

Chapter 40 PEDDLERS AND SOLICITORS¹

ARTICLE I. IN GENERAL

Secs. 40-1—40-18. Reserved.

ARTICLE II. SALES AND SOLICITATION

DIVISION 1. GENERALLY

Sec. 40-19. Definitions.

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

Charitable organization or nonprofit organization means an organization registered in accordance with O.C.G.A. § 43-17-5 or an organization exempt from such registration in accordance with O.C.G.A. § 43-17-9 or any organization recognized as such by the Internal Revenue Service of the United States Department of Treasury.

Peddler means an individual carrying his own merchandise, article or other good and who offers to sell such merchandise, article or other good or service to consumers at retail, and who upon such a sale delivers the merchandise then and there on the spot at any fixed location within the incorporated areas of the city.

Solicitor means any person, group, firm, or organization who shall solicit orders, sales, funds, contributions or donations on behalf of a business, occupation, organization, vocation, or individual for commercial, charitable, nonprofit, or other noncommercial purpose, door to door or house to house in the residential areas or in any fixed location on any streets in residential areas, or on sidewalks, streets, highways, or the rights-of-way thereof within the incorporated areas of the city.

(Ord. of 11-13-2006, § 1)

Secs. 40-20—40-41. Reserved.

DIVISION 2. COMMERCIAL SOLICITORS AND PEDDLERS

¹State law reference(s)—Peddlers and itinerant traders, O.C.G.A. § 43-32-1 et seq.; municipal and county ordinances for issuance of permits to charitable organizations for solicitation of contributions on streets and highways, O.C.G.A. § 40-6-97.1; charitable solicitations, O.C.G.A. § 43-17-1 et seq.; transient merchants, O.C.G.A. § 43-46-1.

Sec. 40-42. Special event permits and identification card permits required.

- (a) *Permit for soliciting for commercial purposes in residential areas.* Any solicitor desiring to engage in any type of selling, soliciting, survey making or any other activity in any residential areas for a commercial purpose, shall first register with the city clerk, pay the prescribed registration fee as set forth in chapter 24, and obtain a personal identification card from the police department. The identification card shall serve as the permit.
- (b) *Permit for soliciting for commercial purposes on public ways.* Any solicitor desiring to solicit orders, sales, funds, contributions or donations on behalf of a business, occupation, organization, vocation, or individual for charitable, nonprofit, or other noncommercial purpose only on any sidewalks, streets, highways, or in the rights-of-way thereof within the incorporated areas of the city shall first register with the city clerk, pay the prescribed registration fee as set forth in chapter 24, and obtain an identification card permit, which shall specify the location and duration of the intended solicitations on the city's streets, highways, or the rights-of-way. The identification card shall serve as the permit.
- (c) *Permit for peddling.* Any peddler desiring to sell any merchandise, article or other good or service or transact any other business shall first register with the city clerk, pay the prescribed registration fee as set forth in chapter 24, and obtain a personal identification card. The identification card shall serve as the permit. The application for permit under this section must specify the location and duration of the peddling activity to ensure that the preferred location is not in violation of this Code, including zoning restriction, or deemed to be unsafe by the city police department. No peddler shall attempt to sell any merchandise, article or other good or service or transact any other legal business on any street, sidewalk, park, parkway or any other public place unless the peddler's permit specifies that peddling in such public places is permitted.

(Ord. of 11-13-2006, §§ 2, 3)

Sec. 40-43. Contents of application questionnaire.

- (a) The city police department shall develop and maintain an application questionnaire to be completed by each applicant for permit under this division upon payment of the applicable fee.
- (b) The chief of police shall review the application questionnaire to ascertain whether the applicant has pleaded guilty or nolo contendere to, or been convicted of, a felony or a misdemeanor involving a violation of moral turpitude. After ascertaining that the application questionnaire has been properly completed and that the applicant has not been disqualified by virtue of prior pleas or convictions of any felonies or misdemeanors involving violence or moral turpitude, the chief of police shall approve the application subject to the payment of the applicable permit fee.
- (c) No individual shall be permitted to solicit sales, funds, contributions or donations within the city on behalf of any organization if the organization has had its confirmation letter or permit, as issued by the chief of police, revoked under this division.

(Ord. of 11-13-2006, § 4; Ord. No. 2026-01, 6-15-2026)

Sec. 40-44. Occupation tax or regulatory registration required for commercial solicitations and peddling.

- (a) Following approval of the application questionnaire made in accordance with this division, and prior to the issuance of any permit granted hereunder, any applicant seeking to solicit within the city for a commercial purpose shall obtain an occupation tax registration and pay an occupation tax registration fee, or produce a valid occupation tax registration or certificate from another county or municipality of the state.

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- (b) Following approval of the application questionnaire made in accordance with this division, and prior to the issuance of any permit granted hereunder, the applicant seeking to peddle merchandise, articles or goods or other services shall obtain a regulatory registration and pay a regulatory registration fee.
 - (c) Registration required by this section shall be accomplished in the same manner as applies to other businesses in the city as set forth in chapter 12. Fees required for registration shall be as provided in chapter 24.

(Ord. of 11-13-2006, § 5)

Sec. 40-45. Issuance of permit.

- (a) Upon qualification and payment by the applicant of a nonrefundable occupation tax or regulatory registration fee for commercial solicitation or peddling, the city police department shall photograph the applicant and provide the applicant with a identification card permit bearing the applicant's photograph, name and the name of the organization represented, and identifying the applicant as a commercial solicitor or peddler.
- (b) All solicitors and peddlers permitted by the city shall carry the identification card permit on their person at all times and said license shall be presented for inspection to any appropriate officer or official of the city upon demand. The permit is valid only for location and duration as approved.

(Ord. of 11-13-2006, § 6)

Sec. 40-46. Qualifications; suspension and revocation.

- (a) No permit shall be issued to any person who has been found guilty of a misdemeanor involving violence or moral turpitude any time within five years prior to the date of application, nor shall a permit be issued to any person convicted of a felony, except that a permit may be issued to a convicted felon if it appears that he has been pardoned, or that he has been free from any legal restrictions for a period of five years prior to the date of his application. For the purpose of this division, the terms "conviction" and "found guilty" shall be deemed to include verdicts or pleas of guilty, or pleas of nolo contendere, entered by a court of this state, a court of a sister state, or any federal district court. Any permit issued as the result of a willful false statement or omission in the solicitor's application for permit shall be deemed null and void from the time of its issue.
- (b) The permit of any person charged with a felony, or a misdemeanor involving violence or moral turpitude, shall be deemed suspended from the time of lawful arrest, formal, accusation, or indictment whichever shall first occur; such suspension shall remain in effect until the solicitor is convicted or acquitted, or until the charged is dismissed, "dead-docketed" or "no-billed."
- (c) The permit of any person arrested or served with a summons in regard to a violation of any provision of this division, which is alleged to have occurred the date the permit was issued, shall be deemed suspended from the time he was arrested or served with summons; such suspension shall remain in effect until the solicitor is acquitted or the case is dismissed.
- (d) The permit of any person who is convicted of a felony, or a misdemeanor involving violence or moral turpitude, shall be deemed revoked from the time of such conviction. The permit of any person convicted of having violated any provision of this division after issuance of the permit shall be deemed revoked from the time of conviction.
- (e) Any suspension or revocation occurring pursuant to the provisions of this division shall be effective by operation of law, whether or not any formal notification to the solicitor is given or received.

(Ord. of 11-13-2006, § 14)

Sec. 40-47. Validity; renewal of permits.

Each permit issued under this division shall be valid only for the person or organization indicated thereon, and until the expiration of the current occupation tax certificate of such organization. Such permit may be renewed upon payment of a fee established by the city council and verification by the city that the organization represented has renewed its occupation tax certificate for the current year.

(Ord. of 11-13-2006, § 7)

Sec. 40-48. Display of permit.

The police department shall furnish to each permit holder a device suitable for attaching the permit card to the outer clothing of the identification card permit holder. No person shall engage in any of the conduct coming under this division without wearing and displaying the identification card permit in a conspicuous manner.

(Ord. of 11-13-2006, § 8)

Sec. 40-49. Solicitors required to disclose the purpose of call.

At each dwelling, whether it be an apartment unit or detached single-family residence, the solicitor shall inform the occupant in unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game or other competitive endeavor, or that he is offering the occupant an opportunity to participate in any such contest, game or endeavor.

(Ord. of 11-13-2006, § 9)

Sec. 40-50. Solicitors not permitted to enter posted property.

No solicitor shall enter a dwelling except at the express invitation of the occupant. No solicitation shall be made at any single-family or multifamily dwelling where a conspicuous "No Soliciting," "No Peddlers" or other similar sign is displayed at or near the main entrance or driveway to the premises.

(Ord. of 11-13-2006, § 10)

Sec. 40-51. Decorum required.

- (a) No person shall use vulgar, insulting or threatening language in the course of any solicitation or attempt to peddle.
- (b) No solicitor shall remain upon the premises after the occupant of the premises has verbally indicated that he does not wish to make a purchase or donation or to listen or participate in the purpose of the call. For the purpose of this division, a call shall be deemed to continue until the solicitor has left the premises.

(Ord. of 11-13-2006, § 11; Ord. No. 2026-01, 6-15-2026)

Sec. 40-52. Prohibited acts.

It shall be a violation of this division:

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- (1) For any person to engage in any of the activities described in this division without first obtaining a permit as required hereunder.
 - (2) For any person to violate any of the provisions of this division or to violate any other city ordinance or any state or federal law while engaging in any of the activities coming under this division.
 - (3) For any person to lend, rent, or sell his permit card to another.
 - (4) For any person to engage in any activity coming under this division during a period in which his permit is in suspension or after his permit has been revoked.
 - (5) For any person to engage in the act or business of a peddler of any merchandise, article or other good or service within the corporate limits without having first secured an occupation tax registration as set forth in section 40-44.
 - (6) For any person to engage in fraud, cheating or misrepresentation, be it through himself or through an employee.
 - (7) For more than two individuals to engage in solicitation upon any premises at the same time for the same goods or services. Each individual member of a group engaged in solicitation in violation of this provision shall be deemed to have violated such provision.
 - (8) For any person to make more than one solicitation call at the same premises for identical goods or services within any two-week period, without receiving prior invitation therefor from the occupant of any such premises. This provision shall be construed to include solicitation upon the same premises by employees, agents or representatives of any person more than once during the aforesaid period without prior invitation as herein provided.
 - (9) For any person with a criminal record as described in section 40-46, whether or not otherwise eligible for an exemption under section 40-85, to engage in any of the activities described in this division.
 - (10) For any person, at the time of initial contact with the occupant or prospective customer, to fail to verbally identify himself for the purpose of the call or solicitation and the company and product line he represents or charitable, nonprofit, or noncommercial group he represents.
 - (11) For any person engaged in solicitation to misrepresent the purpose of the call or solicitation or use any falsehood, deception or misrepresentation to induce a sale or contribution, or use any plans, scheme or ruse which misrepresents the status of the purpose of the person engaging in the call or solicitation.
 - (12) For any person to solicit or attempt to solicit at a building or residence at any entrance or part of the building or residence other than the main entrance to the residence.

(Ord. of 11-13-2006, § 12)

Sec. 40-53. Surrender of permit.

Any permit issued pursuant to the provisions of this division for the use by any person is, and shall remain, the property of the city. Each permit holder shall surrender his permit card to the police department no later than three of the department's business days following the expiration, suspension, or revocation of the permit, or upon the demand of any officer of the department or upon the demand of the chief of police, whichever shall occur first.

(Ord. of 11-13-2006, § 15)

Secs. 40-54—40-79. Reserved.

DIVISION 3. CHARITABLE SOLICITATIONS

Sec. 40-80. Registration; confirmation.

- (a) Any solicitor desiring to solicit orders, sales, funds, contributions or donations for only a charitable, nonprofit, or other non-commercial purpose in any residential areas or on any streets, highways, or in the rights-of-way, shall first register and supply proof of such recognized status with the city clerk.
- (b) The chief of police shall then issue written confirmation of the organization's exempt charitable, nonprofit or noncommercial status and the date and location of the solicitation to be conducted.
- (c) The organization shall then furnish a copy of such confirmation to each of its agents or representatives who shall keep a copy of such confirmation on their person at all times while engaged in their charitable, nonprofit, noncommercial solicitation.

(Ord. of 11-13-2006, § 2; Ord. No. 2026-01, 6-15-2026)

Sec. 40-81. Term of permit; total number of permits restricted.

Each permit issued for solicitation described in this division will be valid for a period of 30 days from the date of its issuance. No organization soliciting under this division may hold more than two permits in a single 12-month period.

(Ord. of 11-13-2006, § 2)

Sec. 40-82. Age of solicitors restricted.

All individuals soliciting on behalf of a charitable, nonprofit, or non-commercial organization must not be less than 16 years of age.

(Ord. of 11-13-2006, § 2)

Sec. 40-83. Reflective safety vests required.

All individuals authorized to solicit on behalf of a charitable, nonprofit, or non-commercial organization must wear reflective safety vests at all times.

(Ord. of 11-13-2006, § 2)

Sec. 40-84. Additional restrictions for safety purposes.

Any solicitation for a charitable, nonprofit, or noncommercial purpose may be restricted as necessary for safety reasons as determined by the city police department.

(Ord. of 11-13-2006, § 2(c)(4))

Sec. 40-85. Exemptions.

The following are exempt from the requirements set forth in section 40-42(a):

- (1) Persons, businesses, and organizations exempted from local regulation by operation of state or federal law, or by the Constitution of the United States or the state, are exempt from the requirements of this article. This exemption is deemed to include, but may not be limited to, persons or organizations canvassing door to door or house to house in the residential areas or on any streets, highways, or the rights-of-way thereof within the incorporated areas of the city for a religious or political purpose.
- (2) Representatives or agents of charitable or nonprofit or other non-commercial organizations as defined in section 40-19.
- (3) Any exemption granted herein shall remain in effect only until December 31 following the date of the confirmation. Only one such letter shall be issued to each organization during any calendar year.
- (4) Any sales representative who calls upon prospective customers at the private invitation of the homeowner or occupant shall be treated as exempt from the provisions of this article.
- (5) Any exemption granted does not exclude the need for a special event permit.

(Ord. of 11-13-2006, § 2(d))

Chapter 42 SECONDHAND GOODS²

ARTICLE I. IN GENERAL

Secs. 42-1—42-18. Reserved.

ARTICLE II. PAWNBROKERS³

Sec. 42-19. Purpose and intent.

It is the purpose and intent of this article to regulate pawnshops in accordance with O.C.G.A. § 44-12-136, as amended, and to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations of pawnshops within the city. It is neither the intent nor the effect of this article to restrict or deny access by adults to materials pledged, consigned, pawned or exchanged.

(Ord. No. 2022-06, 3-21-2022)

State law reference(s)—Municipal authority to regulate pawnbrokers, O.C.G.A. § 44-12-136.

²State law reference(s)—Junk dealers, O.C.G.A. § 43-22-1; pawnbrokers generally, O.C.G.A. § 44-12-130 et seq.; local regulation of pawnbrokers, O.C.G.A. §§ 44-12-135, 44-12-136.

³Editor's note(s)—Ord. No. 2022-06, adopted March 21, 2022, repealed the former Art. II, §§ 42-19—42-31, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. of 8-4-2008, §§ 1.0—13.0.

Sec. 42-20. Definitions.

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

Employee means:

- (1) Any owner or pawnbroker who, in the performance of his duties or the management of the business affairs of a pawnshop, comes into contact with members of the public;
- (2) Any person working for an owner or pawnbroker; or
- (3) Any person who is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.

Pawn or *pledge* means a bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the power of sale on default.

Pawnbroker means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufactures or licensed dealers as part of or in conjunction with the business activities described in this article. The term "pawnbroker" also means any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he has charge of the business or daily operations of the pawnshop, and whose business or occupation it is to take or receive, by way of pledge, pawn, consignment, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

Pawnshop means any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property whatsoever, as security for the repayment of money lent thereon.

Pawnshop transaction means to take or receive any article of property or, from any customer, by pawning, pledging, trading, exchanging, purchasing, or other means.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-21. Qualifications for issuance of annual pawnshop license.

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this chapter. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the majority stockholder and each principle officer of the corporation must meet the qualifications as part of the application process.

- (1) Any person applying to operate a pawnshop for which a license is sought shall not have been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city and shall not have been convicted of any crime involving a felony theft, burglary, robbery, or fraud, or have been convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one or more of the abovementioned offenses, for a period of ten years from the date of such convictions, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses under the Georgia First Offender Act, O.C.G.A. § 42-8-60 et seq., shall be ignored. Provided, however,

that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime and the sentencing court ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

- (2) Every managing agent applicant for a license shall be at least 18 years of age, a U.S. citizen or an alien lawfully admitted for permanent residency, and a resident of the State of Georgia, and shall make application on forms furnished by the city marshal and in connection therewith, shall, under oath, answer all questions, supply all information and furnish all certificates, affidavits, bonds and other supporting data as required thereby.
- (3) All licensed pawnshops must have and continuously maintain in White County a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of White County. The licensee shall file the name of such agent, along with the written, notarized consent of such agent with the city in such form as may be prescribed.
- (4) All persons filing an application for a license will be required to complete a waiver in order for the applicant's criminal history to be obtained.
- (5) No person shall have, own or enjoy any ownership, interest in, share in the profits from, or otherwise participate in the business of any pawnshop in the city unless a full description of such interest is disclosed upon the filing of an application for the original annual license. Said person shall be subject to the same qualifications as the license holder. Failure to qualify may be grounds for revocation of the license.
- (6) The city clerk may approve all applications for renewal of an existing license upon payment of the license fees for renewal of licenses, where no objections have been filed and the application clearly shows no change in the ownership, managing agent, location, or operation of the business. If objections have been filed or if there have been any changes in the ownership, managing agent, location, or operation of the business, a new application must be approved by the city council. The city license issued shall be valid for the calendar year indicated thereon and shall expire at midnight December 31 each year unless renewed by the city clerk prior to expiration. Renewal licenses for subsequent calendar years become effective upon approval of the city clerk. A licensee that desires to continue in business during the next or subsequent calendar year must make application for and pay the required fees each year, on or before December 1.
- (7) No license shall be granted where the applicant has had any pawnshop license issued by any county, municipality, or other governmental subdivision which has been suspended or revoked.
- (8) No license shall be granted for a location that is not in compliance with all federal, state, or local regulation, rule or ordinance.
- (9) No license shall be issued where the applicant has supplied false information in the license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to the city.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-22. Annual permit required; fees; renewal.

- (a) All persons before beginning the business of operating a pawnshop or similar place where money is advanced on goods or other effects, or merchandise of any kind is taken in pawn shall first file an application with the city clerk for an annual permit to conduct such business.

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- (b) The issuance of such permit will be based on a criminal history background investigation of the applicant. The cost of the permit/criminal history background investigation shall be as set forth in the city's fee schedule. This fee is imposed to defray investigative expenses and administrative costs associated with issuing an initial permit for all owners.
 - (c) In the event an owner has more than one pawnshop, then each location will be assessed the fee in subsection (b) of this section. This fee is non-refundable in the event an applicant, for any reason, is not issued a permit and/or an occupational tax certificate.
 - (d) Owners/managers are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee in the amount provided in the city's fee schedule.
 - (e) Each licensee of the city shall display the license issued under this chapter prominently at all times at the location for which the license is issued. A separate license must be issued for each location and a separate application must be made for each location.
 - (f) The pawnshop permit history of the applicant(s) and whether, in previous operations in this or any other city, state or territory, the applicant(s) has had such permit revoked or suspended must be disclosed. If such permit has been revoked or suspended, the applicant(s) must state the reason, and the business activity or occupation subsequent to such action of suspension or revocation.
 - (g) If the owner(s) is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with place and date of incorporation, and the names and addresses of each of its current officers and directors. If the owner(s) is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners. If the owner(s) is a limited partnership, it shall furnish a copy of its certificate filed with the county clerk or secretary of state. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply.
 - (h) If any of the owners, partners or interest holders have been convicted of any crime in the past ten years, a completed description of any such crime including date of violation, date of conviction jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of the disposition have been fully completed.
 - (i) The applicant must disclose any ownership interest in any other pawnshop, whether it is located locally or out of state and must disclose the nature of such ownership interest.
 - (j) Each applicant shall certify on the application that they have read this chapter and, if the license is granted, each licensee shall maintain a copy of this chapter on the premises.
 - (k) No pawnbroker shall operate, conduct, manage, engage in, or carry on a pawnbroker business under any name other than the name of the business as specified on the license.
 - (l) The pawnbroker shall possess federal firearms licenses when persons pledge, trade, pawn, exchange, sale, or purchase firearms.
 - (m) The pawnshop shall contain a video surveillance and monitoring system that captures footage of no less than the following: point of entry, point of sale, application and appraisal area, and vault and storage, if applicable.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-23. Permit term; prerequisite to issuance of occupation tax certificate.

- (a) No occupation tax certificate required by city ordinance shall be granted to any person until a pawnshop permit has been issued or approved by the city.

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- (b) The permit and occupation tax certificate will expire annually, on the date established generally for expiration of the occupation tax certificate.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-24. Application for permit.

The application for the annual permit shall state the street number and address at which the business is proposed to operate. The application shall contain the full name, address, phone number, date of birth, photograph, and Social Security number of all persons, including pawnbrokers and employee, having any interest in the proposed business, plus any additional information, including fingerprints, deemed necessary by the city.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-25. Regulation as to employees and managers.

- (a) No person shall be employed by a pawnshop to manage merchandise in any capacity until such person is found in compliance with the qualifications as described in this section. It shall be the duty of the pawnbroker to ensure compliance with the provisions of this section.
- (b) The following qualifications shall apply to all employees and managers:

Employees of a pawnshop, as defined herein, shall not be less than 18 years of age. Any employee who has been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city, or any felony theft, burglary, robbery, or fraud, or has been convicted in any state of any offense which if committed in this state, would have been punishable as one or more of the above-mentioned offenses, shall not be issued a permit to work on the premises of a pawnshop for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses under the Georgia First Offender Act, O.C.G.A. § 42-8-60 et seq., shall be ignored. Provided, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime and the sentencing court ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

- (1) No permit shall be issued until a signed application has been filed with the city, and a search of the criminal record of the person completed. Such application shall include the applicant's name, fingerprints, Social Security number, date of birth, and prior arrest record; although an applicant's arrest record shall be used for investigative purposes only and shall not give rise to a presumption or inference of guilt. Applicant must also provide positive identification (only government issued pictured identification accepted, e.g., driver's license, passport, military card, or state identification card).
- (2) No pawnshop owner shall allow any employee or manager, who is managing merchandise, to work on the premises unless the employee or manager has in their possession a current valid city permit. Upon filing the notice with the police department, the applicant may become a conditional employee and work on the licensed premises with a receipt issued by the police department until such time the investigation is completed, and approval or denial of the permit is issued.
- (3) Employee permits are nontransferable and are valid only for the individual named on the permit. Each such permit is valid for the individual named while employed in any establishment licensed in the city.
- (4) Employees after receiving their permit must notify the police department of any changes involving information originally provided to obtain an employee permit; otherwise, their permit is invalid.

(Supp. No. 12)

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Employees who are convicted of an offense that may affect their employment under this chapter are under a duty to fully inform the police department of any such conviction, and to supply sufficient documentation relating to the conviction to allow the city to fully investigate it. The failure to inform the police department and/or provide documentation of any such conviction invalidates an employee's permit and shall serve as automatic forfeiture and cancellation of the permit.

- (5) The chief of police or his designee shall conduct a search relative to any police record of the applicant.
- (6) In the event the applicant is qualified for employment in a pawnshop under this section and there is no record of a violation of this article, the chief of police or his designee shall issue a permit to the applicant, by mail. If it is found that, the person is not qualified for a permit and therefore ineligible for employment in a pawnshop, the chief of police or his designee shall notify the person in writing that they are not eligible for employment, the cause of such denial and their right to appeal to the city council.
- (7) No person shall be issued a permit if it is determined that the person falsified, concealed, or misrepresented any material fact by any device, trick, or scheme while making application to the police department for a pawnshop permit under this section.
- (8) All permits issued through administrative error can be terminated and seized by the chief of police, his designee, or the city clerk.
- (9) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of any officer of the city.
- (10) It shall be the duty of all persons holding a pawnshop occupation tax certificate to file with the chief of police or his designee, the name of the establishment, the occupation tax certificate number and a list of all employees, including their date of birth, Social Security number, home address and home telephone numbers twice annually; during the month of June and again during the month of December.
- (11) If it is determined that any person issued a pawnshop permit has falsified, concealed, or misrepresented any material fact by any device, trick, or scheme in the application for the pawnshop permit such permit shall be revoked or canceled.
- (12) City employees who are directly involved in the issuance of pawnshop permits or in the regulation of pawnshops shall not be eligible for a permit.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-26. Grounds for denial, suspension, or revocation.

A permit may be denied, suspended, or revoked by the chief of police or his designee where the pawnbroker or employee furnishes fraudulent or untruthful information in the application for a permit or fails to meet all qualifications set forth under the provisions of this chapter.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-27. Occupation tax certificate.

All persons, firms or corporations desiring to engage in the business, trade or profession, shall apply for an occupation tax certificate in the form and manner prescribed in chapter 12.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-28. Record of transaction.

- (a) Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the police department via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnbroker and shall be made at the time of each transaction, provided that the following information is included:
- (1) The date and time of the purchase, pawn or sale of the property.
 - (2) The full name, street address and telephone number of the customer making the pledge, trade or sale.
 - (3) The pawnshop shall require all persons pledging, trading, pawning, exchanging, or selling property to show accepted identification prior to conducting a pawnshop transaction.
 - (4) A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other identification card which contains a photograph of the customer.
 - (5) A description of the pledged or purchased property by serial, model or other number, if available, and by any identifying marks (e.g., brand name, color, style, etc.).
 - (6) The number of the receipt or pawn transaction issued for the property pawned or bought.
 - (7) The price paid or the amount loaned.
 - (8) The maturity date of the transaction, if a pawn.
 - (9) A photograph of the customer and the item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction.
 - (10) The pawnshop shall obtain from each person pledging, trading, pawning, exchanging, or selling any property, the fingerprint of the right-hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact finger printed. An electronic digital fingerprint scanner will be the primary method of entry required. The fingerprint shall be imprinted onto the pawn transaction form in the designated area along with the signature of the person pawning, trading, pledging, exchanging, or selling the property. The fingerprint must be clear and legible. In the event that more than one pawn transaction form is required, a fingerprint and signature should be obtained for each form. Fingerprints and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any property.
 - (11) The signature of the customer.
 - (12) The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means. This paragraph does not apply to the purchase of property from licensed wholesale or distributor businesses for the purpose of retail sales; however, the pawnshop shall be required to maintain all purchasing records for property exempted from this paragraph.
- (b) Every pawnbroker shall enter each transaction as it occurs into the electronic automated reporting system or may elect to upload electronically via the internet a batch file of all transactions for each business day to the administrator of the electronic automated reporting system immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the police department.

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- (c) The pawnshop shall store the above records, digital images, and fingerprints for a period as designated by state statute and make them available to law enforcement personnel upon request.
 - (d) In the event that the electronic automated reporting system becomes temporarily or permanently disabled, or the system is terminated pawnbrokers will be notified as soon as possible, by the administrator of the system. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting, should immediately notify the police department of the failure. In these events, the pawnbrokers will be required to make records of transactions in paper form. Such paper forms must include all information as enumerated in paragraph (a) of this section. Pawnbrokers shall maintain a three-day supply of these paper forms. On a daily basis, all transactions not reported in the electronic automated reporting system will be delivered to the police department by the pawnshop within 24 hours of the end of the business day for every day until the event has been corrected.
 - (e) Any duly authorized law enforcement officer authorized by the chief of police, may, during the ordinary hours of business or any other reasonable time, inspect any pawnbroker's electronic or paper records or any goods in his possession at the pawnbroker's place of business to ensure compliance not only with this section, but this chapter and state law.
 - (f) The chief of police or his designee shall select and designate the required automated reporting system and required equipment needed.
 - (g) Property not to be disposed of for 30 days after acquisition; location of property; police holds.
 - (h) All property pledged, traded, pawned, exchanged, or purchased shall be held and maintained by the pawnbroker on the premises of the pawnshop or, if impracticable, at such other location as may have been previously approved in writing by the chief of police or his designee. The chief of police shall not approve of any off-premises storage facilities located outside the county.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-29. Reports to police.

Every pawnbroker shall make a monthly report in writing or digitally to the police department, in such form as may be prescribed by the chief of police. The report shall contain all property pledged, traded, pawned, exchanged, or sold to the pawnbroker during the month as dated on the report. Such report shall be typewritten.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-30. Lost or stolen items.

- (a) It shall be the duty of every person operating or employed by a pawnbroker to report to the police department any article or goods sold or pawned to the pawnbroker if that person shall have a reason to believe that the article or goods was stolen or lost when presented by the seller or customer.
- (b) With respect to any item(s) which would normally have a serial number or other means of identification, any pawnbroker or employee of a pawnbroker who becomes aware that such items have had the identification removed, defaced or destroyed, such fact shall be immediately reported to the police department.
- (c) If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the police department shall be done upon demand. The police officer receiving the item shall give the pawnbroker a receipt for the item.

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- (d) The police department has the authority to place property that is the subject of police investigation on "police hold". In that event, the police department shall notify the pawnshop of the need for a police hold and identify all property subject to the police hold. Upon notification, it shall be the responsibility of the pawnshop to maintain the subject property until such time as the property is released from the police hold status or the property is confiscated as evidence.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-31. Dealing with minors prohibited.

It shall be unlawful for any pawnbroker, his agents or employees to receive through any pawnshop transaction any property from minors. A minor, for the purpose of this section, is an individual 17 years of age or under.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-32. Responsibility for enforcement.

The city police department shall have responsibility for the enforcement of this article. Sworn officers of the police department shall have the authority to inspect establishments licensed under this article during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this article and state law. This section is not intended to limit the authority of any other officer to conduct inspections authorized by other provisions of the city, county, state, or federal statute.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-33. Violations.

- (a) It shall be unlawful for any pawnbroker or employee of a pawnbroker to violate any of the provisions of this chapter, whether or not such person or employee is the holder of a current valid license or permit issued according to the terms of this chapter. Further, any person failing to comply with any provision of this chapter or other rules, ordinances and regulations as may be passed by the city council for conduct of the business of a pawnbroker, shall upon conviction, have the license or permit to conduct business revoked.
- (b) It shall be unlawful for any pawnbroker or employee of a pawnbroker to:
- (1) Make any false statement in an application for any license or permit provided for in this chapter.
 - (2) Make any false entry in any record book, ledger or form required by the terms of this chapter.
 - (3) Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.
- (c) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person, and shall be punished accordingly.

(Ord. No. 2022-06, 3-21-2022)

CHAPTER 43 - DEALERS IN PRECIOUS METALS OR GEMS

State Law reference- O.C.G.A. 43-37-1; Dealers in Precious Metals or Gems

ARTICLE I. – IN GENERAL

Secs. 43-1---43-16. Reserved

ARTICLE II. DEALERS IN PRECIOUS METALS OR GEMS

"Dealers in Precious Metals or Gems Ordinance."

Sec. 43-17 - Purpose and intent.

It is the purpose and intent of this article to regulate dealers in precious metals or gems in accordance with O.C.G.A. § 43-37-1, as amended, and to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations of dealers of precious metals or gems within the city. It is neither the intent nor the effect of this article to restrict or deny access by adults to materials pledged, consigned, or exchanged.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-18. -Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section or shall have the same meaning as set forth in the Official Code of Georgia Annotated, section 43-37-1, should those definitions differ.

1. Dealer in precious metals or gems means:

A. Any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals and gems; or

B. Person engaged in any other business if, in conjunction with such business, precious metals or gems or goods made from precious metals or gems are purchased from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems where such purchase is for resale in its original form or as changed by remounting, melting, reforming, remolding, or recasting or for resale as scrap or in bulk.

Gems means any precious or semi-precious stone which is cut and polished.

Numismatic coins means coins whose value as collectors' items exceeds the value of the content of the precious metals in the coins.

Person means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity, however organized.

Precious metals means gold, silver, or platinum or any alloy containing gold, silver or platinum.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-19. - Registration as a dealer in precious metals or gems.

A. The law enforcement officer designated to administer the provisions of this chapter and register dealers in precious metals or gems in the city shall be the chief of the city police department.

B. No person shall engage in business as a dealer in precious metals or gems until he has registered as a dealer in precious metals or gems for each separate place of business. The registration shall be in writing and shall be sworn to or affirmed by the dealer in precious metals or gems. The dealer shall register with the chief of police of the city. As to any registration with the chief of police of the city, a copy of each registration shall be transmitted by such chief of police to the sheriff of the county within seven days of the registration. The sheriff of the county shall maintain a record of all registrations, which record shall be available for public inspection.

C. The registration shall contain the name, address, and age of the dealer together with the names, addresses and ages of all other persons having an ownership interest or actually employed in the business other than publicly held corporations.

D. No person shall be eligible to register as a dealer in precious metals or gems if any employee or stockholder, other than stockholders owning less than 10 percent of the outstanding shares of a publicly held corporation, has been convicted of a felony under the laws of this state or any other state or the United States. This subsection shall not apply to any person who has been convicted of a felony after ten years have expired from the date of completion of the felony sentence.

E. All registrations shall contain the address of the premises upon which the business is conducted and the zoning classification of the premises.

F. Each dealer shall be required to notify the appropriate law enforcement officer of the city in which the dealer is registered within seven calendar days of any change of address of the dealer or business or any change of ownership in the business. As to any notification of the chief of police of the city, a copy of the change of address or ownership in the business shall be transmitted to the sheriff of the county within seven days of notification.

G. Every person establishing a business in the city as a dealer in precious metals or gems after the effective date of this chapter, or who purchases, acquires or in any manner assumes control of a business engaged in the business of dealing precious metals or gems after the effective date of this chapter, prior to commencing business, shall make proper application for and receive the appropriate business license as set forth in this Chapter.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-20. - Permanent records required; content.

A. Every dealer in precious metals or gems shall maintain a book, in permanent form, in which shall be entered at the time of each purchase of precious metals or gems or goods made from precious metals or gems the following:

1. The date and time of the purchase;
2. The name of the person making the purchase from the seller;
3. The name, age, and address of the seller of the items purchased and the distinctive number from each seller's driver's license or other similar identification card containing a photo of the seller;
4. A clear and accurate identification and description of the purchased goods, including the serial, model, or other number, and all identifying marks inscribed thereon;
5. The price paid for the goods purchased;
6. The number of the check issued for the purchase price, if payment is made by check; and
7. The signature of the seller.

B. The permanent record book required by this section shall be in legible English. Entries shall appear in chronological order. No blank lines may be left between entries. No obliterations, alterations, or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The book shall be maintained for each purchase of precious metals or gems or goods made from precious metals or gems for at least two years. The book shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.

C. Dealers exclusively engaged in buying or exchanging for merchandise scrap dental gold and silver from licensed dentists by registered or certified mail or statutory overnight delivery may record the post office record of the mailed parcel in lieu of the seller's age and driver's license number as required in paragraph 3 of subsection A of this section and in lieu of the seller's signature as required in paragraph 7 of subsection A of this section.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-21. - Written reports required.

A. Every dealer in precious metals or gems shall make a report in writing to the appropriate law enforcement officer of the city, on forms approved or prescribed by the appropriate law enforcement officer of the city, of all precious metals or gems or goods made from precious metals or gems purchased on the day previous to the date of the report. The report shall contain the information specified in this Chapter and shall be typewritten or handwritten in legible English and mailed or delivered to the appropriate law enforcement officer of the city within 24 hours after the day on which the transactions occurred.

B. All reports shall be maintained in a locked container under the direct supervision of the appropriate law enforcement official of the city and shall be available for inspection only for law enforcement purposes.

C. The appropriate law enforcement officer of the city may, in his discretion, authorize any person who demonstrates theft of precious metals or gems by the presenting of an incident report or other similar document to inspect the reports in an effort to locate stolen property.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-22.- Requirements; unlawful activities; penalties.

A. It shall be unlawful for any dealer in precious metals or gems or any agent or employee of a dealer in precious metals or gems who makes purchases of precious metals or gems or of goods made from precious metals or gems to:

1. Make any false entries in the permanent record book.
2. Fail to maintain and make entries in the permanent record book.
3. Make any false entry in such permanent record book.
4. Falsify, obliterate, destroy, or remove from the place of business such permanent record book.
5. Refuse to allow any duly authorized law enforcement officer to inspect such permanent record book, or any precious metals or gems or goods made from precious metals or gems in his possession, during the ordinary hours of business or at any reasonable time;
6. Sell, exchange, or remove from the legal possession of the buyer, or to alter the form of, any precious metals or gems or goods made from precious metals or gems purchased by remounting, melting, cutting up, or otherwise altering the original form until at least seven calendar days have elapsed from the time of purchase or acquisition;
7. Fail to make the written report as required by Section 43-21; or
8. Purchase any precious metal or gems from any person under 17 years of age.

B. It shall be unlawful for any person to advertise or transact business as a dealer in precious metals or gems without first registering pursuant to Section 43-19.

C. It shall be unlawful for any dealer in precious metals or gems to purchase precious metals in a melted or smelted state unless the purchase is from a registered dealer in precious metals or gems.

D. If the appropriate law enforcement officer of the city has probable cause to believe that precious metals or gems have been stolen, he may give notice in writing to the dealer to retain

the precious metals or gems for an additional 15 days; and it shall be unlawful for the dealer to dispose of the property unless the notice is revoked in writing within the 15 day period.

E. Any person who violates this Section shall be guilty of a misdemeanor.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-23- Exemptions.

This chapter shall not apply to dealers exclusively engaged in the sale or exchange of numismatic coins or to transactions exclusively involving numismatic coins or other coinage.

(Ord. No. 2026-01, 6-15-2026)

Chapter 44 SIGNS⁴

Sec. 44-1. Short title.

This chapter shall be known and may be cited as the Sign Ordinance of the City of Cleveland, Georgia.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-2. Purpose and findings.

The mayor and city council of Cleveland, Georgia find that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and to Cleveland's overall public welfare as an aesthetic nuisance. By enacting this chapter, the mayor and city council intend to:

- (1) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Further the objectives of the Cleveland Comprehensive Plan;
- (3) Protect the public health, safety, and welfare;
- (4) Reduce traffic and pedestrian hazards;

⁴Editor's note(s)—Ord. No. 2016-01, adopted Feb. 22, 2016, amended Ch. 44 in its entirety to read as herein set out. Former Ch. 44, §§ 44-1—44-35, pertained to similar subject matter. For prior history, see Code Comparative Table.

State law reference(s)—Control of signs and signals, O.C.G.A. § 32-6-50 et seq.; placement of posters, signs and advertisements on public or private property; permission and limitations, O.C.G.A. § 16-7-58; limitations on signs identifying or advertising sale of distilled spirits, O.C.G.A. § 3-4-3; restrictions on certain signs providing information in the interest of the traveling public and multiple message signs, O.C.G.A. § 32-6-75.

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- (5) Maintain and enhance the visual environment, and preserve the right of citizens to enjoy Cleveland's scenic beauty;
 - (6) Protect property values by minimizing possible adverse effects and visual blight caused by signs;
 - (7) Avoid harmful aspects of the unrestricted proliferation of signs;
 - (8) Promote economic development; and
 - (9) Ensure the fair and consistent enforcement of sign regulations.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-3. Applicability and severance.

The regulations set forth in this chapter shall apply and govern in all zoning districts. Within the City of Cleveland, no sign shall be erected or maintained unless it is in compliance with this chapter. In the event that a court should adjudge any part of this chapter a violation of the Georgia or United States Constitution or any other provision of law, it is the specific intent of the mayor and city council that the offending provision or provisions be stricken from this chapter and the remainder of the chapter stay in effect to regulate signs on property within the City of Cleveland. This severance section is in addition to the legislative intent expressed elsewhere in this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-4. Definitions.

- (a) For the purposes of this chapter, certain terms and words are hereby defined. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them in this section:

A-frame sign means any portable sign or structure no greater in size than two feet wide by three feet high and composed of up to two sign faces mounted or attached back-to-back in such a manner as to form a triangular vertical cross section through the faces.

Abandoned sign means a permanent sign on property containing a building or activity that has ceased operations. Permanent signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided however, that this definition shall not apply in any case where a business or activity is temporarily suspended and there is substantial evidence that the business or activity will resume within a six-month period. An abandoned sign may also be any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and may or may not have a person, who accepts maintenance responsibility.

Alterations mean change or rearrangement in the structural parts or its size, whether by extending on one side, by increasing the area or height, or in moving from one location or position to another.

Animated sign means a sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. Including, but not limited to, signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light density, brightness, or contrast. This definition does not include a "swinging sign" or "multiple message sign" as defined by this chapter. For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size. The display of street address on a ground sign, wall sign, or window sign, shall not be included in the computation determining the maximum allowable area of a ground, wall, or window sign.

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Awning means an architectural projection or shelter projecting from, supported by the exterior wall of a building, and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be permanent or retractable.

Awning sign shall be considered a "wall" sign.

Banner means a sign made of cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For the purposes of this chapter, a "banner" is considered a "sign." Neither flags nor canopy signs are considered banners.

Billboard means a freestanding sign larger than 200 square feet in area.

Billboard digital or *digital billboard* means a freestanding sign larger than 200 square feet in area and programmable by a computer capable of displaying words, symbols, figures or picture images that can be altered or rearranged on site or by remote means without altering the face or surface of the sign.

Building means any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including, but not limited to, manufactured homes.

Building face or *wall* means all window and wall area of building in one plane or elevation.

Building marker means any sign cut into a masonry surface or made of bronze or other permanent material and which relates to its construction and/or dedication.

Building official means the person or persons designated by the mayor and city council to administer this chapter, or to act on behalf of the city in said administration.

Canopy means a structure constructed of fabric or other material other than an awning placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building or supports extended to the ground directly under the canopy or cantilevered from the building. Signs placed on canopies are considered "wall signs."

Changeable copy sign means a sign or portion thereof with letters, numerals, or graphics that can be changed either manually or electronically. The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, travel, or scroll and must not change more than once every 30 seconds. A sign on which the letters, numerals, or graphics change more often than once every 30 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this chapter.

City means the City of Cleveland.

Cleveland Code of Ordinances means those ordinances codified in the Code of Ordinances of the City of Cleveland, together with those ordinances duly ordained and adopted by the mayor and council, but not yet codified.

Directory sign means a sign, which is situated on a premise with more than one tenant or occupant of a building. It may be freestanding or attached.

Sign districts, as referenced in this chapter, are defined as follows:

- (1) Sign District 1—Historic Downtown District is coterminous with the B-1—Central Business District as established in the Zoning Ordinance of the City of Cleveland, as amended, and the boundaries of which are established on the Official Zoning Map of the City of Cleveland, as may be amended from time to time.
- (2) Sign District 2—Commercial and Residential District is bounded by the following street segments and landmarks: (i) Henderson Street to Quillian Street; (ii) Cemetery Street to Dixon Street; (iii) Bell Street to Wilford Ash Parkway; and (iv) Jackson Street to Old Nacoochee Road.

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- (3) Sign District 3—High Density Commercial District is bounded by the following street segments and landmarks: (i) Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; (ii) Quillian Street to City limits—South; Dixon Street to City limits—East; (iii) Wilford Ash Parkway to City limits—West; and (iv) Old Nacoochee Road to City limits—North.

Double-faced sign means a sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

Erect means to construct, build, raise, assemble, place, affix, attach, create, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to message change, maintenance or repair of a sign structure.

Flag means any unframed fabric or bunting.

Frontage of a building means the width in linear feet of the front exterior wall of a particular building in which an establishment is located.

Frontage along a right-of-way or road or street means the distance in linear feet of each lot where it abuts the right-of-way of any public or private street.

Grandfathered sign has the same meaning as "nonconforming sign" as hereinafter defined.

Ground sign means a permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

Hanging sign means a sign that is suspended parallel, or perpendicular from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

Height of sign means the vertical distance measured from the normal grade of the ground at the base of the sign and shall include the air space between the ground and the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.

Historic district means the city's B-I—Central Business District as established in the Zoning Ordinance of the City of Cleveland, as amended, and the boundaries of which are established on the Official Zoning Map of the City of Cleveland, as may be amended from time to time.

Internally illuminated sign means a sign illuminated by an internal light source which is viewed through a translucent panel.

Indoor sign means a sign only visible from inside business or other establishment. All indoor signs must be located three feet or further within the interior of such establishment.

Inflatable sign means any sign, symbol, figure, or character that is or can be filled with three cubic feet or more of air or gas. Inflatable signs include, but are not limited to, balloons of such size.

Informational sign means a sign with an area not greater than six square feet for residential zoning districts and 16 square feet for nonresidential zoning districts with a sign face made for short term use, containing no reflecting elements, flags, or projections which, when erect, stands at a height no greater than three feet from the normal grade in residential zoning districts and five feet from the normal grade in nonresidential zoning districts at the base of the sign to the highest point on the sign.

Mansard sign means a sign attached to a sloped roof or roof-like facade architecturally comparable to, or functioning as, a building wall.

Marquee means a roof-like structure attached to and supported by a building wall (with no vertical supports) and that projects in a cantilever fashion from the wall of the building. Such signs are similar to a movie theater sign.

Marquee sign means a sign painted on, attached to, or hung from a marquee. For purposes of this chapter, marquee signs shall be considered "wall signs."

Master sign plan means a plan establishing parameters for the size, location, and structure of signs located on, or to be located on, a property which contains multiple uses, buildings, or tenants but which is constructed or managed as a single development.

Mayor and council means the mayor and city council of the City of Cleveland.

Monument sign means a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size and permanently affixed to the ground and which is composed of brick, stone, rock, or stucco. A monument sign shall not be mounted on a pole or poles. Changeable copy on such a sign shall not exceed 30 percent of the area of the sign face.

Multiple message sign means a sign, display, or device which changes the message or copy on the sign electronically or by movement or rotation of panels or slats.

Neon sign means a luminous-tube sign that contains neon or other inert gases at a low pressure.

Nonconforming sign means any sign which lawfully existed on the effective date of this chapter, but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments since the date of erection of the sign.

Off-premises sign means a permanent sign not related to the site on which it is located or that directs persons to a different location than where the sign is located.

Out-of-store marketing device means any facility or equipment which is located outside a primary building on a site zoned for noncommercial or commercial uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which device is manufactured to include color, form, graphic, illumination, symbol, and/or writing thereon designed to communicate information regarding the product or service provided by such device to the public. Examples of out-of-store marketing devices include, but are not limited to, the following; fuel pumps, ATM units, vending machines, newspaper racks, drink machines, iceboxes, and phone booths. An out-of-store marketing device shall be deemed to be a sign for the purposes of this chapter, but shall not be included in the calculation of the area of allowed signs.

Pennant means a small, triangular, or rectangular flag or multiples thereof made of lightweight plastic, fabric or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter a pennant is a "sign."

Person means any person, legal or natural, including, but not limited to, any business entity, firm, institution, or other entity.

Portable sign means any sign whether on its own trailer, wheels or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising or other messages may be changed at will by the replacement of lettering or symbols (i.e., changeable copy sign). Even if the wheels or supports of such signs are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, such sign shall remain a portable sign.

Portico means a porch or walkway, open to the outside air that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered "wall signs" for purposes of this chapter.

Principal use sign means any sign which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which message is not regulated by this chapter.

Projecting sign means a sign projecting more than 14 inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located or attached.

Public property means property owned by a government entity.

Right-of-way means the right-of-way of any public road or street, as well as the Cleveland public square, and the right-of-way of any private subdivision road or street.

Roof sign means a sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Rope lighting means lighting made up of tiny lights, usually incandescent bulbs or light emitting diodes (LEDs), which are spaced along a wire or other medium for power.

Sidewalk sign means a movable sign not secured or attached to the ground or surface upon which it is located.

Sign means a lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public or private right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. For purposes of this chapter, the term "sign" includes, but is not limited to, "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" also includes, but is not limited to, all structural components, supports, lighting systems, attachments, ornaments, and other features used to support the sign or draw the attention of the observers to the sign.

Sign area means the area of the smallest rectangle within which all elements of a flat sign are contained (a flat sign being a sign with either two display surfaces facing exactly opposite directions or one display surface facing in one direction if against the wall of a building), or the maximum projected surface area (projected in one direction) of any other sign. Provided however:

- (1) Supporting structures for signs shall not be counted in the sign area, provided such supporting structures consist of posts, hangers, or brackets of the minimum number and size necessary to support the sign. A wall or fence on which a sign is mounted shall not be counted in the sign area, provided such wall or fence serves primarily to enclose, divide, or protect an area; and
- (2) Supporting structures of natural finish masonry, rock, stone, stucco, or wood, or any combination thereof, shall not be counted in the sign area, provided that:
 - a. Such structures do not extend more than one foot above the sign or two feet beyond the ends of the sign;
 - b. The height of the combined sign and supporting structure does not exceed the maximum height allowed in this chapter; and
 - c. The area of the combined sign and supporting structure does not exceed twice the area of the sign itself.

Streamer shall have the same definition as "pennant," as defined in this chapter.

Structure means the supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

Subdivision or multiuse sign means a freestanding monument sign pertaining to a subdivision designed for residences, offices, businesses, institutions, or industries, or any combination thereof.

Swinging sign means a sign, other than an animated sign as defined by this chapter, where the sign copy area or sign area is attached to a sign structure in a way that can be set in motion with pressure, and the sign structure

is attached to a building at a height above normal eye level. This term does not include freestanding signs. A swinging sign may be considered in lieu of a permitted wall sign.

Temporary sign means a display, sign, or banner with or without a structural frame, not permanently mounted, and intended to be displayed for only a limited time.

Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign means a single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which, if attached to a wall or portico, and does not project more than 14 inches from the outside wall of such building or structure, or is on an awning or canopy.

Windblown device means any device not otherwise specifically defined in this chapter, which is designed to inform or attract whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this chapter, windblown devices are signs.

Window sign means any sign which is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including, but not limited to, doors, or located within three feet of the interior of a building glass area, including, but not limited to, doors.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-5. Exemptions.

- (a) Any sign which is specifically exempted from the permitting requirements of this chapter shall be exempt from the requirement to obtain a sign permit. Exemption from the requirement of a sign permit shall not be construed to exempt such sign from compliance with other applicable provisions of this chapter nor from the applicable provisions of the Code of Ordinances of the City of Cleveland. The following types of signs are specifically exempted from compliance with the requirement to obtain a sign permit under this chapter:
- (1) Flags, as many as three per lot, when displayed in a way that allows for routine, daily raising and lowering of the flags, each of which shall not exceed 40 square feet in area. Poles for such flags shall not exceed 25 feet in height and shall not be more than 25 feet from the main building entrance.
 - (2) Street address identifiers and building identification numbers on multi-tenant buildings which are essential to identifying the location of such buildings.
 - (3) Signs not oriented or intended to be legible from a public right-of-way, private road or driveway, or other private property. Signs or stickers which are designed to be read only from close range (i.e., five feet or less) attached to a device or structure more than 25 feet from the right-of-way, not to exceed one square foot for each sign or sticker.
 - (4) Signs erected more than three feet inside a building.
 - (5) Building markers and integral decorative or architectural features, so long as such features do not contain moving parts or lights.
 - (6) Traffic safety and traffic directional signs installed within the right-of-way of a public street under the authority of the government with jurisdiction over such right-of-way.
 - (7) Traffic safety and traffic directional signs along private streets and driveways, and in off-street parking areas that are installed in accordance with the requirements of the City of Cleveland and each of which do not exceed four square feet area.
 - (8) Signs posted by authorized government officials in the performance of an official duty on public land or on public right-of-way.

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- (9) Holiday lights and decorations, provided that they are removed within 45 days following the holiday season to which they pertain. Businesses whose primary business is holiday sales, are exempt from removing holiday lights and decorations.
 - (10) Handicapped parking signs, when required per local, state, or federal law.
 - (11) Any sign no larger than four square feet in area that is posted by a city resident at the location of their residence.
- (b) Provided however, in each and every case, where a sign of a certain size is exempted from the permitting requirements of this section and an applicant desires to erect a larger size sign than the area of the sign exempted, but said sign is not allowed, said sign shall only be permitted upon the approval of a variance in accordance with the provisions of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-6. Interpretation and enforcement and construction standards.

- (a) *Interpretation and enforcement.* The Cleveland Building Official, designated by the mayor and council, shall be responsible for the administration of this chapter. A violation of this chapter is a misdemeanor.
- (b) *Construction standards.* All signs permitted under this chapter shall be constructed and maintained in accordance with the applicable city building codes and the provisions of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-7. Sign permit required—Sign application—Sign permit fees.

- (a) Except where specifically excluded by other provisions of this chapter, it shall be unlawful for any person, firm, or corporation, or other entity, to post, display, substantially change, alter, or erect, reconstruct, replace, or reset a sign or out-of-store marketing device in the City of Cleveland without first having obtained an authorization for such sign and thereafter a permit in the manner prescribed herein.
- (b) Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Cleveland Building Official upon forms furnished by said office. The application shall describe and set forth the following:
 - (1) Reference master sign plan;
 - (2) The type of sign as defined in this chapter;
 - (3) A drawing of the sign structure or other information which shows the height of the sign, the area of the face of the sign, and the structural supports of the sign, all drawn to engineering or architectural scale;
 - (4) The street address of the property upon which the subject sign is to be located and the proposed location of the sign on the subject property, and the suite number, where applicable;
 - (5) A boundary survey or tax plat of the property on which the sign will be located, and, in the case of ground signs, the distance from the property lines and the street right-of-way and street pavement;
 - (6) The square foot area of each sign and the aggregate square foot area if there is more than one sign face. The application must also show the location and number of existing signs and their locations on the subject property;
 - (7) Written description of all other signs on lot indicating sign type and placement;

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- (8) The name(s) and address(s) of the owner(s) of the real property upon which the subject sign is to be located, and signed consent of the owner, or his agent, granting permission for the placement or maintenance of the subject sign, which may include, but is not limited to, a copy of the lease or other document from the owner of the sign which authorized the erection thereof;
 - (9) Name, address, phone number, and business license number of the sign contractor; and
 - (10) In addition to the foregoing, the Cleveland Building Official may require additional information as a part of any application in order to ensure compliance with this chapter.
- (c) No sign permit shall be issued until a sign permit fee, if required, has been paid to the city, the fee for which shall be fixed, from time to time, by the mayor and council.
- (Ord. No. 2016-01, 2-22-2016)

Sec. 44-8. Sign types requiring a permit.

- (a) The following signs require a permit:
 - (1) *Freestanding signs.*
 - a. Height limit:
 - 1. Sign District 1—Historic Downtown District—B-I—Central Business District: Signs shall not exceed a height of six feet at the highest anywhere on the sign.
 - 2. Sign District 2—Commercial and Residential District: Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Signs shall not exceed a height of ten feet at the highest point anywhere on the sign.
 - 3. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limit—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: Signs shall not exceed a height of 16 feet at the highest point anywhere on the sign.
 - 4. Residential subdivision entrances—All residential subdivisions and apartment complex: Signs shall not exceed a height of ten feet at the highest point of the sign.
 - b. Structure (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):
 - 1. Freestanding signs are required to be monument signs in all zoning districts. A monument sign is a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size, entirely enclosed or solid with no visible open space and permanently affixed to the ground. A monument shall not be mounted on an exposed pole or exposed poles;
 - 2. There shall be no graphics located on the vertical support structures of a freestanding sign;
 - 3. Materials for support structure shall be natural finish masonry, stone, rock, stucco, or wood, or any combination thereof;
 - 4. Changeable copy, if used, shall not exceed 30 percent of the area of the sign face; and
 - 5. Where two sign faces are located in a "V" formation, the angle between the two signs shall be no greater than 60 degrees.
 - c. Size (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):

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1. Sign District 1—Historic Downtown District—B-I—Central Business District: Sign size shall be limited to a maximum of 36 square feet.
 2. Sign District 2—Commercial and Residential District: Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Sign size shall be limited to a maximum of 100 square feet.
 3. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; Old Nacoochee Road to City limits—North: Sign size shall be limited to a maximum of 480 square feet. This size is limited to plaza signs and entrances to commercial developments only.
 4. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: Sign size (except the aforesaid plaza and entrance signs in said district), shall be limited to a maximum of 160 square feet. Property for the use of this sign must be recorded as its own lot of record.
 5. Residential subdivision entrances—All residential subdivisions and apartment complexes: Signs shall be limited to a maximum of 70 square feet.
- d. Number of signs (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):
1. Sign District 1—Historic Downtown District—B-I—Central Business District:
 - i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 36 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. Signage may not be transferred from one frontage to another. Signs must be located outside the right-of-way.
 2. Sign District 2—Commercial and Residential District:
 - i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 100 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. This includes properties in the City that abut properties in the county. Signage may not be transferred from one frontage to another. Signs must be located outside the right-of-way.
 3. Sign District 3—High Density Commercial District:
 - i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 480 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. Signage may not

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- h. Wall or mansard signs shall not extend more than three feet above the bottom edge of the eave line of the mansard to which said sign is attached, or more than three feet above the top of the parapet of the wall to which such sign is attached;
 - i. Changeable copy shall not exceed 30 percent of the area of the sign face;
 - j. When a wall or mansard sign is formed by placing individual letters, numbers, figures, symbols, trademarks, or other graphics, or any combination thereof, without a distinguishing discrete or framed background, the area of the sign shall be the area enclosed by a contiguous perimeter line drawn around all the letters, numbers, figures, symbols, trademarks, or other graphics, in any combination, which make up the sign. Any letter, number, figure, symbol, trademark, or other graphic in such a sign which is separated by more than 36 inches from any other letter, number, figure, symbol, trademark, or other graphic in such a sign, shall be considered a separate sign;
 - k. No tenant wall signs are allowed above the second floor of a multi-tenant building. Second floor tenants must have primary direct access from their space to the outside from the second floor area. The access must include outside walkways and stairways properly designated for public use; and
 - l. A master sign plan is required.
- (3) *Projecting and hanging signs.* One projecting or hanging non-illuminated sign for each business or tenant shall be allowed subject to the following:
- a. The sign is located in a non-residential zoning district;
 - b. The sign is located over a public entrance door to an occupied building;
 - c. The sign is no more than nine square feet in area;
 - d. The sign may not project more than 36 inches from the wall;
 - e. The sign is suspended from the eave or soffit of the building or extends from the wall;
 - f. The sign maintains a minimum of eight feet clearance between the bottom of the sign and the walkway below; and
 - g. The sign shall not extend vertically beyond the windowsill of the second story.
- (4) *Banners.* One banner is allowed on each developed lot in nonresidential zoning districts subject to the following conditions:
- a. One banner for each business or organization may be erected for no more than 120 days during a calendar year for the same business or organization. The duration of a temporary event for such banner shall not last longer than 15 consecutive days and shall not take place more frequently than four times in any calendar year for the same business or organization. The 15 days do not have to be consecutive;
 - b. The maximum size of the banner shall not exceed 35 square feet, and the height shall not exceed five feet;
 - c. All banners shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the banner must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a banner be allowed to obscure vision at a street or driveway intersection. For traffic safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection;
 - d. Hanging banners must maintain a minimum eight-foot clearance between the bottom of the banner and the walkway below; and

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- e. Banners shall not be placed above the second floor or higher than 25 feet above ground level beneath it, whichever is less.
- (5) A-frame signs are allowed in all nonresidential zoning districts subject to the following conditions:
- a. Any portable sign or structure composed of two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces, provided that the A-frame sign is no greater than two feet wide and three feet high and that the location of the A-frame sign is located on a public or private sidewalk and shall be located so as to leave an unobstructed width of 60 inches for passage along the sidewalk. Said sign must be located in front of the business served and no greater than 12 feet from the main entrance to the business served. Should a permit for an A-frame sign be denied by the because of lack of sufficient unobstructed pedestrian access, then the denied business may add a wall or window sign not to exceed a size limit of two feet wide by three feet high or a window sign, which window sign may not exceed two feet by three feet. Neither such wall nor the window sign, however, shall exceed other applicable signage restrictions in this chapter.
- (6) Window signs are permitted in all nonresidential zoning districts subject to the following conditions:
- a. The maximum area of the window sign shall be 30 percent of the available glass area based on the definition of window sign set forth in this chapter. Signage that is located inside the building within three feet of the window that is intended to be viewed from the outside, is considered included in the window area limitation. Available glass shall be measured by considering an entire window unit exclusive of any mullions. In commercial zoning districts, other than the B-I Central Business District (Sign District 1), one lighted window sign shall be allowed and may include neon or similar type signage. Said lighted window sign cannot be a sign which changes copy electronically using switches and electric lamps, or any other electric means, or which flashes, blinks, or scrolls. However, the sign may be a fiber optic, neon, or light-emitting diodes (LED) sign, which shall not be greater than 324 square inches in area.
 - b. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein second floor tenants have primary direct access from their space to the outside from the second floor level. The access must include outside walkways and stairways properly designated for public use.
 - c. In no case shall any window sign be installed, applied, affixed, hung, or painted above the level of the second floor windows.
- (7) *Signage during construction.* Two additional signs shall be allowed during construction of a residential or non-residential subdivision subject to the following conditions:
- a. *Illumination.* Such signs shall not be internally illuminated.
 - b. *Duration.* Such signs shall be allowed during the period beginning with the issuance of a land disturbance permit and ending with the earlier of the issuance of a certificate of occupancy or the installation of a permanent sign at the residential or nonresidential subdivision entrance.
 - c. *Size.* The sign shall not exceed 16 square feet in area and five feet in height in the B-I Central Business District and shall not exceed 16 square feet in area and seven feet in height in all other areas in the city.
 - d. *Location.* All signs shall have a minimum setback of 15 feet from the rear and side from side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will such a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, sign shall not be located within the triangular

area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

- (8) *Residential subdivision entrance.* No more than two freestanding monument signs shall be allowed to be placed at each entrance of a residential subdivision, including but not limited to, multi-family complexes, subject to the following conditions:
- a. Such signs must be placed on common property under the ownership of the developer, Home Owners Association (HOA), or apartment complex owner;
 - b. The sign face shall not exceed 70 square feet in area and six feet in height;
 - c. If the sign or sign structure is attached to a decorative wall or fence, the decorative wall or fence shall not exceed ten feet in height. The post and/or columns of the decorative wall or fence shall not exceed ten feet in height;
 - d. Such signs shall not be internally illuminated;
 - e. The permit for such sign shall not be issued until the final subdivision plat is approved by the city; and
 - f. All such signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection. For traffic safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- (9) *Standards for billboards.* Billboards are allowed in Sign District 3—High Density Commercial District subject to the standards and conditions hereafter set out and as may be stated elsewhere in this chapter. Due to the historic nature of Sign District 1—Historic Downtown District, and the high density of residential development common in Sign District 2—Commercial and Residential District, billboards are prohibited in Sign District 1—Historic Downtown District and in the Sign District 2—Commercial and Residential District. Billboards should not be used as the primary sign for a business.
- a. *General standards.* This section 44.8(a)(9)—Standards for Billboards, shall apply to prohibit the erection of new billboards in the City of Cleveland, or the reconstruction of existing billboards, to the fullest extent that is not inconsistent with state and federal law or with the provisions of this chapter allowing for the reduction of the overall number of billboards within city.
 1. *Permit required.* No billboard shall be permitted to be erected or reconstructed without a permit from the city building official.
 2. *No new billboards.* After the effective date of this chapter, the city building official shall not issue permits for new billboard structures except as required by Georgia or federal law and/or permitted by the provisions of this chapter.
 3. *Billboards are primary structures.* After the effective date of this chapter, all billboards shall be classified as primary structures, and a billboard which is in compliance with the applicable provisions of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, and applicable state and federal regulations, may be located on a lot or parcel that contains another primary structure, if such location on such lot or parcel is allowed by the applicable provisions of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, and applicable state and federal regulations.
 - b. *Location, area, and height.* All billboard structures required to be permitted under state or federal law, and erected so as to be visible from any public, state or federal road shall conform to the following standards:

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1. *General.* All billboard structures erected abutting or so as to be visible from the right-of-way of any state highway that is a limited or controlled access highway shall conform with O.C.G.A. § 32-6-75 et seq., as amended, and shall meet all federal and state requirements necessary to obtain a permit under said code and associated regulations. In instances where the sign controls of this chapter are stricter, this chapter shall apply. Billboards shall only be located on tracts or parcels located in Sign District 3—High Density Commercial District, which are also situated within the B-2—Highway Commercial zoning district of the city or within the I—Industrial zoning district of the city.
 2. *Structure type.* Only one billboard shall be allowed to face the same direction per each location. This allows back-to-back or V-formation signs, provided they are joined by a mutual or attached frame, but prohibits two signs stacked or side-by-side facing the same direction.
 3. *Setback.* All billboard signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, all such signs must be at least 15 feet from the pavement and no more than 65 feet outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, no such sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
 4. *Spacing.* On all roads, except divided lane four-lane highways and limited or controlled access highways, no billboard structure shall be permitted within 1,500 feet of another billboard along the same side of the road or within 1,000 feet of any residential or agricultural zoning district, public park, public building, public playground, public recreation area, public forest, scenic area, cemetery, or religious building, regardless of whether the measurements extend outside of city limits.
 5. *Spacing.* On divided four-lane highways and limited or controlled access highways no billboard structure shall be permitted within 1,500 feet of another billboard, measuring from the two closest points, regardless of whether the measurements extend outside of city limits.
 6. *Maximum sign area.* On all roads, except divided lane four-lane highways and limited or controlled access highways, the maximum sign area permitted for each face of the structure shall not exceed 378 square feet with or without trim.
 7. *Maximum sign area.* On divided four-lane highways and limited or controlled access highways the maximum sign area permitted for each face of the structure shall not exceed 378 square feet with or without trim.
 8. *Sign height.* All signs shall be a minimum of ten feet above the adjacent road crown measuring from the lower portion of the sign face. No sign shall exceed the height of 22.5 feet above the level either the road crown or the ground surface, whichever is higher. Two signs in the same location back-to-back or in a V-formation shall be the same height above the crown of the road pavement surface. Height includes the supporting structure and the sign.
 9. *Extrusions prohibited.* Extrusions or extensions beyond the face of the sign, excluding aprons, are prohibited.
 10. *Lighting.* No illumination of off-premises signs shall be permitted.
- c. *Digital billboard conversion and location.* Any legally erected billboard may be converted to a digital billboard so long as it meets the following standards and conditions:

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1. Replacement of a static billboard with a digital billboard shall be subject to the following:
 - i. Two square feet of existing static billboard display shall be removed within the city limits for each one square foot of digital billboard display area, either newly constructed or installed as a modification and/or conversion of an existing static billboard. The two square feet removed must be from physically completed static billboards with complete sign faces. No partially erected or partially completed signs may be used to qualify for the requirement.
 - ii. The applicant shall provide an inventory of their outdoor advertising sign locations within the city. A person or entity that converts an existing static billboard to a digital billboard must provide, with each permit application, a complete current inventory of its billboards located within the incorporated limits of the city. The inventory shall include for each structure the location (longitude and latitude), size, number of sign faces, and type of illumination.
 - iii. No person shall convert an existing static billboard structure to a digital billboard structure without first obtaining a sign permit as required by this chapter.
 - iv. Digital billboards shall be the same size or smaller than the static billboard being replaced.
 - v. A digital billboard replacing a nonconforming static billboard may be permitted if approved by the city building official.
 2. *Construction of digital billboards in new locations.*
 - i. After removing two square feet of existing static billboard display in accordance with this chapter, a new structure may be erected containing a digital billboard if the location is approved by the city building official.
 - ii. The city building official shall be authorized to permit the installation of any new digital billboard structure in any location within the city so long as the location complies with all applicable state and federal regulations pertaining to outdoor advertising, this chapter, and the applicable provisions of the Cleveland Code of Ordinances.
 3. *Digital billboard operational standards.*
 - i. Digital billboards shall display static images for a period of at least 20 seconds before instantaneously transitioning to another static image.
 - ii. Animation, frame effects, flashing, and the appearance of movement, by any method whatsoever, shall be explicitly prohibited.
 - iii. All digital billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - iv. No digital billboard shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle meter at a preset distance depending on sign area. Measuring distance shall be determined by the following equation: the square root of the product of the sign area and 100. For example, using a 200 square foot digital billboard: $(200 \times 100) = 141.4$ feet measuring distance.

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- v. The city will from time to time check the brightness of each digital billboard to verify the levels specified in this chapter are met. If the owner of a sign fails to control brightness within these limits, the sign permit will be revoked. Should a permit be revoked, the sign must be turned off immediately and remain off unless and until the sign is re-permitted. Re-permitting shall require the owner to reapply in accordance with the procedures in place at the time of the new permit application and shall require payment of the fees required for a new permit.
 - vi. All digital billboards shall have a switch or circuit breaker located on the property where they are located that allows electrical power to be turned off. The owner of each digital billboard shall provide the city contact information for a 24-hour, seven-day per week contact person who has authority and is able to turn off the sign promptly if a malfunction occurs. If at any time more than 30 percent of the digital display area malfunctions or are longer working property, the owner of the digital billboard shall turn off the electronic display until repairs are made.
4. *Emergency compliance.* The permit holder of a digital billboard shall coordinate with city and other governmental authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks, or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information, or protocols established by the Georgia Department of Transportation.
- d. *Nonconforming billboards.* Any legally erected sign that would become nonconforming as a result of this chapter will be allowed to remain in accordance with this chapter, or until purchased by the Georgia Department of Transportation or the city, provided that the sign owner meets the requirements of state laws, rules, and regulations governing such signs. No nonconforming billboard shall be allowed to be increased in size or height or relocated on the property but may be decreased in size or height and/or may be converted to a digital billboard subject to the requirements of this chapter.
- 1. Billboards may not be used as the primary sign for a business.
 - 2. Billboards will not be permitted on top of buildings or on top of roofs.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-9. Sign permits—Process.

- (a) *Purpose.* The purpose of this section is to provide a mechanism for reviewing the applications for sign permits to ensure signs within the city comply with the requirements of this chapter.
- (b) *Authority.* The city building official is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures and requirements of this chapter.
- (c) *Applicability.* No sign, except those specifically exempted in this chapter, shall be erected, placed, reconstructed, or structurally altered without the sign owner having obtained a sign permit from the city building official pursuant to the procedures and the requirements of this chapter.
- (d) *Signs for which a general permit has been granted.* Pursuant to section 44-10 of this chapter a general permit has been granted for those signs identified in said section 44-10, and no application for a sign permit is required for such signs so long as the requirements of this chapter are met.

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(Supp. No. 12)

(e) *Procedure.*

- (1) *Initial submission and review of application.* Application for a sign permit must be made on the form provided by the city building official and shall be accompanied by the information and documents listed on the form and the fee as required by the mayor and council. An application will only be deemed as sufficient when all required information and accompanying documents are received by the city building official.
 - (2) *Action by the city building official.* Within 15 working days after the application is determined sufficient, the city building official shall review the application in accordance with this section and determine whether the application complies with the standards in this chapter.
 - (3) *Approval.* If the city building official finds that the application complies with the requirements of this chapter, the city building official shall approve a sign permit. Any sufficient sign application for which no action has been taken after 60 working days shall be deemed approved, unless the applicant has consented to a longer period.
 - (4) *Fails to comply.* If the city building official determines the application fails to comply with the requirements of this chapter, the applicant shall be provided a notification with written comments, explaining why the application fails to comply with the standards. The applicant shall be provided an opportunity to submit a revised application. If a revised application is not resubmitted within 30 days of the date of notification, the application shall be considered withdrawn and subject to a new application and remittance of accompanying fees. The time for resubmitting may be extended an additional 30 days, if requested prior to the original deadline for submittal.
 - (5) *Re-submittal.* A revised application shall be re-submitted to the building official and reviewed by the city building official within five working days after its re-submittal. The city building official shall approve or disapprove the application, based upon the criteria of this chapter.
- (f) *Criteria.* A sign permit shall be approved upon a finding that the applicant has demonstrated the application complies with the requirements of this chapter.
- (g) *Expiration.* If the work described in any sign permit has not been completed within six months from the date of issuance, the sign permit shall expire and be void; however, one six month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration of the initial permit. The permit extension fee shall be the amount of the initial permit fee.
- (h) *Amendments.* A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.
- (i) *Appeals.* Any person aggrieved or affected or any officer department, board, or bureau of the city affected by the determination of the city building official on an application for approval of a sign permit may appeal the determination in accordance with the procedures set forth in section 44-28 of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-10. Signs subject to a general permit.

- (a) *Purpose of general permit.* A general permit is hereby granted for the following types of signs in any zoning district, other than on lots or tracts requiring a master sign plan, provided that such signs are erected and maintained in compliance with all applicable provisions of this chapter.
- (b) *Traffic control signs.*
 - (1) Issued by the city, county, state, or federal agency, department, or official as required by law.
- (c) *Official notices.*

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- (1) Issued by any court with competent jurisdiction or authorized public agency, department, or official.
- (d) *Flags.* Any flag provided that:
- (1) No more than three flagpoles permitted per developed lot;
 - (2) Flags may be set in the ground or attached to a structure;
 - (3) No more than three flags are permitted per flagpole;
 - (4) All flagpoles shall be setback from each property boundary a distance equal to the height of the flagpole or 15 feet from the edge of the pavement or at least two feet outside of the right-of-way, whichever is greater, and 15 feet from side and rear lot lines. For traffic safety, flagpoles shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection;
 - (5) All flagpoles shall be maintained in good repair, so as not to constitute a threat to public safety;
 - (6) On officially designated county, state, and federal holidays, there shall be no restriction as to maximum flag size or number of flags on display in residential districts; and
 - (7) In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, whichever is less. Flagpoles in residential areas shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.
- (e) *Window signs.*
- (1) Window signs are allowed in all nonresidential zoning districts subject to the provisions of this chapter.
 - (2) *Window area coverage.* The maximum area of the total of all window signs shall be 30 percent of the available glass area. Signage that is located inside the building and within three feet of the window that is intended to be viewed from outside the building is considered included in the window sign area limitation. Available glass shall be measured by considering an entire window unit exclusive of any mullions. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein second floor tenants have primary direct access from their space to the outside from the second floor level. The access must include outside walkways and stairways properly designated for public use.
 - (3) In no case shall any window signs be installed, applied, affixed, hanging, or painted above the level of the second floor windows.
 - (4) Indoor signs must be three feet or more from the window and should not be intended to be seen from the public right-of-way or street and are intended for the indoor retail/service area.
- (f) *Informational signs.* In addition to any other sign permitted by this chapter, two informational signs are allowed on a single lot, subject to the following:
- (1) *Size limitation.*
 - a. For residential lots, a maximum size of six square feet of sign area, with a cumulative square footage of 12 square feet. Maximum height of any sign is three feet to the highest point anywhere on the sign.
 - b. For all non-residential lots, signs shall be a maximum size of 16 square feet of sign area, with a cumulative square footage of 32 square feet. The maximum height of any sign is five feet to the highest point anywhere on the sign.
 - (2) *Location.*

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- a. All signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least five feet outside of the right-of-way and must not interfere with underground utilities. If the sign would interfere with underground utilities, the informational sign must be placed further from the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection. For traffic and pedestrian safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- (3) *Mounting devices.*
- a. Informational signs shall be mounted on metal frames that do not exceed ¼-inch in diameter or when mounted on frames of other material such frame members cannot exceed ¾-inch by 1½-inch in size. No message may be written on the mounting hardware so that the entire message area is contained on the sign itself.
- (4) *Lighting prohibited.*
- a. Informational signs may not be illuminated in any manner.
- (5) *Numerals.*
- a. Numerals displayed for the purpose of identifying property location (911 address) affixed to a structure such as a mailbox, building facade entrance or house, or placed on the ground, not less than four inches in height and not to exceed eight inches in height. Such numerals are required for all zoning districts.
- (6) *Door signs.*
- a. Door signs not to exceed one square foot and not more than one sign per door.
- (7) *Holiday lighting.*
- a. Holiday lights and decorations, provided that they are removed within 45 days following the holiday season to which they pertain. Businesses, whose primary business is holiday sales, are exempt from removing holiday lights and decorations.
- (8) *Out-of-store marketing devices.*
- a. Examples of out-of-store marketing devices include, but are not limited to fuel pumps, ATM units, vending machines, newspaper racks, drink machines, iceboxes, and phone booths.
 - b. Out-of-store marketing devices may be allowed in non-residential zoning districts, if otherwise in compliance with the provisions of this chapter and the applicable provisions of this Code. Such devices do not require a sign permit and any not included in the calculation of overall sign areas for the lot on which such device or devices are located.
 - c. All out-of-store marketing devices shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the device must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will an out-of-store marketing device be allowed to obscure vision at street or driveway intersections. For traffic safety, an out-of-store marketing device shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-11. Prohibited signs.

The following types of signs are prohibited in the city, except as specifically provided by this chapter:

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- (1) *Abandoned signs.* A sign shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds, on which such sign is located or with which said sign is associated, provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is significant evidence that the business or activity will resume operations within a six-month period. An abandoned sign may also be any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and may or may not have a person, who accepts maintenance responsibility.
 - (2) *Animated signs.* A rotating or revolving sign, or signs where all or a portion of the signs move in some manner, except those dynamic display and electronic message signs which are allowed under this chapter.
 - (3) *Inflatable signs.* Except as specifically permitted under a special event sign permit, inflatable signs are prohibited within any right-of-way.
 - (4) *Pennants.* Except as specifically permitted under a special event sign permit, pennants are prohibited within any right-of-way.
 - (5) *Roof signs.* Roof signs that extend more than three feet above the roof line.
 - (6) *Streamers and windblown devices.* Any propeller, whirling, or similar device that is designed to flutter, rotate, or display other movement under the influence of the wind, including, but not limited to, flags, except as specifically allowed in this chapter.
 - (7) *Signs resembling traffic signals or signs.* Signs that imitate an official traffic sign or signal. This includes, but is not limited to, signs with lights and shapes similar to those traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs. No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs officially authorized by the city or other governmental entities.
 - (8) *Signs creating pedestrian hazards or traffic hazards, or both.* Signs within rights-of-way, including, but not limited to, those attached to traffic signs, utility poles, or guy wires. No sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a hazard or a traffic hazard by obstructing vision, or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal. No sign shall be erected that obstructs the vision of pedestrians in a public right-of-way or the entrance of a private street or driveway to a public right-of-way.
 - (9) *Flashing signs, strobe, laser, and searchlights.* Any sign that contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an intermittent light source.
 - (10) *Hazardous signs.* No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
 - (11) Any sign illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent, or nearby, properties, or which reasonably creates a hazard to operators of motor vehicles.
 - (12) Signs attached to, drawn, or painted upon trees, rocks, or other natural features.
 - (13) Signs displayed on outdoor furniture, benches, trash cans, telephone booths, and similar devices, except as specifically authorized by the city as memorial devices of not more than four inches by eight inches in size.

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- (14) Signs attached to, drawn, or painted on utility poles, telecommunication towers and water towers or tanks unless otherwise required by local, state, or federal law.
 - (15) Signs with dynamic display and electronic message signs are prohibited in B-I Central Business District but may be allowed in other sign districts if in compliance with the applicable provisions of this chapter.
 - (16) Signs drawn or painted upon roof, building, or structure, except as otherwise expressly allowed under this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-12. Maintenance.

- (a) All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the city building official or Cleveland Code Enforcement Officer shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have 30 days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the city building official or Cleveland Code Enforcement Officer shall cause a citation to be issued. For the purposes of this section, the owner of the real property on which the sign is located shall be deemed the owner of the sign.
- (b) It shall be unlawful, after being notified pursuant to this section and after the 30-day notice has expired, for any person to display a sign in any of the following conditions:
 - (1) Any element of the sign has become detached or has fallen off the sign or has become misaligned.
 - (2) Painted surfaces on the sign or sign structure have begun to peel or flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign is no longer in good repair.
 - (3) A significant number of bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off or have become misaligned.
 - (4) Other similar conditions of disrepair or lack of maintenance as determined by the city building official or Cleveland Code Enforcement Officer.
 - (5) For lighted signs, one or more illumination devices are not working and have not been repaired.
 - (6) The area on private property around the sign on which such sign is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make the sign readily visible.
- (c) If no action is taken by the property owner or the tenant in possession under a an enforceable lease to correct such matters within said 30-day period, said sign shall be deemed a nuisance and pursuant to section 36-196 et seq. of the Code of Ordinances of the City of Cleveland, the City of Cleveland shall have full authority to abate said nuisance in accordance with the provisions thereof and to claim and secure all remedies allowed thereby. The costs of such abatement shall be borne by the property owner and such tenant, jointly and severally, and shall constitute a lien on the property owner and such tenant.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-13. Abandoned signs.

- (a) If the business, use, or activity on a property has ceased operations, leaving a sign which may have been permitted in connection with said business, and such if such sign has been found by the city building official to have been abandoned, as defined in this chapter, or as declared by the property owner or tenant, such sign, including its supports, shall be removed or modified as hereinafter allowed by the property owner within 30 days after written notice from the city building official of such building official's determination that said sign is an abandoned sign under the provisions of this chapter. No new sign will be permitted to be erected until said abandoned sign, and its supports, have been removed or converted into a sign lawfully conforming with the requirements of this chapter.
- (b) If such abandoned sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another use is established for the location of the former business, use or activity, and a new sign permit issued for such new business, use, or activity. If such abandoned sign contains a sign copy area that is not removable without disassembling the sign, then the said sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with said former business, use, or activity is no longer visible, until another use is established for the location of the former business, use or activity, and a new sign permit issued for such new business, use, or activity.
- (c) For the purposes of this section, the owner of the real property on which the sign is located shall be deemed the owner of the sign.
- (d) If no action is taken by the property owner or the tenant in possession under a an enforceable lease to correct such matters within said 30-day period, said sign shall be deemed a nuisance and pursuant to section 36-196 et seq. of the Code of Ordinances of the City of Cleveland, the City of Cleveland shall have full authority to abate said nuisance in accordance with the provisions thereof and to claim and secure all remedies allowed thereby. The costs of such abatement shall be borne by the property owner and such tenant, jointly and severally, and shall constitute a lien on the property of such property owner and such tenant.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-14. Replacement of nonconforming sign.

- (a) A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs may be permitted after a proper sign permit has been obtained from the city.
- (b) A change of property owner will require the new owner to prepare and submit and have approved by the city a master sign plan and the new owner will be required to have all non-conforming signs conform to the provisions of this chapter then in effect.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-15. Repairs and maintenance to nonconforming signs.

No structural repairs to, or change in shape or size of, a nonconforming sign shall be allowed except to make the sign comply with the requirements of this chapter after a proper sign permit has been obtained from the city.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-16. Duration and continuance of nonconforming signs.

Signs which do not meet all requirements of this chapter when enacted, or which do not meet provisions of this chapter at the time of its adoption, may stay in place, if not in violation of any of the requirements set out in sections 44-12 and 44-13 of this chapter, until one of the following conditions occurs:

- (1) The deterioration of the sign or damage to the sign makes it a hazard.
- (2) No conforming principal use or accessory use, ground or wall sign, shall be permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this chapter.
- (3) Upon a change of ownership, the subsequent owner will be granted six months to bring all nonconforming signs into conformance with the City of Cleveland sign regulations.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-17. Display of property address required.

It is of the utmost importance that public safety personnel, mail carriers, and the general public be able to conveniently locate buildings, institutions, businesses, and establishments by their property address. Therefore, to ensure this essential public purpose is served, establishments other than single-family dwellings shall display the street address of the property either on a principal use ground sign or on the building facade. Within a commercial center where multiple addresses exist, the highest and lowest street numbers shall be identified. Street address numbers shall be of a material that is in clear contrast with the background. Numbers shall not be less than four inches in height and not exceed eight inches in height on or adjacent to rights-of-way within the city, including, but not limited to local roads, state, and federal highways. Numbers shall be visible from both directions of travel along such rights-of-way. Single-family homes are required to post a street address on a mailbox, or a small ground sign in front of the dwelling which is not obscured by vegetation. Numbers shall be not less than four inches in height and not exceed eight inches in height on rights-of-way within the city, including, but not limited to, local roads, state, and federal highways.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-18. Height of ground signs.

Height of a ground sign (except as otherwise provided in this chapter in section 44-8(a)(9)—standards for billboards), is measured from the normal grade ground at the base of the sign, and is limited as follows:

- (1) Sign District 1—Historic Downtown District—B-I—Central Business District: Ground signs may not exceed a height of six feet at the highest point anywhere on the sign.
- (2) Sign District 2—Commercial and Residential District—Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Ground signs may not exceed a height of ten feet at the highest point anywhere on the sign.
- (3) Sign District 3—High Density Commercial District—Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North:
 - a. Except billboards expressly allowed under the provisions of this chapter in section 44-8(a)(9)—Standards for Billboards, ground signs may not exceed a height of 16 feet at the highest point anywhere on the sign.

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- b. Billboards expressly allowed under the provisions of this chapter shall not exceed 22.5 feet in height, as more particularly set forth elsewhere in this chapter in section 44-8(a)(9)—Standards for Billboards.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-19. Increase in height of ground signs.

The maximum heights for ground signs established by this chapter shall apply to any ground sign, except for ground signs situated below the level of the adjacent road grade. If the maximum height permitted in section 44-18, and elsewhere in this chapter, would prevent adequate visibility, if all other provisions of this chapter are properly complied with, the ground sign height for a sign at such location may be allowed by the city, upon proper application made to the city, to be increased as follows:

- (1) Sign District 1—Historic Downtown District—B-I—Central Business District: Ground signs may not exceed a height of six feet at the highest point anywhere on the sign when measured from the level of the adjacent road grade.
- (2) Sign District 2—Commercial and Residential District—Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Ground signs may not exceed a height of ten feet at the highest point anywhere on the sign when measured from the level of the adjacent road grade.
- (3) Sign District 3—High Density Commercial District—Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: A sign may be sixteen feet higher above road grade.
 - a. Except billboards expressly allowed under the provisions of this chapter in section 44-8(a)(9)—Standards for Billboards, ground signs may not exceed a height of 16 feet at the highest point anywhere on the sign, when measured from the level of the adjacent road grade.
 - b. Billboards expressly allowed under the provisions of this chapter shall not exceed 22.5 feet in height (as more particularly set forth elsewhere in this chapter in section 44-8(a)(9)—Standards for Billboards) at the highest point anywhere on the sign, when measured from the level of the adjacent road grade.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-20. Sign setback.

Except as otherwise specifically provided in this chapter, all signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, a sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-21. Illumination.

Except as otherwise specifically provided in this chapter, all signs which are allowed to be illuminated under the provisions of this chapter shall be subject to the following limitations:

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- (1) In all sign districts externally illuminated signs shall be lighted by a white, steady, stationary light of reasonable intensity, shielded, and directed solely at the sign, so as not to cause glare or spill light on the road right-of-way, so as not to cause a traffic hazard and so as not to light up the sky or adjoining buildings. Provided however, that signs located on properties lying within a residential or agricultural zoning district shall not be externally illuminated.
 - (2) In all sign districts, except in the Sign District 1—Historic Downtown District—B-I—Central Business District, neon lights or rope lights outlining the perimeter of a structure may be allowed, however such neon lights or rope lights shall not be used to outline windows or doors, and any such neon light or rope light string shall not exceed three foot-candles in intensity. All such neon lights and rope lights shall be located so as not to spill light on the road right-of-way, and so as not to cause a traffic hazard.
 - (3) Neon lights and/or rope lights used to outline any structure and/or architectural feature of any structure which is located in the Sign District 1—Historic Downtown District—B-I—Central Business District shall be prohibited.
 - (4) Security lights shall be directed so as not to cause glare or spill light on the road right-of-way which would create a traffic hazard. Such security lights shall also be directed to minimize the lighting of the sky above the level of the light.

(Ord. No. 2016-01, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Sec. 44-22. Temporary signs.

Temporary signs may be permitted on commercial properties subject to the issuance of a temporary sign permit from the Cleveland Building Official. Such temporary signs shall conform to the following:

- (1) No temporary sign permit shall be valid for more than 45 days in a 12-month period.
- (2) One banner shall be permitted per lot. Banners shall not exceed 32 square feet, nor may it be more than 15 feet in height. Such banner may be temporarily placed or attached to a building, wall, window, railing, or ground sign, or it may be freestanding between two poles or stakes.
- (3) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of 15 feet above the ground. However, all gas or air-filled advertising devices are prohibited in the Sign District 1—Historic Downtown District—B-I—Central Business District.
- (4) Any new business or an existing business which has changed ownership may obtain a sign permit for a temporary sign.
- (5) All temporary signs shall have a minimum setback of 15 feet from rear and side property lines. For front setback, the temporary sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a temporary sign be allowed to obscure vision at a street or driveway intersection. For traffic and pedestrian safety, a temporary sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-23. Master sign plan.

A master sign plan is required for all nonresidential projects including more than one freestanding building and for all nonresidential projects including a building suitable for multiple tenants. The approved master sign plan

must be provided to tenants to ensure compliance with this chapter and the terms of the applicable master sign plan.

- (1) *Approval required.* Any new construction and any re-development of a nonresidential project which includes one or more freestanding buildings shall obtain approval of a master sign plan from the city building official as part of the development review process prior to any signs being erected, other than signs permitted during construction under this chapter. All signs erected or maintained shall conform, at all times, to the approved master sign plan. The signs approved through the master sign plan are the only signs allowed, and any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved. The approved master sign plan must be provided to tenants to ensure compliance with this chapter and the terms of the applicable master sign plan.
- (2) *Master sign plan application.* An application for a master sign plan shall include the following information:
 - a. Accurate site plan, including location of buildings, parking lots, driveways, and landscaped areas;
 - b. One set of drawings showing details of construction and foundation of proposed signs;
 - c. An accurate indication of the location of each of the present and proposed future signs of any type, whether requiring a permit or not;
 - d. An elevation drawing or photo depicting the proposed location of signs on any building, wall, or other structure;
 - e. A scaled drawing showing the size, shape, structural design, materials, and lighting of proposed signs;
 - f. Master sign plans must be signed by all owners or their authorized agents;
 - g. Any other maps, drawings, or materials as required by the Cleveland Building Official to adequately describe the sign proposal.
- (3) *Master sign plan review.*
 - a. An application for a master sign plan shall be reviewed as part of the development review process and shall follow all procedures thereof, unless otherwise provided in this section.
- (4) *Individual sign permits.*
 - a. Individual sign permits are required for all signs contained within an approved master sign plan.
- (5) *Amendments.*
 - a. A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements of this chapter.
- (6) *Location of entrance signs.*
 - a. All signs shall have a minimum setback of 15 feet from rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at street or driveway intersections. For traffic and pedestrian safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-24. Variances.

- (a) *Administration by the Cleveland Building Permit Review Committee.* The Cleveland Building Permit Review Committee has responsibility for administration of this section 44-28.
- (b) *Purpose.* The purpose of a variance is to provide limited and conditional relief when the strict application of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, impose unusual practical difficulties or undue hardships on the applicant. Possible grounds for a variance might include, but are not limited to:
 - (1) Dimensional variances only (i.e., variances as to the required setback, sign size, or sign height), which variances shall not exceed ten percent of the required standard or limitation, and shall not subvert the purpose and intent of this chapter; and
 - (2) Extreme topographic conditions preventing the sign from being seen from the adjacent road right-of-way.
- (c) *Criteria for granting a variance.*
 - (1) Based on the application, evidence submitted by the applicant, investigations by the city building official and such other persons as may be directed by the mayor and council; all of the following findings shall exist in order to grant a variance (documentation, including but not limited to, maps, recorded surveys, and other related documents is required):
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography; and
 - b. The application of this chapter to this particular piece of property would create unnecessary hardship.
 - (2) Variances shall not be granted:
 - a. If special circumstances on which the applicant relies are a result of actions of the applicant, owner, or previous property owners; or
 - b. To allow the use of the property in a manner or for a purpose not authorized by the Code of Ordinances of the City of Cleveland and applicable law.
- (d) *Application requirements.* The owner or duly authorized agent shall file an application for variance with the city building official on the prescribed form. A complete application shall consist of:
 - (1) Variance request form;
 - (2) Copy of ordinance section from which the variance is being requested;
 - (3) Correspondence clearly stating the basis for the variance request;
 - (4) Supporting documentation necessary to give the city building official a clear understanding of the request; and
 - (5) Maps, recorded survey, and proposed sign plans and construction details.
- (e) *Submission to Cleveland Zoning and Planning Board.*
 - (1) The request for variance is reviewable by the Cleveland Zoning and Planning Board if the city building official determines that the request for variance meets the criteria.
 - (2) The Cleveland Zoning and Planning Board shall review the request for variance upon receipt of the following items within 15 days of the determination of the city building official:

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- a. Correspondence clearly stating the basis for the request for Cleveland Zoning and Planning Board review;
 - b. City building official's recommendation;
 - c. Supporting documentation necessary to give the Cleveland Zoning and Planning Board a clear understanding of the request for review; and
- (3) The Cleveland Zoning and Planning Board shall review the application and staff investigation report and determine whether the evidence supports finding that the required criteria have been met and approved with or without conditions or deny the application. However, the determination of the Cleveland Building Official shall remain in full force and effect pending such review and decision.
- (f) *Appeal to the Cleveland Mayor and City Council.* Decisions or actions of the Cleveland Planning and Zoning Board are subject to appeal to the Cleveland City Council. However, the Cleveland Planning and Zoning Board's decision shall remain in full force and effect pending such appeal.
- (g) If an applicant desires to appeal a decision or action of the Cleveland Planning and Zoning Board, the applicant shall notify the Cleveland Mayor and City Council, in writing, within ten days of the action or decision of the Cleveland Zoning and Planning Board. Upon receipt of this notice, the Cleveland Mayor and City Council shall establish a date and time to hear the appeal. The applicant's request shall include:
- (1) Correspondence stating the basis for the appeal of the Cleveland Zoning and Planning Board action or decision;
 - (2) Applicable Cleveland Zoning and Planning Board minutes;
 - (3) Supporting documentation necessary to give the Cleveland Mayor and City Council a clear understanding of the appeal request; and
 - (4) Appeal fee as established by the Master Fee Schedule.
- (h) *Conditions.*
- (1) Reasonable conditions may be imposed in connection with the granting of a variance as deemed necessary to protect the best interests of the surrounding property of the neighborhood and otherwise secure the purpose and requirements of this chapter; and
 - (2) Guarantees and evidence shall be required that such conditions are and will continue to be in compliance with the terms of the variance and this chapter.
- (i) *Compliance with conditions approval.* Adherence to the approved plans and compliance with conditions imposed in the variance are required. Any departure from conditions of approval of this variance constitutes a violation to this chapter.
- (j) *Vested interest in approved variances.* A valid variance supersedes conflicting provisions or amendments unless specifically provided by the provisions of this chapter or the conditions of such variance.
- (k) *Investigations and reports.* The city building official shall make an investigation to provide necessary information to ensure that the action on each application is consistent with the variance criteria. Any report of such investigation shall be included in the application file.
- (l) *Revocation.* Variances shall become invalid if not exercised within one year of the date of approval or if there is a change in ownership not otherwise noted and approved at the time of the granting of the variance.
- (m) *Limitations on reapplication.* The Cleveland Zoning and Planning Board shall not hear denied applications for the same or substantially similar variance application until a period of six months has elapsed.

(Ord. No. 2016-01, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Sec. 44-25. Inspections.

- (a) The city building official, his or her department's staff, representatives, and agents, and Cleveland Code Enforcement Officer, and the staff of the city fire, and public works departments, shall have the power to conduct such investigations as they may reasonably deem necessary to carry out the duties and responsibilities as prescribed in this chapter. After providing proper credentials, these officials, employees, representatives, and agents may enter any property, public or private, for the purpose of investigating and inspecting the premises.
- (b) No person or entity shall refuse entry or access to the city building official, his or her department's staff, representatives, and agents, and Cleveland Code Enforcement Officer, and the staff of the city fire, and public works departments, who request entry for purposes of inspection. Similarly, no person or entity shall obstruct, hamper, or interfere with the city building official, his or her department's staff, representatives, agents, Cleveland Code Enforcement Officer, and the staff of the city fire and public works departments, while in the process of carrying out the official duties of same related to this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-26. Enforcement and penalties.

- (a) *Stop work orders.*
 - (1) Any person or entity failing to comply with any provision of this chapter shall be subject to a stop work order. Such order or notice shall be presented by the city building official or the Cleveland Code Enforcement or an authorized designee, in writing and shall state the conditions under which work may continue. Where an emergency exists, no written order or notice shall be required.
 - (2) The city building official or the Cleveland Code Enforcement Officer, or an agent assigned by the Cleveland Police Chief, shall present the stop work order to the owner of the property, an authorized agent of such owner, or the person or persons in charge of the activity on the property. Upon receipt of notice of the stop work order, activities in violation of this chapter shall cease immediately.
- (b) *Revocation of occupation license or other authorization.* Any person failing to comply with any provision of this chapter shall be subject to revocation of the occupation license, work permit, building permit or other authorization for the conduct of business and associated work activities within the incorporated areas of this city of such person.
- (c) *Enforcement in municipal court.* Any person who shall do anything prohibited in this chapter or who shall fail to do anything required by this chapter shall be guilty of a misdemeanor, amenable to the process of the municipal court of the City of Cleveland. Upon conviction, the court shall assess the person(s) or entity with a penalty, which may include fine, confinement, or both, in an amount permitted for the violation of city ordinances. The court may deem each day the violation exists as a separate offense.
- (d) *Civil penalties.* Any person or entity violating any provision of this chapter shall be liable for a civil penalty as established by the Master Fee Schedule. Each day the violation continues shall constitute a separate offense.
- (e) *Enforcement by injunction or mandamus.* The Cleveland Mayor and City Council, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceedings to stop the violation.
- (f) *Failure to comply.* If a person or entity fails to comply within the time specified, a violation shall have occurred and in addition to other penalties, any applicable performance or surety bond shall be subject to forfeiture.

(Supp. No. 12)

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(Ord. No. 2016-01, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Sec. 44-27. City directional sign program.

- (a) The city may, but shall not be required to erect, replace, repair, and maintain one or more structures upon which the city may affix, for a fee, signs identifying private commercial businesses within the city, and directing traffic in the direction of such businesses.
- (b) There shall be multiple signs affixed to the same structure, on a first come, first served basis.
- (c) All such signs shall be uniform in size.
- (d) No business owner or operator may affix, remove, or modify any sign upon any such structure, and the entirety of the structures, and any signs affixed thereto, shall be the sole property of the city.
- (e) The city shall establish and revise from time to time as necessary:
 - (1) An initial fee to cover the cost of manufacture, installation, affixation, and related expenses, of signs and sign structures; and
 - (2) An annual renewal fee to cover the cost of repair, maintenance, and replacement, of such signs and sign structures.
- (f) No business owner or operator shall have a sign affixed to such sign structure, unless and until, such owner or operator shall have paid the initial fee, any renewal fee, is current on payment of all business license fees, occupation tax, and any other tax or fees owed to the city, and completed an application for affixation of such sign upon forms provided by the city.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-28. Miscellaneous provisions.

- (a) *Liability.* The approval of a master sign plan and/or a sign permit pursuant to the provisions of this chapter shall not relieve any applicant or other person or entity from the responsibility for damage to any person or property nor does such approval impose any liability upon the city, its elected officials, officers, employees, and agents, for damage to any person or property.
- (b) *Repeal.* The adoption of this chapter repeals ordinances and provisions of the Cleveland Code of Ordinances conflicting with the terms of this chapter. It is hereby provided that any provision of the Cleveland Code of Ordinances, and any applicable provision of governing state and federal laws, rules, and regulations, which may be applicable hereto and aid in carrying out or making effective the intent, purpose and provisions of this chapter shall be liberally construed to be in favor of the city.
- (c) *Effective date.* The effective date of this chapter shall be February 22, 2016.

(Ord. No. 2016-01, 2-22-2016)

Chapter 46 SOLID WASTE⁵

ARTICLE I. IN GENERAL

Sec. 46-1. Definitions.

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

Collection means, where a person who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste from industries, offices, retail outlets, businesses, institutions, and/or similar locations, or from residential dwellings; provided that this definition shall not include an individual collecting and/or transporting waste from his own single-family dwelling unit.

Commercial premises means all premises not residential as residential is hereinafter defined in this section. Where the classification of a commercial premises cannot be determined conclusively from the foregoing definitions, such determination shall be at the discretion of the mayor or his designated representative. It is the intention of the mayor and council that any such unclassified commercial premises shall be placed in a class commensurate with the volume of solid waste produced by said premises.

Disposal facility means any facility or location where any treatment, utilization, processing, or deposition of solid waste occurs.

Disposal operation means the performance of solid waste disposal, including administration, personnel, land, equipment, design, and other elements necessary or used in the work of solid waste disposal.

Disposal site means the location of land area where the final deposition of solid waste occurs.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Hazardous waste means solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material determined to be a likely hazard to the public health, safety, or environment, except radioactive waste materials as provided for in Rules of the Department of Human Resources, chapter 270-5-20, entitled Radioactive Materials.

Industrial waste means waste materials generated in industrial operations.

Open dump means a disposal site at which solid waste from one or more sources is consolidated and left to decompose, burn, or to otherwise create environmental pollution or nuisance.

⁵State law reference(s)—Solid waste management generally, O.C.G.A. § 12-8-20 et seq.; hazardous waste management generally, O.C.G.A. § 12-8-60 et seq.; tire disposal restrictions, O.C.G.A. § 12-8-40.1; yard trimmings and disposal restrictions, O.C.G.A. § 12-8-40.2; authorization for local government units to enforce collection of taxes, fees, or assessments for solid waste management, O.C.G.A. § 12-8-39.3; authority of local governments to adopt and enforce local regulations for the handling and disposal of solid waste, O.C.G.A. § 12-8-30.9.

Putrescible wastes means wastes that are capable of being decomposed by microorganisms, including kitchen wastes, manure, offal, hatchery and poultry wastes, and garbage.

Reclamation means a controlled method of sorting and storing solid wastes for future use in accordance with an approved plan.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid commercial and industrial wastes.

Residential premises means all residential dwellings except motels and other dwellings offering lodging for hire.

Rubbish means nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery and similar materials.

Sanitary land filling means a method of disposing of putrescible waste and/or hazardous waste on land by placing an earth cover thereon.

Scavenge means uncontrolled picking from discarded waste materials.

Solid waste means putrescible and nonputrescible wastes (except water-carried body wastes) including garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manures, industrial wastes, residue from incineration, food-processing wastes, construction wastes, hazardous wastes, and any other waste material in a solid or semisolid state not otherwise defined in this chapter.

Solid waste handling means the storage, collection, transportation, treatment, utilization, processing, or disposing of solid wastes, or any combination thereof.

Transfer station means a facility used to transfer solid wastes from one transportation vehicle to another for transportation to a disposal facility.

(Ord. of 1-1-1989, § II; Ord. of 12-19-1998)

Sec. 44-2. Enforcement.

- (a) *Generally.* The superintendent of public works shall be responsible for the administration and enforcement of this chapter. In the exercise of his solid waste management duties, said superintendent shall:
 - (1) Supervise the collection of solid waste, including the operation and maintenance of equipment and the supervision of personnel;
 - (2) Establish collection schedules in accordance with the provisions of this chapter;
 - (3) Inspect and regulate the operation of private collectors and private transportation and disposal systems to ensure that such operations are in compliance with the provisions of this chapter.
- (b) *Limitations of authority.* All regulatory actions of the superintendent of public works shall be subject to the review of the mayor and council.
- (c) *Appeal.* Any person aggrieved by a requirement of, or a fee charged by, the superintendent of public works shall have the right to appeal to the mayor and council, which body may, upon hearing, confirm, modify, or revoke such requirement or fee.

(Ord. of 1-1-1989, § IX; Ord. of 12-19-1998; Ord. No. 2026-01, 6-15-2026)

Secs. 46-3—46-22. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 46-23. Responsibility for solid waste.

The city, by and through its proper departments, shall be responsible for sanitation services within the city, including the collection and disposal of all garbage, trash and other refuse within the city except as hereinafter set out in this article; provided, however, that residential or commercial owners and occupants may dispose of refuse from their premises but each such owner or occupant will be required to pay the minimum monthly charge in order to defray part of the cost of providing sanitation and health services by the city.

(Ord. of 1-1-1989, § I; Ord. of 12-19-1998)

Sec. 46-24. Precollection.

- (a) *Generally.* No person shall keep or store solid waste outside of any residence or building within the city, except in proper containers for collection or otherwise prepared, as set forth herein or under the express prior approval of the superintendent of public works. Any unauthorized accumulation of solid waste is hereby declared to be a nuisance and is prohibited. The superintendent of public works by written notice shall notify the owner or occupant of any premises with such solid waste accumulation to remove same. Failure to remove such accumulation within two weeks of the date of such written notice to do so shall be deemed a violation of these regulations and subject to penalties hereinafter set forth. A separate violation shall be deemed committed each day during or upon which such unlawful accumulation continues.
- (b) *Containers.*
- (1) Garbage containers shall be provided by the owner or occupant of each residence or establishment sufficient in number to accommodate such waste generated by the residence or establishment between collections. Containers shall be durable metal or plastic, watertight, nonabsorbent, rust-resistant, rodentproof, and easily cleanable. They shall be equipped with handles and tightly fitted covers and shall have a capacity of not less than 15 gallons nor more than 55 gallons, except that bulk containers of a type accepted by the superintendent of public works as suitable for mechanical collection services or by publicly owned equipment used for such collection may be used. Containers failing to comply with these provisions or which have defects causing them to scatter waste upon the ground during collection or causing them to hamper or injure the persons collecting waste shall be promptly replaced.
 - (2) Disposable paper or plastic bags of a type, size, and material designed for solid waste disposal may be used to contain refuse for storage and collection, provided they are unbroken, sealed, and loaded in such manner that normal handling will not cause the bag to open.
 - (3) No person shall place any solid waste in any container not owned by that person or in any container whose owner has not given said person permission to deposit solid waste in such container. No person shall place any solid waste in any container owned by the city without express permission of the city.
- (c) *Rubbish.* Rubbish may be stored for collection in paper-board boxes or other throwaway containers strong enough to retain the waste; loose paper or cuttings shall be tied in bundles. Rubbish containers or bundles shall not exceed 50 pounds in weight. Rubbish containers or bundles shall be placed for collection beside the solid waste containers.

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- (d) *Placement.* On days designated as collection days for the respective routes by the superintendent of public works, garbage and/or rubbish shall be placed for collection on the curb or beside the roadway in front of the residence or establishment owning same, or if the property abuts on an alley, at the rear of the property, but not in the gutter or in the street or alley in such manner as to interfere with pedestrian or vehicular traffic.
 - (e) *Scavenging.* No person other than the owner or authorized collection personnel shall sift the contents of or remove anything from containers, boxes, or bundles containing garbage or rubbish.

(Ord. of 1-1-1989, § III; Ord. of 7-8-1991; Ord. of 12-19-1998)

Sec. 46-25. Collection.

Garbage, trash and refuse shall be collected from the various premises in the city by the proper departments of the city or as may be contracted by the city as follows:

- (1) *Frequency.* Garbage and rubbish shall be collected as follows:
 - a. Residential premises: Once per week.
 - b. Commercial premises:
 - 1. Premises where solid waste is collected in containers of 55 gallons or less: Twice per week, unless otherwise requested.
 - 2. Premises where solid waste is collected in dumpsters or other containers of more than 55 gallons: Twice per week, unless otherwise requested.
 - 3. Where necessity requires, collections may be made more frequently. Any premises obtaining additional collections shall be billed for said additional services in accordance with the frequency and magnitude of said additional services.
- (2) *Limitations.* Industrial waste, large animals over 30 pounds, or waste from construction, demolition, landscaping, or processing operations will not be collected, transported, or disposed of by public facilities; but such waste collection, transportation, and disposal shall be by the owners and/or generators of such waste or animals. For the purposes of this article, landscaping waste shall include leaves, limbs and yard clippings, and demolition wastes shall include household appliances and furniture.

(Ord. of 1-1-1989, § IV; Ord. of 12-19-1998)

Sec. 46-26. Hazardous wastes prohibited.

It shall be a violation of this article to place or to cause to be placed in any container, box, or bundle, or otherwise for collection, any hazardous waste of any kind except under specific prior arrangement with the superintendent of public works.

(Ord. of 1-1-1989, § IV; Ord. of 12-19-1998)

Sec. 46-27. Private collection contractors required to be licensed.

No person other than employees of the city shall collect, transport, or dispose of solid waste for pay in the city without having first applied for and received a license to engage in such business as provided in chapter 12.

(Ord. of 1-1-1989, § IV; Ord. of 12-19-1998)

Sec. 46-28. Disposal.

All disposal of solid waste shall be at disposal sites operated in accordance with state laws and with rules and regulations of the state department of natural resources, and at no other place.

(Ord. of 1-1-1989, § V; Ord. of 12-19-1998)

Sec. 46-29. Fees and classification.

- (a) *Fees.* Monthly charges for public collection and disposal of solid waste shall be as provided in the city fee schedule.
- (b) *Classification of establishments.* For the purpose of determining the initial classification of establishments as to volumes of waste generated, the superintendent of public works shall make a volume survey of all establishments in the city to be served by public collection facilities. The superintendent shall observe each establishment for a period not less than one week, and the result of such survey and the classification established thereby shall be given in writing to each establishment. Similar surveys shall be made semiannually to determine whether changes should be made in classification and upon request of the owner of any establishment who feels his establishment is in an improper category, provided not more than two such surveys per year may be so requested.

(Ord. of 1-1-1989, § VI; Ord. of 1-9-1995; Ord. of 12-19-1998; Ord. of 6-13-2005, § I)

Sec. 46-30. Billing.

- (a) *Against whom levied.* Service charges in accordance with the city fee schedule are levied against both the owner and the occupant of premises served, jointly and severally, but collecting from one shall relieve the other.
- (b) *Charges for solid waste collection and disposal.* Charges for solid waste collection and disposal service shall be billed and collected monthly in advance by the 15th day of each month and shall be payable by the owner or occupant at the office of the city clerk. When such payment has not been made by the 15th day of any month, a ten percent penalty shall be added and collected. When such payment has not been made by the 15th day of the following month, service shall be discontinued until all arrears, including penalty, have been paid in full.

(Ord. of 1-1-1989, § VII; Ord. of 12-19-1998)

Secs. 46-31—46-48. Reserved.

ARTICLE III. LITTERING

Sec. 46-49. Definitions.

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

Dump means to throw, discard, place, deposit, discharge, burn or dispose of a substance.

Hazardous waste means any solid waste that has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency in the Solid Waste Disposal Act, 42 USC 6971, or other federal regulations.

Litter means all discarded substances and materials, including without limitation all sand, gravel, slag, brickbats, rubbish, waste materials, tin cans, refuse, garbage, trash, debris, dead animals, building or construction materials, demolition debris, mechanical equipment or parts, scrap tires, or any or all other material or substance of any kind and description resulting from domestic, industrial, commercial or mining operations.

Litter receptacle means those containers acceptable to the city and which may be standardized as to size, shape, capacity and color, as well as any other receptacles suitable for the depositing of litter.

Private property means any dwelling, house, building, or other structure, whether inhabited to be used permanently or temporarily, or continuously uninhabited or vacant, which is 100 percent privately owned, and shall include any yard, grounds, walk, parking area, driveway, porch, steps, vestibule or mailbox belonging or pertinent to the dwelling, house, building or other structure.

Public place means any area that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to, streets, parking lots, parking garages, sidewalks, rights-of-way, parks campgrounds, highways, alleys and other public ways.

Sec. 46-50. Penalties.

- (a) Any conviction for a violation of this article shall be punishable by penalties as provided in section 1-16.
- (b) In addition to the other penalties authorized by this article, in the sound discretion of the judge of the court in which conviction is obtained, the person may be directed to pick up and remove any and all litter by whomsoever deposited prior to the execution of sentence from any public park or public right-of-way, or from any private property if it can be established by competent evidence that such person has deposited litter thereon (provided that prior permission of the legal owner or tenant in lawful possession is obtained), and the court may publish in a newspaper of general circulation in the city the names of such persons convicted of violating section 46-52.

(Ord. of 5-14-1990, § II(b), (c))

Sec. 46-51. Compliance.

All law enforcement agencies, officers, and officials of the state or any political subdivision thereof, including the law enforcement officers of the city, or any enforcement agency, officer, or any official of any commission of the city or any political subdivision thereof, is hereby authorized, empowered, and directed to enforce compliance with this article.

(Ord. of 5-14-1990, § IV)

Sec. 46-52. General prohibition; exceptions.

It shall be unlawful and a public nuisance for any person to dump, deposit, place, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property or any waters within the corporate limits of the city unless:

- (1) The property has been designated by appropriate authority for the deposit of the litter, and the person is authorized to use the property;
- (2) The litter is placed into a litter receptacle or container installed on the property;

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- (3) The person is the owner or tenant in lawful possession of the property or has first obtained consent of the owner or tenant or unless the act is done under the personal direction of the owner or tenant.

(Ord. of 5-14-1990, § II(a))

Sec. 46-53. Dumping; unauthorized use of refuse container.

- (a) No person shall dump or otherwise dispose of litter, any waste containing hazardous substances, or other refuse or unsightly matter on any public or private property unless the property is specifically approved by the city or state for dumping.
- (b) It is a violation of this article to dump any domestic, industrial, commercial or mining waste or litter, or refuse into any private dumpster, container or private collection system without permission from the owner.
- (c) The dumping of any litter or waste materials into any container specifically designated as a recycling container is prohibited unless the materials discarded are properly separated and sorted into categories which are deposited into the containers specifically approved for the same type of recyclable waste and not mixed with any other debris or refuse.

Sec. 46-54. Litter from motor vehicle, etc.

- (a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance, it shall be prima facie evidence that the operator of the conveyance has violated this article.
- (b) Except as provided in subsection (a) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property and it is discovered to contain any item which may include, but not be limited to, letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, said article shall create a rebuttable presumption that the person identified thereon has violated the provisions of this article.

(Ord. of 5-14-1990, § III)

Sec. 46-55. Allowing escape of load material.

- (a) No vehicle shall be driven or moved on any street, highway or other public road within the city unless the vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; provided, however, that sand or any substance for increasing traction, or water or other substance may be sprinkled on a roadway and the cleaning or maintaining of the roadway may be undertaken by the governmental agency having that responsibility.
- (b) Any person operating a vehicle from which any glass, litter or other object has fallen or escaped which constitutes an obstruction or could damage a vehicle or otherwise endanger travel on the street, highway or other public road shall immediately cause the street, highway or public road to be cleaned of all glass objects and shall pay any costs for the removal.
- (c) No provision of this section shall apply to any motor vehicle which is used exclusively for agricultural purposes and which is not operated on or over any public highway for any other purpose than the purpose of operating it across the highway or along the highway from one point of the owner's land to another part thereof, irrespective of whether or not the tracts adjoin or the purpose of taking the vehicle to a repair shop.

(Supp. No. 12)

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Sec. 46-56. Construction and demolition sites.

- (a) All construction and demolition contractors, building permit holders, or property owners shall adhere to all provisions of this section.
- (b) On-site refuse receptacles to effectively and securely handle the accumulation of all debris, paper, building material waste, scrap building materials and other trash and litter produced by those working on the site will be installed and maintained.
- (c) All construction and demolition sites shall be kept in a litter-free condition. Under no circumstances shall the accumulation of litter become a threat to the public safety or to the public health, welfare, property, morality or good order of the city or portion thereof.
- (d) All dirt, mud, silt, or any other earth deposited upon any public or private property, including streets and roads, as a result of construction or demolition shall be immediately removed by the permit holder as to prevent any detectable amount of accumulation which may tend to cause a threat to the public safety, property values, both real and personal, or good order of the city or environment.
- (e) Any construction supplies or materials, landscaping supplies or materials, or any other material deposited on a public road or right-of-way shall be removed on a daily basis, or immediately if the presence of the materials constitutes a threat to the public health or safety. In addition to all of the remedies and relief provided herein, the police chief of the city, or the building inspector of the city, or those agents as either may designate, employ, or assign, may immediately cause to cease all work being performed at the site by the issuance of a stop work order. No further work will resume at the site until the violation is corrected and inspected by the authority that issued the stop work order and all reinspection fees that are assessed are paid in full.
- (f) Under no circumstances shall any litter, waste or debris, including, not limited to, brush, limbs, stumps, roots and other byproducts of the construction or demolition process be buried on any property not expressly and properly permitted for the activity.

Sec. 46-57. Scavenging.

No person other than the owner thereof, or an agent or employee of the city, shall interfere with any container placed for the purpose of storing refuse pending collection, or remove or take any of the contents thereof, or remove any the container from the location where the container has been placed by the owner thereof.

Chapter 48 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 48-1. Adoption of development specifications.

The city has adopted, as stated in section 64-1, Standard Development Specifications, April 2002, that include street and sidewalk construction specifications. The adopted specifications shall be applicable to street and sidewalk construction within the city. A copy of the adopted specifications is available in the office of the city clerk.

Secs. 48-2—48-20. Reserved.

ARTICLE II. MAINTENANCE

Secs. 48-21—48-43. Reserved.

ARTICLE III. USE REGULATIONS

Sec. 48-44. Cutting or digging prohibited.

No person shall dig into, cut into, or otherwise cause any impairment of any public road, street, alley, or sidewalk in the city.

(Comp. Ords. 1970, § 7-1002)

Sec. 48-45. Application to city to cut or dig.

Any person desiring that public roads, streets, alleys, or sidewalks in the city be dug into, cut into, or otherwise altered or repaired, shall make application to the city through the secretary of the city council that the city perform such desired services.

(Comp. Ords. 1970, § 7-1003)

Sec. 48-46. Removal of gravel, earth, or rock.

It shall be unlawful for any person to dig or scrap up or carry away gravel, dirt, earth, rocks, or sand from any street, lane, sidewalk, or square of the city, or make any changes in the sidewalks or streets, without the permission of the city council.

(Comp. Ords. 1970, § 7-1004)

Sec. 48-47. Intrusions prohibited; removal.

No person shall so construct or have constructed, or keep, have, or maintain any fence, gate, doors, house, steps, or other structure so as to intrude on any street or sidewalk of the city. The mayor shall immediately cause such intrusion to be removed at the expense of the owner of the property from which the same extends, and the cost of the same collected from the owner.

(Comp. Ords. 1970, § 7-1005)

Sec. 48-48. Assemblages obstructing passage.

It shall be unlawful for persons to assemble in a crowd so as to in any manner obstruct the free passage of the streets or sidewalks in the city. Each person forming a part of such assembly, after notice by any officer or police officer of the city to disperse, shall be punished as prescribed in section 1-16.

(Comp. Ords. 1970, § 7-1007)

Sec. 48-49. Shade trees.

It shall be unlawful to injure or destroy any shade trees on the streets, sidewalks, public squares, or cemeteries of the city.

(Comp. Ords. 1970, § 7-1008)

Sec. 48-50. Display or sale of merchandise.

No person shall use any portion of the streets or sidewalks of the city for the purpose of displaying or selling goods, merchandise, or wares of any description except upon compliance with the following conditions:

- (1) For the purpose of encouraging and promoting trade and industry within the corporate limits of the city, the city council may issue a permit to a licensed business in said city to use for promotional purpose the sidewalk and street parking spaces immediately adjacent to the building occupied by the licensed business. Applications for permit shall be filed in accordance with chapter 40 and shall be accompanied by a permit fee in the amount provided in the city fee schedule.
- (2) Ordinances concerning building codes, permits, zoning, etc., are hereby waived and shall not be applicable to activities authorized pursuant to such permit.
- (3) An applicant shall provide a liability insurance policy or an agreement to indemnify and hold harmless the city for injury to third persons or property of others resulting from street or sidewalk construction, obstruction or use by said applicant in connection with said promotion pursuant to such permit.

(Comp. Ords. 1970, § 7-1009)

Sec. 48-51. Blocking, flooding or otherwise impairing use of streets.

No person shall block, flood, or otherwise interfere with or impair the use of any public street, road, or thoroughfare in the city without first having secured permission from the city council. Any person giving or transmitting any order or instruction to block, flood, or otherwise impair the use of any public street, road or thoroughfare in the city without first having secured permission of the city council shall be guilty of the violation of this section. Each day that any such street, road, or thoroughfare is blocked, flooded, or the use thereof impaired shall be a separate and distinct offense and shall be punished as such.

(Comp. Ords. 1970, § 7-1001)

Sec. 48-52. Obstruction of public ways prohibited.

It shall be unlawful for any person, persons, firms or corporations to place on the sidewalks or the public square, or any alley, lane or avenue, any kind of hardware, building supplies, roofing, wire, implement or any other kind of merchandise, or any kind of obstruction or thing on said sidewalks, alleys, lanes, streets or public square.

(Comp. Ords. 1970, § 8-121)

Sec. 48-53. Seizure of material obstructing public ways.

Any person, persons, firms, companies or corporations shall instantly remove all such obstructions as enumerated in section 48-52 when notified by the chief of police or other authorities of the city and upon failure to do so said authorities shall seize all such merchandise, wire, roofing, building supplies and other things and

advertise and sell the same in the same manner as tax sales in said city and apply the funds derived from such sales to the payment of the cost of removing, selling of the same and to such fines and costs imposed upon the violators of a violation of section 48-52.

(Comp. Ords. 1970, § 8-123)

Sec. 48-54. Obstruction warning signals.

Any person who shall cause any obstruction to be placed in any street, alley or sidewalk of said city shall display at such obstructions, during all of each night such obstructions may so remain, a sufficient danger signal or light to warn the traveling public of such obstructions and enable them to avoid injury from same; and any person failing to place and keep such signals as herein provided shall be fined and punished as provided in this chapter.

(Comp. Ords. 1970, § 8-102)

Secs. 48-55—48-81. Reserved.

ARTICLE IV. PARADES

DIVISION 1. GENERALLY

Sec. 48-82. Unlawful to drive through procession unless directed by a police officer.

It shall be unlawful for the driver of any vehicle, unless directed by a police officer to do so, to drive between vehicles comprising part of a funeral or other legally authorized procession while such procession is in motion; provided, that said vehicles are conspicuously designated as parts thereof. Permits for all processions other than funeral processions shall be obtained from the office of the mayor and council or, at their direction, from the office of the chief of police. No permit is required for funeral processions.

(Comp. Ords. 1970, § 7-880)

Sec. 48-83. Clearing streets for military parades.

It shall be the duty of the chief of police and other police officers and patrol officers, upon application to the chief of police for such purpose, to clear the streets, or as much there as may be necessary, in advance of a parade of the military forces of the United States, or of the state, or of any portion of such forces of the federal or state governments, as the officers of such forces shall desire to use for the purpose of such parade; preference being given, however, to the United States mail, to the vehicles of the police and fire departments and to other authorized emergency vehicles.

(Comp. Ords. 1970, § 7-881)

Sec. 48-84. Clearing streets for civic parades.

It shall likewise be the duty of the chief of police and other police officers and patrol officers, upon application, to clear the roadway of any streets necessary in the judgment of the chief of police, to be used for any authorized civic parade or procession.

(Comp. Ords. 1970, § 7-882)

Sec. 48-85. Arrest for violation of state laws as to parades.

It shall be the duty of the chief of police or other police officers to arrest any person whose obstruction of any military parade shall amount to a violation of the penal laws of the state, and to prosecute such offenders in the state courts in the manner prescribed by law.

(Comp. Ords. 1970, § 7-883)

Secs. 48-86—48-113. Reserved.

DIVISION 2. SPECIAL EVENTS

Sec. 48-114. Purpose and findings.

The mayor and city council find that special events, as herein defined, are a medium through which individuals may conduct certain lawful economic and noneconomic activities on the public properties, streets, sidewalks and rights-of-way lying within the city, and that the regulation of the location, size and duration of such special events is necessary to protection of the public health, safety and welfare of the city. By enacting this division the mayor and city council intend to:

- (1) Balance the rights of individuals, groups, organizations, clubs, associations or other entities to conduct such special events;
- (2) Protect the public health, safety, and welfare;
- (3) Reduce traffic and pedestrian hazards;
- (4) Reduce the possible adverse effects of such special events on the inhabitants and economic interests located in the city;
- (5) Protect property values within the city by minimizing the possible adverse effects of such special events;
- (6) Promote economic development; and
- (7) Ensure the fair and consistent enforcement of special events regulations.

(Ord. of 2-22-2005(2), § 1)

Sec. 48-115. Definitions.

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

Designee, when used to identify the designee of the city administrator, means the city clerk.

Local civic group means *local*—primarily serving the needs of a particular limited district; *civic group*—of or relating to a citizen, a city, citizenship, or community affairs.

Local non-profit group means *local*—primarily serving the needs of a particular limited district; *non-profit*—not conducted or maintained for the purpose of making a profit.

Producer means any person, group of persons, organization, association, club, or other entity responsible for planning, producing, and conducting a special event. The producer must show the special event is a direct service or a direct beneficial benefit to the City of Cleveland and White County, Georgia.

Special event means any organized activity having as its primary purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or march, rally or assembly which takes place on a public property, street, sidewalk or right-of-way, or which occurs on private property and impacts government services on a public property, street, sidewalk or right-of-way. The special event must be a direct service or a direct financial benefit to the City of Cleveland and White County, Georgia.

Vendor means any person who engages in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public property, street, sidewalk, or right-of-way. The term "vendor," as used in this division, shall not be construed to include or prohibit a permanent business, operating under the provisions of the occupational tax license ordinance and other applicable laws, from displaying goods or merchandise on a public sidewalk immediately in front of and adjacent to the permanent business structure so long as such displays do not impede the normal flow of pedestrian or vehicular traffic and so long as other laws and ordinances pertaining to such business or displays are complied with.

(Ord. of 2-22-2005(2), § 2; Ord. No. 2012-13, Exh. A, 11-13-2012)

Sec. 48-116. Permits; applications; fees.

- (a) *Permits required.* It shall be unlawful for any person, group, organization, association, club or other entity to conduct or cause to be conducted any special event in the city without first obtaining from the city a valid permit for such special event.
- (b) *Geographic limitations.* Each special event shall be conducted, located and limited to the specific geographic area authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.
- (c) *Time limitations.* Each special event shall be limited in time to the dates and time periods authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.
- (d) *Activity limitations.* Each special event shall be limited to those activities authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.
- (e) *Application.* A producer of a special event shall make application for such permit at city hall in a form prescribed by the city, and file such completed application with the city clerk. Such applications may be obtained from the office of the city clerk.
- (f) *Application fee.* A nonrefundable application fee as provided in the city fee schedule shall be paid upon the filing of each special event application with the city clerk.
- (g) *Time requirements for filing.* Applications for special events which request the use of any public property, street, sidewalk or right-of-way within the city, or for events which are to occur on private property and impact government services on a public property, street, sidewalk or right-of-way, and which propose more than six persons as attendees, shall be filed with the city clerk at least 60 days prior to the date the special event is scheduled to occur. Applications for such special events the use or for events which are to occur on private property and impact government services on a public property, street, sidewalk or right-of-way, and which propose six or fewer persons as attendees, shall be filed with the city clerk at least 30 days prior to the

date the special event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the proposed special event.

- (h) *Permit fee.* In addition to the application fee, the producer shall pay a permit fee in order to conduct a special event within the city. The amount of said fee shall be based on the services which the city may elect to provide to the producer of such special event and shall be equal to the estimated actual cost to the city to provide such services. The initial permit fee shall be the aggregate of the estimated costs of such services. If, at the conclusion of the special event, the cost of the services provided by the city is greater than the initial permit fee, the producer of the event shall be billed for the difference. Failure to pay the outstanding amount within 30 days of the billing date shall be a violation of this division. The initial permit fee shall be paid in full prior to the issuance of the special event permit for such special event. The application fee and the permit fee specified in this division shall be in addition to any other fees which may be required by any other ordinances or regulations of the city which might be applicable to such special event. No producer of any special event, except as otherwise provided for, shall be exempt from the payment of the appropriate fees required under this division, except as authorized by the mayor and city council.

(Ord. of 2-22-2005(2), § 3)

Sec. 48-117. Identification of producer.

The producer of a special event, whether an individual, group or organization, shall be fully identified on the application. However, a special event permit shall be issued only to an individual person, who shall also be the designated agent of any producer who is not an individual, and such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this division and other applicable laws.

(Ord. of 2-22-2005(2), § 4)

Sec. 48-118. Administrative review.

The city administrator or designee will review each application in order to determine the nature and activities of the proposed event, and to evaluate the effect of such proposed special event on the city, and to determine the amount of the permit fee described in section 48-116.

(Ord. of 2-22-2005(2), § 5)

Sec. 48-119. Special restrictions and conditions on permit.

After such determination and evaluation by the city administrator or designee, the city administrator or designee may impose such special conditions or restrictions on said permit as may promote the protection of the public health, safety and welfare of the city, and such special conditions and restrictions so imposed shall be construed to have the full force and effect of law as a provision of this division. A violation of any of such special conditions or restrictions shall be deemed a violation of this division.

(Ord. of 2-22-2005(2), § 6)

Sec. 48-119.1. Collections or fundraisers.

Applicants who intend to solicit funds or sell goods must be a local civic group or a local non-profit group. Groups who are not located within the limits of White County and wish to solicit funds or sales must have a local civic group or a local non-profit group sponsor the event. The solicitation of funds and sale of goods must be a

direct service or a direct financial benefit to the citizens of the City of Cleveland and White County, Georgia. A signed affidavit from the sponsoring group must accompany the application.

(Ord. No. 2012-13, Exh. A, 11-13-2012)

Sec. 48-120. Prior permit from department of transportation.

Any special event which is to use a portion of any state highway right-of-way lying within the city must also have obtained all required permits from the state department of transportation. It shall be the applicant's sole duty and responsibility to obtain all such permits prior to making application to the city for a special event permit. No city special event permit shall be issued without the proper state department of transportation permit first having been obtained, and a copy of same filed with the city clerk with the application for the city special event permit.

(Ord. of 2-22-2005(2), § 7)

Sec. 48-121. Liability.

The producer of any special event shall hold harmless the city, its officers, employees, and agents, from any and all liability for damages arising from any acts or omissions emanating from a special event. Proof of such waiver and indemnification shall be filed with, and made part of, the application for a special event permit. The producer shall be solely responsible for providing any and all insurance that may be necessary for any special event.

(Ord. of 2-22-2005(2), § 8)

Sec. 48-122. Vendors.

The sale of food, any merchandise and/or services of any type, by a vendor shall be allowed as a component of a special event permit, if such vendor has been identified as a permitted vendor in the special event permit issued by the city. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the city permit. Any vendor so authorized by such permit shall be required to prominently display on his person a badge identifying the vendor as an authorized participant in the permitted special event. Such identification shall not be less than three inches by three inches, shall state that the bearer is an official participant in such special event, and shall bear the signature of the producer of the event. The permitted vendor of any food, whether hot or cold, acting as a part of a permitted special event, shall be subject to applicable rules and regulations governing food service within the city, including, but not limited to, the rules and regulations of the county health department. It shall be the responsibility of the producer of a special event to assure such compliance by such vendors.

(Ord. of 2-22-2005(2), § 9)

Sec. 48-123. Traffic and crowd control.

Such traffic and crowd control on the public property, streets, sidewalks and rights-of-way lying within the city as may be deemed appropriate by the mayor and city council shall be provided by the city.

(Ord. of 2-22-2005(2), § 10)

Sec. 48-124. Toilet facilities.

The producer of a special event shall be required to provide toilet facilities at any special event lasting more than three hours at which 200 or more persons are expected to be in attendance.

(Ord. of 2-22-2005(2), § 11)

Sec. 48-125. Musical entertainment.

Musical entertainment shall be provided in a manner consistent with the peace and good order of the city. The producer of the special event shall be responsible for full compliance with any and all ordinances governing such musical entertainment.

(Ord. of 2-22-2005(2), § 12)

Sec. 48-126. Tents, stages and structures.

Tents, arbors, stages, grandstands and other temporary structures and facilities constructed or erected as a part of a permitted special event shall be approved by the city prior to and after construction and erection.

(Ord. of 2-22-2005(2), § 13)

Sec. 48-127. Public property closing.

No public property, street, sidewalk or right-of-way shall be partially or completely closed as part of a special event unless such closure shall have been authorized in the special event permit issued by the city; provided however, the partial or complete closure of the public square of the city or any public street or right-of-way shall require the prior approval of the mayor and city council.

(Ord. of 2-22-2005(2), § 14)

Sec. 48-128. Duration of permit.

No special event permit issued under this division shall be valid prior to or past the date of the special event for which it is issued.

(Ord. of 2-22-2005(2), § 15)

Sec. 48-129. Picketing and demonstrations, etc.

Any person, group, or organization engaged in any picketing, demonstrations, assembly, gathering, procession, or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any public or private place within the city, and may be required under the provisions of this division to conduct such protected activities in certain designated areas identified by the city. Any person, group or organization engaged in such protected activities is required to make application as set forth in section 48-116. However, any such person, group or organization shall be exempt from payment of the application and permit fees set out in section 48-116, and applications for such protected activities shall be filed with the city clerk not less than three days prior to said event.

(Ord. of 2-22-2005(2), § 16)

Sec. 48-130. Funeral processions.

The provisions of this division shall not apply to any motorcade conducted under the supervision and direction of a funeral director in conjunction with any funeral.

(Ord. of 2-22-2005(2), § 17)

Sec. 48-131. Revocation of permit.

If any permitted producer or vendor, and/or any employee, agent or contractor of such producer or vendor, during the course of the permitted special event, shall violate any law of the United States, the state, or any ordinance of the city, and an arrest is made or citation is issued arising out of such violation, the special event permit may be immediately revoked by the city administrator or designee, and all activities conducted under said special event duty shall be deemed an authorized designee of the city administrator.

(Ord. of 2-22-2005(2), § 18)

Sec. 48-132. Enforcement and penalties.

- (a) Any person who attempts to conduct a special event without having first obtained the necessary special event permit in the manner provided in this division shall be subject to penalties as provided in section 1-16.
- (b) Action pursuant to any provision of this division shall not be a bar to the enforcement of this division by injunction or other appropriate remedy, and the city, acting by and through the city administrator or designee, shall have the power to institute and maintain in the name of the city any and all such enforcement proceedings.

(Ord. of 2-22-2005(2), § 19)

Secs. 48-133—48-150. Reserved.

ARTICLE V. CAMPING ON PUBLIC OR PRIVATE PROPERTY

Sec. 48-151. Urban camping and improper use of property.

- (a) *Definitions.* For purposes of this section:
 - (1) *Camp or Camping* means to reside, lodge, or sleep temporarily in a place, with or without bedding or other shelter materials, or to store personal belongings in a manner indicative of overnight occupancy, including but not limited to tents, tarps, sleeping bags, or other bedding.
 - (2) *Public Property* means any real property owned, leased, or controlled by the City, including but not limited to streets, sidewalks, alleys, parks, public parking lots, and other public rights-of-way.
- (b) *Prohibition*
 - (1) It shall be unlawful for any person to camp, lodge, sleep or store personal property on any public property within the City of Cleveland except as expressly authorized by the City or in areas designated for such use.

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- (2) It shall be unlawful to camp, to sleep, to store personal property, to sit on, or to lie down on any public park, public street, or other public property so as to interfere with ingress or egress from such public park, or public street, or other public property, or any combination thereof, or so as to interfere with ingress and egress to any private property accessed by means of such public park, or public street, or other public property, or any combination thereof.
- (3) It shall be unlawful for anyone other than the owner of a private property, a leaseholder of such private property, or other rightful occupant of such private property to camp, sleep, reside, store personal property, or lie upon, any private property without the owner's or leaseholder's permission. Any such use of private property authorized by and consented to by the owner or leaseholder of such private property must be in conformity with the provisions of the Code of Ordinances of the City of Cleveland, including, but not limited to, the zoning and land use provisions of said Code of Ordinances which are applicable to such private property, and if such use is a violation of said Code of Ordinances, an authorization of such use by the landowner or leaseholder shall not nullify a violation of any provision of this section.
- (4) It shall be unlawful to erect or maintain any structure, shelter, or bedding for the purpose of camping on public property without the express written permission of the City.
- (5) No person shall store personal property, including but not limited to bedding, sleeping bags, clothing, tents, or cooking equipment, on public property in a manner that interferes with public use, access, or safety.
- (6) It shall be unlawful for anyone other than the owner of a private property, a leaseholder of such private property, or other rightful occupant of such private property to camp, sleep, reside, store personal property, or lie upon, any private property without the owner's or leaseholder's permission. Any such use of private property authorized by and consented to by the owner or leaseholder of such private property must be in conformity with the provisions of the Code of Ordinances of the City of Cleveland, including, but not limited to, the zoning and land use provisions of said Code of Ordinances which are applicable to such private property, and if such use is a violation of said Code of Ordinances, an authorization of such use by the landowner or leaseholder shall not nullify a violation of any provision of this section.
- (c) *Exceptions.* This ordinance shall not apply:
- (1) When a person is authorized by permit, contract, or agreement with the City to camp in a specific location; or
 - (2) When enforcement of this ordinance would violate a person's constitutional rights under applicable federal or state law, including when no shelter space is reasonably available, pursuant to legal precedent.
 - (3) When enforcement of this ordinance would violate a person's constitutional rights under applicable federal or state law, including when no shelter space is reasonably available, pursuant to legal precedent.
- (d) *Enforcement and Penalties.*
- (1) A violation of this ordinance constitutes a civil infraction and is subject to a fine as established by the Master Fee Schedule.
 - (2) Continued or repeated violations may be enforced as a misdemeanor offense, punishable by up to 90 days in jail and/or a fine as established by the Master Fee Schedule.

(3) The City may remove and store any unauthorized structures or items left on public property in violation of this ordinance, subject to procedures for notice and retrieval.

(e) *Severability*

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(Ord. No. 2013-06, 11-4-2013; Ord. No. 2026-01, 6-15-2026)

ARTICLE VI. UTILITY ACCOMMODATION POLICY

DIVISION 1. DECLARATION OF FINDINGS AND PURPOSE, SCOPE, DEFINITIONS

Sec. 48-201. Intent and purpose.

The City of Cleveland (the "city") is vitally concerned with the use, construction within, and occupancy of all rights-of-way in the city as such rights-of-way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, economic development of the city and to protect public works infrastructure. Therefore, the city, under the authority of the Laws and Constitution of the State of Georgia, including but not limited to, Article 9, Section 1, paragraphs 2 and 3 of the Georgia Constitution, O.C.G.A § 32-1-20, and O.C.G.A. § 32-4-42(6), has adopted this article for the purpose of regulating public and private entities which use the city rights-of-way.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-202. Scope.

The provisions of this article shall apply to all utilities and facilities occupying the rights-of-way as provided herein.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-203. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations have the meanings set forth herein. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "sections" are, unless otherwise specified, references to sections in this article. Defined terms remain defined terms whether or not capitalized.

City means the City of Cleveland, Georgia.

Codified Ordinances and *Code of Ordinances* means those ordinances codified in the Code of Ordinances of the City of Cleveland, together with those ordinances duly ordained and adopted by the Mayor and Council of the City of Cleveland, but not yet codified.

Construct means, but shall not be limited to, dig, bore, tunnel, trench, excavate, obstruct, install or remove signs, or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. "Construct" shall also include, but not be limited to, the act of opening and/or cutting into the surface of any paved or improved surface that is any part of the rights-of-way.

Construction means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. "Construction" shall also include, but not be limited to, the act of opening, boring and/or cutting into the surface of any part of the rights-of-way.

Cleveland Building Official and City Building Official means the building inspector of the City of Cleveland, Georgia, or his or her designee, as may be designated by the mayor and council of the City of Cleveland.

Emergency means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property.

Facility or facilities means any tangible thing, including, but not limited to, pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any utility in, on, along, over, or under any part of the rights-of-way within the city.

Facilities representative(s) means the specifically identified agent(s)/employee(s) of a utility who are authorized to direct field activities of that utility and serve as official notice agent(s) for facilities related information. Utility shall be required to make sure at least one of its facilities representatives is available at all times to receive notice of, and immediately direct response to, facilities related emergencies or situations.

FCC means the Federal Communications Commission or any successor thereto.

Permit means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public rights-of-way, and which may be subject to conditions specified in a written agreement with the city or in a related provision of the codified ordinances of the city.

Right(s)-of-way means the surface and space in, on, above, within, over, below, under or through any real property in which the city has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to, any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the city, now or hereafter, that consistent with the purposes for which it was given or dedicated, may be used for the purposes of constructing, operating, repairing or replacing facilities.

Service(s) means the offering of any service by a utility for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, or alternatively, the provision of any service by a utility between two or more points for a proprietary purpose to a class of users other than the general public.

Service agreement means a valid license agreement, service agreement, franchise agreement, or operating agreement issued by the city or state pursuant to law and accepted by a utility or entered into by and between the city and a utility, which allows such utility to operate or provide service within the geographic limits of the city.

Street or streets means the surface of, as well as the spaces above and below, any and all the streets, alleys, avenues, roads, bridges, tunnels and public places of the city within the corporate limits of the city, as the same now exist or may be hereafter extended or altered, and any location thereon, there over or thereunder, and any portion thereof.

Transfer means the disposal by the utility, directly or indirectly, by gift, assignment, sale, merger, consolidation, or otherwise, of more than 50 percent at one time of the ownership or controlling interest in the facilities, or of more than 50 percent cumulatively over the term of a written approval of registration of such interests to a corporation, partnership, limited partnership, trust, or association, or person or group of persons acting in concert.

Unused facilities means facilities located in the rights-of-way which have remained unused for 12 months and for which the utility is unable to provide the city with a plan detailing the procedure by which the Utility intends to begin actively using such facilities within the next 12 months, or that it has a potential purchaser or user of the facilities who will be actively using the facilities within the next 12 months, or, that the availability of such facilities is required by the utility to adequately and efficiently operate its facilities.

Utility or utilities means all privately, publicly, or cooperatively owned systems for producing, transmitting, or distributing communication, data, information, telecommunication, cable television, video services, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner, operator, utility, service, contractor, or subcontractor, or any agent thereof, of any above-described utility or utility facility.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-204—48-210. Reserved.

DIVISION 2. UTILITY REGISTRATION

Sec. 48-211. Registration required.

Each utility who occupies, uses or has facilities in the rights-of-way at the time of passage of this article, including by lease, sublease or assignment, or otherwise, to operate facilities located in the rights-of-way, unless specifically exempted by state or federal law or this Code, shall file a registration statement with the city within 90 days of the effective date of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-212. Registration procedure.

The registration information provided to the city shall be on a form approved by the city and shall include, but not be limited to:

- (1) The name, legal status (i.e., partnership, corporation, etc.), street address, email address, and telephone and facsimile numbers of the utility filing the registration statement (the "registrant"). If the registrant is not the owner of the facility in the rights-of-way, the registration shall include the name, street address, email address if applicable, and telephone and facsimile numbers of the owner;
- (2) The name, street address, email address if applicable, telephone, and facsimile numbers of one or more facilities representative(s). Current information regarding how to contact the facilities representative(s) in an emergency shall be provided at the time of filing a registration and shall be updated as necessary to assure accurate contact information is available to the city at all times;
- (3) A copy, if requested, of the utility's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements; and
- (4) A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the utility to use or occupy the rights-of-way for the purpose described in the registration.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-213. Incomplete registration.

- (a) If a registration is incomplete, the Cleveland Building Official shall notify the registrant and shall provide a reasonable period of time in which to complete the registration. If a registration is complete, the Cleveland Building Official shall so notify the utility in writing, and if a registration is incomplete the Cleveland Building Official shall also so notify the utility in writing.
- (b) Acceptance of the registration shall not convey title in or to the rights-of-way or any part thereof. Acceptance of the registration is only the nonexclusive, limited right to occupy rights-of-way in the city for the limited purposes stated in the acceptance. Acceptance of the registration does not excuse a utility from obtaining permits required by city ordinances and the City Code of Ordinances, nor from obtaining appropriate access or pole attachment agreements before using the facilities of others, including, but not limited to, the city.
- (c) Acceptance of the registration does not excuse a utility from notifying the city of construction as required herein.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-214. Facilities in place without registration.

Beginning one year after the effective date of this article adopting this article, any facilities or part of a facility found in the rights-of-way for which registration is required but has not been obtained, unless specifically exempted by law, and for which no valid service agreement exists with the city, may be deemed to be a nuisance and an unauthorized use of the rights-of-way. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance, taking possession of the facilities, evicting the utility from the rights-of-way, prosecuting the violator, and/or any other remedy provided by the Code of Ordinances of the City of Cleveland, and/or otherwise allowed in law or in equity.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-215—48-220. Reserved.

DIVISION 3. CONSTRUCTION PERMITS

Sec. 48-221. Permit required.

It shall be unlawful for any utility to excavate or to construct, install, maintain, renew, remove or relocate facilities in, on, along, over, or under the public roads and/or the public road rights-of-way of the city without a utility permit from the city of in accordance with the terms of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-222. Permit procedure.

Utility permits shall be obtained from the Cleveland Building Official upon application made on forms prescribed by the city. The written application shall include the following:

- (1) The name and address of the utility;

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- (2) The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. The plans shall show the size or capacity of facilities to be installed; their relationship to street features such as rights-of-way lines, pavement edge, structures, etc., horizontal and vertical clearance to critical elements of the roadway and any other information necessary to evaluate the impact on the street and its operation;
 - (3) The name and address of the person or firm who is to do such work;
 - (4) The name, street address, email address if applicable, and telephone and facsimile numbers of one or more facilities representative(s);
 - (5) The projected dates for the work to be started and finished;
 - (6) An indemnity bond or other acceptable security in an amount to be set by the city to pay any damages to any part of the city road system or other city property or to any city employee or member of the public caused by activity or work of the utility performed under authority of the permit issued;
 - (7) A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements; and
 - (8) A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the Utility to use or occupy the rights-of-way for the purpose described in the application.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-223. Permit fees.

Fees shall be determined by the mayor and council of the City of Cleveland by appropriate resolution(s). A fee schedule shall be available at the offices of the Cleveland Building Official and the city clerk of the City of Cleveland and open for public inspection.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-224. Issuance of permit.

If the Cleveland Building Official determines the applicant has satisfied the following requirements, the Cleveland Building Official may issue a permit.

- (1) Whether issuing of the approval will be consistent with this article;
- (2) Whether applicant has submitted a complete application and has secured all certificates and other authorizations required by law, if applicable, in order to construct facilities in the manner proposed by the applicant; and
- (3) The impact on safety, visual quality of the streets, traffic flow, and other users of the rights-of-way and the difficulty and length of time of the project, construction or maintenance.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-225. Emergency situations.

- (a) Each utility shall, as soon as reasonably practicable, notify the Cleveland Building Official of each and every event regarding its facilities which it considers to be an emergency. The utility may proceed to take whatever

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actions are necessary in order to respond to the emergency. A utility who engages in an emergency excavation shall take all reasonable precautions to avoid or minimize damage to any existing facilities.

- (b) In the event that the city becomes aware of an emergency regarding utility facilities, the city may attempt to contact the affected utility or facilities representative. The city may take whatever action it deems necessary in order to respond to the emergency, including, but not limited to, to cut or move any of the wires, cables, amplifiers, appliances, or other parts of the facilities. The city shall not incur any liability to the utility, for such emergency actions, and the cost of such shall be paid by each utility affected by the emergency.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-226. Effective period of permit.

- (a) Each permit shall have a set commencement and expiration date based on information provided in the applicant's permit application.
- (b) The permit shall remain in place until construction is completed or until its expiration date unless the utility is in default. The Cleveland Building Official may give written notice of default to a utility if it is determined that a utility has:
 - (1) Violated any provision or requirement of the issuance or acceptance of a permit application or any provision of the City Code of Ordinances, or any law of the state, or federal government;
 - (2) Attempted to evade any provision or requirement of this article;
 - (3) Practiced any fraud or deceit upon the city; or
 - (4) Made a material misrepresentation or omission of fact in its permit application.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-227. Cancellation for cause.

If a utility fails to cure a default within 20 working days after such notice is provided to the utility by the city, then such default shall be a material breach and city may exercise any remedies or rights it has at law or in equity to terminate the permit. If the Cleveland Building Official determines there is cause or reason to terminate, the following procedure shall be followed:

- (1) City shall serve a utility with a written notice of the reason or cause for proposed termination and shall allow a utility a minimum of 15 calendar days to cure its breach; and
- (2) If the utility fails to cure within 15 calendar days, the city may declare the permit terminated.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-228. Expiration of permit.

If work is not begun within six months of the date of issuance, the permit will automatically expire.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-229—48-240. Reserved.

DIVISION 4. REQUIRED MINIMUM STANDARDS

Sec. 48-241. Utility Accommodation Manual adopted.

The 2009 Utility Accommodation Policy and Standards Manual, including all references contained therein to codes, rules, regulations, schedules, forms, and appendix items [except Appendix B (Permit Forms and supporting Documents)], promulgated by the State of Georgia Department of Transportation, as may be amended from time to time, is hereby adopted by reference and incorporated in this article as if fully set forth herein, subject to the right, power, and authority of the mayor and council of the City of Cleveland, by ordinance duly ordained and adopted, to amend and modify this article. A copy of the manual shall be maintained at the offices of the Cleveland Building Official and be open for public inspection.

Any conflicts between the provisions of this article and said manual shall be resolved in favor of the manual. References in said manual to state personnel, agencies, and fees shall be interpreted, where required, as meaning the City of Cleveland, acting by and through its mayor and council, and its officers, employees, and agents.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-242. Protection of traffic and roadway.

Unless specifically in the permit, no utility may occupy the rights-of-way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the city from reasonably maintaining the streets, structures, city utilities, traffic control devices, and other appurtenant facilities, and further provided that maintenance and operations of the facilities do not jeopardize the traffic, street structure, other users of the rights-of-way or the rights-of-way itself.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-243. Grading.

If the grades or lines of any street within the city rights-of-way are changed at any time by the city during the term of the permit and this change involves an area in which the utility's facilities are located, then the utility shall, at its own cost and expense and upon the request of the city upon reasonable notice, protect or promptly alter or relocate the facilities, or any part thereof, so as to conform with such new grades or lines. In the event the utility refuses or neglects to so protect, alter, or relocate all or part of the facilities, the city shall have the right to break through, remove, alter, or relocate all or any part of the facilities without any liability to the utility and the utility shall pay to the city the costs incurred in connection with such breaking through, removal, alteration, or relocation.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-244. Installation of poles and other wire holding structures and relocation.

Unless otherwise provided in a valid service agreement, no placement of any pole or wire holding structure of the utility is to be considered a vested interest in the rights-of-way, and such poles or structures are to be removed, relocated underground, or modified by the utility at its own expense whenever the city determines that

the public convenience would be enhanced thereby. The facilities shall be so located and installed as to cause minimum interference with the rights and convenience of the city and the rights and convenience of property owners.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-245. Blasting.

As provided in O.C.G.A § 25-9-6 (the Georgia Utility Facility Protection Act) and other applicable state laws currently in place or as amended hereafter, no utility shall commence, perform, or engage in blasting or in excavating with mechanized excavating facilities unless and until the utility planning the blasting or excavating has given 48 hours' prior notice by submitting a locate request to the utility protection center, beginning the next working day after such notice is provided, excluding hours during days other than working days.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-246—48-250. Reserved.

DIVISION 5. RESTORATION OF PROPERTY

Sec. 48-251. Utility responsible for cost of repairs.

Each utility shall be responsible for the cost of repairing any facilities in the rights-of-way and adjoining property or other facilities which it or its facilities damage.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-252. Liability of utility to replace, restore or repair any street.

A utility shall be liable, at its own cost and expense, to replace, restore or repair, any street. Facilities or property or structure thereon, thereunder, there over or adjacent thereto that may become disturbed or damaged as a result of the construction or installation, operation, upgrade, repair or removal of facilities to a condition as good as or better than its condition before the work performed by the utility that caused such disturbance or damage. If the utility does not commence such replacement or repair after 20 working days following written notice from the city, the city or the owner of the affected structure or property may make such replacement or repair and the utility shall pay the reasonable and actual cost of the same.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-253—48-260. Reserved.

DIVISION 6. INSPECTIONS

Sec. 48-261. Availability of construction site for inspection.

The utility shall make the construction site available to the Cleveland Building Official and to all others authorized by the Code of Ordinances of the city and by other law for inspection at all reasonable times during the execution and upon completion of the construction.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-262. Cessation of work due to violation.

At any time, including the time of inspection, the Cleveland Building Official may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public, violates any law, or which violates the terms and conditions of the permit and/or this article, or the Cleveland Building Official may issue an order to the utility to correct the work which does not conform to the permit and/or applicable codified ordinances of the city.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-263. Notification to city upon completion of construction.

When the construction under any permit is completed, the utility shall notify the city.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-264—48-270. Reserved.

DIVISION 7. OTHER APPROVALS, PERMITS, AND AGREEMENTS

Sec. 48-271. Additional permits required.

The utility shall obtain all construction, building or other permits or approvals required by the City Code of Ordinances, and by state and federal law. In addition, a permittee shall comply with all requirements of said Code of Ordinances and such laws, and shall complete work in a way so as to not cause any unnecessary or unauthorized obstructions of sidewalks, streets, waterways, or railways, and the Utility is responsible for all work done in the rights-of-way regardless of who performs the work. No rights-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an emergency as outlined in section 48-315 of this article.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-272—48-275. Reserved.

DIVISION 8. PENALTIES

Sec. 48-276. Fine for conviction of violation.

Every utility convicted of a violation of any provision of this Article shall be punished by a fine established by the Master Fee Schedule. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies as the city may deem appropriate, including, but not limited to the abatement of nuisances, injunctive relief, revocation of licenses or permits, or any combination thereof.

(Ord. No. 2016-02, 2-22-2016; Ord. No. 2026-01, 6-15-2026);

Secs. 48-277—48-280. Reserved.

DIVISION 9. OTHER PROVISIONS

Sec. 48-281. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-282. Reservation of regulatory and police powers.

The city by issuing a written approval of registration or by issuing a permit under this article, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights, which the city has now or may be hereafter vested in the city under the Constitution and laws of the United States, State of Georgia, and the City Charter, and under the provisions of the Code of Ordinances of the City of Cleveland, to regulate the use of the rights-of-way. The utility by applying for and being issued an approved registration, or a written permit, is deemed to acknowledge that all lawful powers and rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the city, shall be in full force and effect and subject to the exercise thereof by the city at any time and at all times. A utility is deemed to acknowledge that its interests are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general laws enacted by the city pursuant to such powers. In particular, all utilities shall comply with city zoning and other land use requirements pertaining to the placement and specifications of facilities.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-283. Compliance.

No utility and/or no person, legal or natural, including, but not limited to, any corporation, firm, institution, or other entity, shall be relieved of its obligation to comply with any of the provisions of this article by reason of any failure of the city to enforce compliance with this article or any provision thereof.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-284. Appeal of administrative decisions.

All appeals provided for by this article and any notification to the city required by this article shall be in writing and sent via certified mail to the Cleveland Building Official at 85 South Main Street, Cleveland, Georgia 30528.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-285. Chapter headings.

Chapter headings are for convenience only and shall not be used to interpret any portion of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-286. Repealer.

Except as provided otherwise herein, the adoption of this article repeals ordinances and provisions of the Cleveland Code of Ordinances conflicting with the terms of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-287. Effective date.

The effective date of this article shall be June 15, 2026

(Ord. No. 2016-02, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Chapter 50 SUBDIVISIONS⁶

Sec. 50-1. Adoption of development specifications.

The city has adopted, as stated in section 64-1, Standard Development Specifications, April 2002, that include subdivision specifications. The adopted specifications shall be applicable to subdivision developments within the city. A copy of the adopted specifications is available in the office of the city clerk.

Chapter 52 TAXATION⁷

⁶State law reference(s)—Municipal annexations, O.C.G.A. § 36-36-1 et seq.; home rule for municipalities, O.C.G.A. § 36-35-3; limitations on home rule for municipalities, O.C.G.A. § 36-35-6.

⁷State law reference(s)—Revenue and taxation generally, O.C.G.A. § 48-1-1 et seq.; ad valorem taxation of property, O.C.G.A. § 48-5-1 et seq.; county tax officials and administration, O.C.G.A. § 48-5-100 et seq.; county taxation, O.C.G.A. § 48-5-220 et seq.; miscellaneous local administration provisions, O.C.G.A. § 48-5-380; county sales and use taxes, O.C.G.A. § 48-8-110 et seq.; taxes on tobacco products, O.C.G.A. § 48-11-1 et seq.; levy of occupation taxes by counties and municipalities on certain businesses, O.C.G.A. § 48-13-1 et seq.; imposition of regulatory fees by local governments on certain businesses, O.C.G.A. § 48-13-8 et seq.

ARTICLE I. IN GENERAL

Sec. 52-1. Scope of chapter.

This chapter contains provisions regarding taxes levied by the city other than business license taxes and regulatory fees governed by chapter 12.

Sec. 52-2. Tax collection and enforcement.

The city may contract with the county tax commissioner or other authorized officials for the assessment, billing, collection, and enforcement of taxes authorized under this chapter.

Secs. 52-3—52-22. Reserved.

ARTICLE II. AD VALOREM TAX⁸

Sec. 52-23. Annual levy.

- (a) The city may annually levy an ad valorem tax on all taxable real and personal property located within the city limits, as authorized by Georgia law.
- (b) The city may levy additional ad valorem taxes as authorized by law for the payment of bonded indebtedness and interest on general obligation bonds. Such levies shall be shown separately on all tax bills.

Sec. 52-24. Assessment and fair market value.

All property subject to city ad valorem taxation shall be assessed at 40 percent of its fair market value. The basis for fair market value shall be 100 percent of the fair market value determined for the property by the city for city ad valorem tax purposes. Assessments for the city are handled by the county tax assessor.

Sec. 52-25. Appeal of assessments.

Taxpayers may appeal property assessments and exemptions in the manner provided by applicable Georgia law, including O.C.G.A. § 48-5-311.

Sec. 52-26. Due date and delinquency.

City ad valorem taxes shall be due on the date stated on the tax bill issued by or on behalf of the city. Delinquent taxes shall accrue interest, penalties, and collection costs as authorized by Georgia law.

⁸State law reference(s)—Ad valorem taxation, O.C.G.A. § 48-5-1 et seq.

Sec. 52-27. Failure to pay tax.

The city shall forthwith issue an execution against any person who has defaulted in the payment of any ad valorem tax to be paid. The execution thus issued shall be a lien on all the property of such person, both real and personal, and shall be placed in the hands of the city officer responsible for collection by levy and sale.

Sec. 52-28. Taxes charged against owners and life tenants.

Taxes are to be charged against the owner of the property, if known, or against the specific property itself if the owner is not known. Life tenants and those who enjoy the use of the property are chargeable with the tax thereon.

Sec. 52-29. Exempt property.

Property exempt from taxation under the Georgia Constitution or state law shall be exempt from city ad valorem taxation.

Sec. 52-30. Tax execution records.

The county tax commissioner or designated official shall maintain records of tax executions issued on behalf of the city in accordance with Georgia law. Such records shall be available for public inspection as required by law.

Sec. 52-31. Cancellation of executions.

Tax executions shall be canceled upon payment of all taxes, penalties, interest, and authorized collection costs.

Sec. 52-31. Cancellation of executions.

Cancellation of tax executions shall be made when all unpaid taxes, penalty and interest sums have been paid.



(Ord. of 2-10-1997, § 2)

Secs. 52-32—52-50. Reserved.

ARTICLE III. SALES AND USE TAX

Sec. 52-51. Authority to impose taxes.

The city may impose and collect local sales and use taxes only as authorized by Georgia law, including any applicable local option sales tax acts enacted by the General Assembly.