license, and the temporary license shall expire on the next January 31 after the issuance of such license. The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand shall be \$500.00 per location, payable to the governing authority of the City. The distributor shall provide a copy of the list of distributor's temporary consumer retail sales stands submitted to the safety fire commissioner to the applicable fire department and the administrative office of the City as a part of the temporary license application. All temporary licenses for a temporary consumer fireworks retail sales stand shall

only be issued to licensed distributors where the sales of consumer fireworks from at least one (out of two permitted) such temporary consumer fireworks retail sales stands shall accrue to the benefit of a nonprofit group as agreed between the licensed distributor and the participating nonprofit group. A nonprofit group benefitting from the sale of consumer fireworks pursuant to this provision shall directly participate in operating the temporary consumer fireworks retail sales stand. The regulations of this ordinance applicable to the sale of consumer fireworks from temporary consumer fireworks retail sales stands shall only be applicable until January 31, 2018.

**Section 7. Enforcement.**

(a) The City fire department, or any applicable fire department that operates within the City, is authorized to refer cases for enforcement as to violations of O.C.G.A. § 25-10-5.1(c) to the State Fire Marshall.

(b) All fireworks or consumer fireworks manufactured, offered for sale, exposed for sale, stored, used, ignited or caused to be ignited in violation of this ordinance or state law, or both, are declared to be contraband (including fireworks in the possession of the violator but not yet used, ignited or caused to be ignited) and may be seized, taken, and removed, or caused to be removed and destroyed or disposed of, by a sale with the proceeds of the sale to be used for public safety purposes, or destroyed at the expense of the owner thereof, or both, by any authorized law enforcement officer operating within the City of Blue Ridge. Any property declared as contraband pursuant to this ordinance shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9 of the Official Code of Georgia Annotated (O.C.G.A.).

(c) Any law enforcement officer of the City, or any law enforcement officer authorized to provide law enforcement services within the City, shall be entitled to enforce the

provisions of this ordinance or state law, or both, relating to the use or igniting or causing to be ignited fireworks or consumer fireworks, or both.

**Section 8. Certain Devices Unlawful that Require a Flame for Propulsion or Lighting.**

It shall be unlawful for any person, firm, corporation, association, or partnership to release or cause to be released any balloon, bag, parachute, or other similar device which requires fire underneath for propulsion or to release or cause to be released any floating water lantern or wish lantern which uses a flame to create a lighting effect in any public waters within the City of Blue Ridge.

**Section 9. Penalties.**

Any person, firm, corporation, association, or partnership that knowingly violates the provisions of this ordinance may be punished by a fine, or imprisonment, or both, up to the maximum penalties allowed under the City Charter for the City of Blue Ridge, or pursuant to state law. Each act in violation of this ordinance, including but not limited each sales transaction, shall be deemed to be a separate offense, and subject to the maximum penalties as provided herein.

**SECTION 2. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 3. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

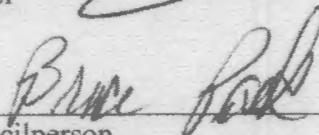
**SECTION 4. EFFECTIVE DATE.**

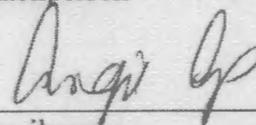
The effective date of this ordinance shall be upon its passage by the City Council

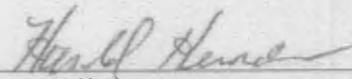
SO ORDAINED, this 2 day of August, 2016.

BLUE RIDGE CITY COUNCIL

By:   
Mayor

  
Councilperson

  
Councilperson

  
Councilperson

\_\_\_\_\_  
Councilperson



\_\_\_\_\_  
Councilperson

Attest:

*Kay Ledger*  
\_\_\_\_\_  
City Clerk

**MEMORANDUM TO LAW ENFORCEMENT OFFICERS  
AS TO FIREWORKS REGULATIONS**

The purpose of this memorandum is to provide a bullet point summary as to when the law enforcement officers who can operate within the City can cite a person for a violation regarding the use, possession, or the igniting of fireworks under the new 2016 state legislation and the new ordinance of the municipality regulating fireworks to the extent allowed by general state law.

The law enforcement officers can issue a citation regarding the following:

(1) For the sale of fireworks to any person under 18 years of age. [O.C.G.A. § 25-10-2(b)(1) or under the ordinance of the municipality].

(2) For the sale of fireworks to any person by any means other than as an in-person, face-to-face sale. [O.C.G.A. § 25-10-2(b)(2)].

(3) For using fireworks indoors or within the right-of-way of a public road, street, highway or railroad. [O.C.G.A. § 25-10-2(b)(3)(A) or under the ordinance of the municipality].

(4) For the use or the ignition of fireworks on any day between the hours of 12:00 midnight and 10:00 a.m., and from 9:00 p.m. until 11:59 p.m., except on January 1, July 3, July 4, and December 31, and then fireworks can be used until 11:59 p.m. and on January 1 of each year also during the time of 12:00 midnight and up to including the ending time of 1:00 a.m. [O.C.G.A. § 25-10-2(b)(3)(B)].

a. If the person has a special use permit issued by the municipality to allow the use of fireworks at a time or place not generally allowed by state law, then the person can use fireworks in accordance with the special use permit and cannot be cited. [O.C.G.A. § 25-10-2(b)(3)(D) or under the ordinance of the municipality].

(5) For a person using or igniting fireworks at a location not allowed, and which includes the following:

a. Any private premises where the owner of the premises has not consented to the use of fireworks;

b. Upon any property of the municipality, including but not limited to the parks of the municipality (except as allowed by a special use permit);

c. Within 100 yards of an electric plant, water treatment plant, wastewater treatment plant, a facility engaged in the retail sale of gasoline or other flammable or combustible liquids, any public or private electric substation, or a jail or prison. [O.C.G.A. § 25-10-2(b)(3)(C) or under the ordinance of the municipality].

d. Within any part, historic site, recreational area, or other property which is owned or operated by the State of Georgia or one of its departments or agencies, except as allowed by said department of agency. [O.C.G.A. § 25-10-2(b)(3)(C)].

e. With 100 yards of a hospital, nursing home, or other health care facility unless said facilities grant written permission or use or ignite fireworks on the property of such facility. [O.C.G.A. § 25-10-2(b)(3)(C) or under the ordinance of the municipality].

(6) Any person may be cited for using or igniting fireworks while under the influence of alcohol or any drug or any combination of alcohol and any drug to be extent that it is less safe or unlawful for such person to ignite the fireworks. [O.C.G.A. § 25-10-2(b)(3)(C) and/or O.C.G.A. § 25-10-2.1 or under the ordinance of the municipality].

(7) For any person younger than 18 years of age that is using or igniting fireworks, or who possesses, is manufacturing, transporting, or storing fireworks. [O.C.G.A. § 25-10-2(b)(4)(A) or under the ordinance of the municipality].

a. If the minor is 16 or 17 years of age and is serving as an assistant to a licensed distributor, then the minor cannot be cited for a violation so long as the minor is not transporting fireworks on a highway that is a part of the United States Interstate System. [O.C.G.A. § 25-10-2(b)(4)(B) or under the ordinance of the municipality].

(8) For a person under 18 years of age selling or offering to sell at retail or wholesale any fireworks. [O.C.G.A. § 25-10-2(b)(5)(A) or under the ordinance of the municipality].

a. An exception is if a person is 16 or 17 and working as an assistant to a licensed distributor. [O.C.G.A. § 25-10-2(b)(5)(B)].

(9) As to any person selling consumer fireworks that is not a licensed distributor selling fireworks from a permanent consumer fireworks retail sales facility or from a temporary consumer fireworks retail sales stand. [O.C.G.A. § 25-10-2(b)(6)(A) and (B)].

a. As to a temporary consumer fireworks retail sales stand, as to a second such stand of a distributor, the distributor must indicate that at least one of the stands has members of a non-profit group participating the operation of said stand, or be cited. [O.C.G.A. § 25-10-2(b)(6)(B) and O.C.G.A. § 25-10-5.1(c)(1) or under the ordinance of the municipality]. Also note that as a permanent stand or a temporary stand, or both, fireworks cannot be sold from a tent, canopy or membrane structure.

b. Note that as to both the permanent consumer fireworks retail sales facility or store and as to a temporary consumer fireworks retail sales stand, the licensed distributor should have a state license, and for the temporary stand also a local license, to allow the sale of fireworks and which should be able to be provided to the investigating officer.

(10) All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of state law or ordinance are contraband and may be seized, taken, and removed, or

caused to be removed and destroyed at the expense of the owner by local law enforcement officers. Of course, the disposition of the contraband would have to wait until a determination of a court of appropriate jurisdiction that the fireworks are in fact contraband. [O.C.G.A. § 25-10-6 or under the ordinance of the municipality]. Any property declared as contraband can only be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9 of the Official Code of Georgian Annotated. [O.C.G.A. § 25-10-6 or under the ordinance of the municipality].

(11) A person may be cited for the release of any balloon, bag, parachute, or other similar device which requires fire underneath for propulsion or to release or cause to be released any floating water lantern or wish lantern which uses a flame to create a lighting effect in any public waters located within the municipality. [O.C.G.A. § 25-10-10 or under the ordinance of the municipality].

The 2016 state legislation has clarified the legal use of fireworks. Therefore, I think that the most common situations that law enforcement officers will run into and should consider citing for fireworks would be the following:

a. Minors (persons under the age of 18) using, selling, transporting, or possessing fireworks will probably be a common citation;

b. The use or ignition of fireworks after 9:00 p.m. until 11:59 p.m. on most days is also a valid citation, unless the person using or igniting the fireworks has a special use permit from the municipality. On July 3, July 4 and December 31, fireworks can also be used until 11:59 p.m., and on January 1 besides these additional hours, fireworks can also be used in addition from 12:00 midnight until 1:00 a.m.;

c. A person can be cited for the use of fireworks on someone's private property where they do not have permission to do so, and may be cited for the use of fireworks on public property, including the public streets and the public parks of the municipality. Any use of fireworks upon the public property of the municipality violates the ordinance of the municipality unless the person has a special use permit issued by the municipality that allows the person to use fireworks on public property.

If you have further questions, I will be glad to provide advice as to the 2016 state legislation and the new ordinance of the municipality.

FIRST READING July 12, 2014

PASSED August 2, 2014

AN ORDINANCE NO. 2014-08-02(c)

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING ONE TRACT OR PARCEL OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCEL NUMBERS BR02 261, BR02 204, BR02 270A AND BR02 205A OWNED BY THE LOUISE L. STILES ESTATE, BY AND THROUGH ITS EXECUTOR, ROGER H. STILES AND BEING APPROXIMATELY 14.27 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED ON THE PLAT AND LEGAL DESCRIPTION WHICH ARE ATTACHED HERETO AND, WHICH ARE INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AND REZONING THE PROPERTY FROM A GENERAL COMERCIAL (C-2) DISTRICT TO HIGH DENSITY RESIDENTIAL (R-3) DISTRICT, WITHOUT CONDITIONS; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Blue Ridge, Georgia as follows:

**SECTION 1. ZONING IMPOSED WITHOUT CONDITIONS.**

(a) That from and after the passage of this ordinance the following described parcel within the City of Blue Ridge shall be zoned and so designated on the zoning map of the City of Blue Ridge as a High Density Residential (R-3) District, being designed as tax parcels BR02 261, BR02 204, BR02 270A and BR02 205A and currently owned by the Louise L. Stiles Estate, by and through its executor, Roger H. Stiles, and being approximately 14.27 acres, with the following conditions:

Conditions:

- (1) None.

Legal Description:

(b) The legal description of the above-referenced property, which is being rezoned from a General Commercial (C-2) District to a High Density Residential (R-3) District, is as follows:

All that tract or parcel of land being approximately 14.27 acres, and lying and being within the City of Blue Ridge, Fannin County, Georgia, and owned by the Louise L. Stiles Estate, by and through its executor, Roger H. Stiles, and more particularly described on the legal description and plat which are attached hereto, and incorporated by reference hereof, into this legal description.

**SECTION 2.           REPEAL OF CONFLICTING ORDINANCES.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 3.           SEVERABILITY OF PARAGRAPHS.**

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not effect or impair the remaining portions unless it clearly appears that other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**SECTION 4.           AMENDMENT TO THE ZONING MAP.**

This ordinance is enacted as an amendment to the zoning map of the City of Blue Ridge.

**SECTION 5.           EFFECTIVE DATE.**

The effective date of the zoning classification imposed by this ordinance shall be on the date the zoning classification is approved by the City of Blue Ridge, by and through its City Council.

SO ORDAINED this 2 day of August, 2016.

**BLUE RIDGE CITY COUNCIL**

By: [Signature]  
Mayor

[Signature]  
Councilperson

[Signature]  
Councilperson

[Signature]  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:

[Signature]  
Kelsey Ledford, City Clerk