
Sec. 4-1. 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:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all alcohol, distilled spirits, beer, spirituous liquors, malt beverage, wine, or fortified wine as defined in this section.

Brown bag establishment means any restaurant, private club or other establishment providing food or entertainment in the normal course of business, and in which the owners or their agents knowingly allow patrons to bring in and consume the patrons' own alcoholic beverages.

Brown bagging means the act of patrons entering any restaurant, private club, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patrons' own alcoholic beverage.

Close corporation means a domestic corporation that does not:

- (1) Have more than five stockholders;
- (2) Have a corporation as a shareholder; or
- (3) Have more than one class of stock.

Distilled spirits or *spiritous liquors* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume including, but not limited to, all fortified wines, whiskey, rum, gin, brandy, vodka, tequila and all other alcoholic beverages of a similar nature and with similar alcoholic content.

Family means includes any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.

Fortified wine means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential. To meet the definition of "hotel" under this chapter, the facility must have 50 or more rooms used for sleeping accommodations of such guests and one or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least 25 persons, where meals are regularly served to such guests. As used in this section, the term "seating" shall mean that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. All sleeping accommodations and dining rooms must be conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant in their premises, and the holder of such franchise shall be eligible for a license under the "hotel" classification. At least 55 percent of the receipts of the dining room or rooms shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring in the dining room, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called in the dining room from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this section, the calculations of receipts for alcoholic beverages shall be made pursuant to the

scheduling of pricing and the regulations contained therein as required by section 4-147. Receipts for room rentals shall not be included in the calculations.

Individual means a natural person.

Interest in license means an individual is deemed to have an interest in a license if:

- (1) He is the owner of the license.
- (2) He is the co-owner of the license.
- (3) He is a partner in any partnership that owns an interest in a license.
- (4) He is a stockholder holding more than five percent of the stock in any corporation and or is a stockholder in any corporation that has fewer than 25 stockholders, which owns an interest in a license.
- (5) He shares in any income or corpus of any trust fund having any interest in a license to sell at retail.

License representative. If a license representative is required, the license representative shall be a resident of the State of Georgia and a manager of the business who is on the premises on a regular basis.

Lounge/bar means a separate room connected with, a part of, and adjacent to, a restaurant or a room located in hotels as defined herein, and which serves no food. A lounge/bar shall not be permitted to sell or serve alcoholic beverages.

Malt beverage.

- (1) The term "malt beverage" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume, and including, but not limited to, ale, porter, brown, stout, lager beer, malt liquor, small beer and strong beer.
- (2) The term "malt beverage" does not include sake, known as Japanese rice wine.

Meal or regular meal.

- (1) The term "meal" or "regular meal" means a meal which is prepared on the premises according to the order of the patron or customer given to a waiter or waitress at the table, booth or counter area where the customer is seated and served by the waiter or waitress at said table, booth or counter area.
- (2) The term "meal" or "regular meal" does not include food served in a specialty shop; nor food served over the counter; nor "short order meals" such as sandwiches, hot dogs or hamburgers; nor prepackaged, individual meals.

Minor means any person under the age of 21 years.

Package means a bottle, can, keg, barrel, or other original consumer container.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

Premises/outlet means a definite enclosed area or other outside area with controlled ingress and egress wherein spirituous liquors, alcoholic beverages, malt beverages, or wine is sold and consumed, or sold therein by the package to be consumed elsewhere.

Private club.

- (1) The term "private club" means any nonprofit association organized under the laws of the state which:

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- a. Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
 - b. Has at least 75 regular dues-paying members;
 - c. Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 1. Has suitable kitchen and dining room space and equipment; and
 2. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
 - d. Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
- (2) A private club organized or operated primarily for the selling or serving of alcoholic beverages by the drink shall not be licensed under this chapter, nor permitted to sell or serve such beverages at all. All distance requirements as set forth in this chapter shall apply.

Private residence means a house, dwelling or structure wherein not less than one, nor more than two families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two families, nor a boardinghouse or roominghouse where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, but not including short order or quick or fast food shops, such place being provided with adequate and sanitary kitchen and dining room seating of at least 25 persons, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Meals shall be served at least six days a week, with the exception of weeks including holidays, vacations and periods of renovation, and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits, malt beverages and wines to be consumed on the premises as only incidental thereto. As used in this definition, the term "seating" means that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. As used in this definition, the term "principal business" shall mean that at least 55 percent of the receipts of such business shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this definition, the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by section 4-147.

Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises at retail.

Retail package dealer means any person who sells malt beverages and/or wine in unbroken packages for consumption off the premises at retail. Such sales must be in connection with sales of other products.

Sales by the drink means any person who sells distilled spirits, malt beverages and/or wine for consumption on the premises at retail only to consumers and not for resale.

Wholesale or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail package dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, grapes, or other natural products either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, sake, natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Code 1984, § 2-8-2; Ord. No. 2013-06, § 1, 3-7-2013; Ord. No. 2020-02, § 1, 5-21-2020)

State law reference(s)—Similar provisions, O.C.G.A. § 3-1-2.

Sec. 6-1. 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:

Abandoned animal means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where said animal may be found or kept.

Animal at large means any animal not under restraint and off the property of its owner.

Animal under restraint means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or the animal confined within a vehicle, parked or in motion.

Companion animal means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, hamsters, horses, mice, reptiles, domesticated wild animals, exotic animals, and other animals associated with man's environment.

Domesticated animals means animals that are accustomed to live in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this chapter and in no way affects the meaning or application of a definition of the described animal as may be found in any other town ordinance.

Guard dog means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

Owner means any person having the right of property of, keeping, harboring, or acting as custodian of a domesticated animal.

Public nuisance means any animal which:

- (1) Is found at large or abandoned;
- (2) Is a vicious animal/fowl as hereinafter defined;
- (3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained unsanitary conditions in the town;
- (4) Attacks passersby or passing vehicles;

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- (5) Is inimical to the public health, welfare, or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated herein and made a part hereof as if fully set out in this chapter, is hereby declared to be a public nuisance and any person that knowingly keeps, owns, harbors, or acts as custodian of an animal constituting said nuisance shall be guilty of an unlawful act and shall be punishable as hereinafter provided.

Vicious animal/fowl means any animal/fowl which attacks, bites or injures humans, other animals or fowl without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation; or an animal/fowl which has on one or more occasions caused injury to other living creatures without provocation; or any animal which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of such severity as to cause physical injury. An animal/fowl is not considered vicious if it attacks, bites or menaces:

- (1) Anyone attacking the owner;
- (2) Unlawful trespassers on the property of the owner;
- (3) Any person or animal that has tormented or abused it;
- (4) In defense of its young or another animal; or
- (5) Another animal/fowl while accompanying a person who is hunting and while acting in conformity with generally accepted and otherwise lawful hunting practices.

(Code 1984, § 9-3-1; Ord. No. 51, 11-20-1980; Ord. No. 154, 11-17-1988)

Sec. 26-23. Definition.

The following conditions may be declared to be nuisances:

- (1) Stagnant water on premises;
- (2) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises, which is odorous or capable of causing disease or annoyance to the inhabitants of the town;
- (3) The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the town;
- (4) The pollution of public water;
- (5) Obstruction of a public street, highway or sidewalk without a permit;
- (6) Loud or unusual noises which are detrimental or annoying to the public, including without limitation, unusual loud disturbances in or around churches or multiple family complexes such as loud music and other activities in swimming pool and clubhouse areas;
- (7) All walls, trees and buildings that may endanger persons or property;
- (8) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;
- (9) Unused iceboxes, refrigerators and the like, unless the doors, latches or locks thereof are removed;
- (10) Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the town; and
- (11) Any other condition constituting a nuisance under state law.

(Code 1984, § 9-2-1)

Sec. 32-1. 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:

Brush means other vegetation detached from the land resulting from land clearing operations, routine maintenance or other causes that is not included in the definition of garden trash.

Construction site means any residential, commercial, industrial, or other area, lot, or site which construction or demolition of any type is conducted including roads at buildings, and at all other places actively being constructed, demolished, renovated, or repaired.

Construction waste means solid waste that is produced or generated during construction, demolition, remodeling, or repair or pavements, houses, commercial buildings and other structures.

Discard means to abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

Discard material means a material that is abandoned, disposed of, burned, incinerated, accumulated, stored or treated before or instead of being abandoned, disposed of, burned or incinerated.

Dispose means to discharge, deposit, inject, dump, spill, leak or placement of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

Garbage means refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever that is subject to decay, putrefaction and the generating of noxious gases or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ carrying insects; and any bottles, cans, boxes, cartons or other containers.

Garden trash means accumulations of grass, leaves, needles or shrubby cuttings, tree cuttings and tree limbs or other rubbish attending the care of land.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description that are not "waste" as such term is defined in O.C.G.A. § 16-7-51(6).

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Receptacle means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.

Refuse means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Rubbish means accumulations of paper, packing materials, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage as herein defined which are usual to housekeeping and to the operations of stores, offices, commercial or industrial enterprises or other business places, and materials such as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked or abandoned automobiles, and building material and rubble resulting from the construction or alteration of structures or parts of structures, including but not limited to cement blocks, lumber,

drywall or sheet rock, stumps and any abandoned appliances, including but not limited to washers, dryers, refrigerators and stoves and other such materials or refuse.

Sanitary waste or domestic waste means water borne, human or animal excreta or body wastes and normal culinary, laundry, and washing wastes.

Solid waste means any garbage, refuse, rubbish, trash or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

(Code 1984, § 4-2-2)

Sec. 111-1. Definitions.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the town shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in article III of this chapter.

Animated sign means any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene. (Prohibited)

Awning/canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (Prohibited)

Banner means any sign of lightweight fabric or similar material that is intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Banners can be either a freestanding sign or a wall sign.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. (Prohibited)

Bench sign means any sign painted on or otherwise attached to a bench or other seat placed on or off a public right-of-way or meant to be seen by the public. (Prohibited)

Billboard means a freestanding sign larger than 60 square feet used for the display of posters or printed or painted advertising matter. (Prohibited)

Canopy/awning sign. See *Awning/canopy sign*.

Changeable copy sign means a sign on which the message changes more than eight times per day. (Prohibited)

Drive-through sign means a wall or freestanding sign at a drive-through facility.

Flag means any fabric or bunting containing distinctive colors, patterns, or symbols.

Flashing sign means a sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects. (Prohibited)

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Grade, for the purpose of measuring sign height, means the natural ground level at a sign's proposed location unless such ground level is lower than the centerline of the adjoining street in which case height shall be measured from the centerline elevation of the adjoining street. (See section 111-79.)

Illuminated sign, external, means a sign illuminated by an external light source directed primarily toward such sign. Such source cannot be a device that changes color, flashes, or alternates.

Illuminated sign, internal, means a sign illuminated by an internal light source. (Prohibited)

Kiosk means a small, freestanding structure requiring a building permit which may have more than two surfaces. (Prohibited)

Lot means a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Marquee or marquee sign means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Any sign attached to, in any manner, or made a part of a marquee.

Moving sign means a sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts. (Prohibited)

Mural means a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, or depicting a scene or event of natural, social, cultural, or historic significance. (Prohibited)

Nonresidential zoning district. The following are considered nonresidential zoning districts within this chapter: O-I, E-I, M-1, M-2, C-1, C-2, C-3, PUD, and LUC.

Out-of-store marketing device means any device upon which a sign is placed which is intended to display messages outside of a primary building on a site zoned for commercial uses. Examples of out-of-store marketing devices include fuel pumps, menu boards, bank ATM units, newspaper racks, drink machines, ice boxes, and phone booths.

Pennant or streamer means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. (Prohibited)

Permanent sign means any sign which, when installed, is intended for permanent use. Each lot shall be allowed only one permanent freestanding sign of a type and construction as to not be easily or readily removed from the lot on which it has been erected.

Permit means a sign permit reviewed, approved, and issued by the Town of Tyrone.

Portable sign means any sign which is designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A- or T-frame sign. Sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles which prevent the vehicle being used in its intended purpose and that are legible from the public right-of-way are also considered portable signs. (Prohibited)

Principal building means the building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Public sign means:

- (1) Any sign erected for the benefit of the public by a governmental entity for informational purposes including, but not limited to, identifying or providing direction to public telephones, restrooms, locating hazardous or dangerous areas, conditions, events, or identifying the location of underground utility facilities;
- (2) A sign erected by a governmental agency to denote the name of any thoroughfare; to point out the route to any town, educational institution, public building, historic place, hospital, or other use, facility,

or attraction; to direct and regulate traffic; and to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.

Residential zoning district. The following are considered residential zoning districts within this chapter: AR, CR-1, CR-2, CR-3, R-52, R-50, R-48, R-46, R-44, R-42, DR-15, MPH, TR, and RMF.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. (Prohibited)

Seasonal display means any item displayed for the purpose of celebrating a specified cultural, or religious event (e.g., Christmas, Easter, Thanksgiving, July 4th, New Year's, Hanukkah, Kwanzaa).

Sidewalk, sandwich, or A-frame sign means a sign which is normally in the shape of an "A" or some variation thereof and which is usually two-sided.

Sign means any device, fixture, placard, or structure affixed to, or suspended by, a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Suspended sign means any sign used in a multi-tenant building which is suspended from any part of the building.

Temporary sign means any sign that is used temporarily and is not permanently mounted.

Town manager means the person, officer or official whom the mayor and council has designated for the enforcement of this chapter, or his designee.

Wall sign means any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building, and which displays only one sign surface. No wall sign shall extend more than six inches from any wall, building, or structure.

Window sign means any sign, picture, symbol, or combination thereof, that is placed within ten feet inside a window or upon the window panes or glass either inside or outside the building, and is visible and legible from the exterior of the structure.

(Ord. No. 2009-006, § 1(6-6-3), 5-21-2009)

Sec. 113-2. Definitions.

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

Accessory use. A use customarily incidental and subordinate to the principal use or building located on the same lot with such principal use or building.

Artist. A person who engages in the creation of products primarily by hand by persons trained in an artistic skill, e.g. ceramics, pottery, blown glass, sculpture, or hand-crafted furniture.

Adult business. A commercial establishment where an adult service is provided to patrons in the regular course of business and as one of the substantial business purposes of the establishment.

Adult day care services. The provision of an organized program of services, protective in nature, for adults which are offered for less than 24 hours per day including supervision, provision of meals, self-care, social and recreational indoor and outdoor activities, and assistance with medications.

Adult service. A dance, performance or other activity, including but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an

adult business by a person who exposes one or more specified anatomical areas or performs a specified sexual activity during all or part of the time that the person is providing the service.

Amusement park or arcade. An amusement enterprise offering entertainment to the general public in the form of rides and/or games of skill in the form of game machines, instruments, or an apparatus operated by coin, slug, token or similar medium. The activity may be indoors or outdoors.

Antenna. Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

Auction house/yard. A structure or enclosure where goods or livestock are sold by auction.

Automobile. Every vehicle, excluding motorcycles, designed for carrying ten passengers or less and designed and used for the transportation of persons.

Automobile impoundment yard/tow service and wrecking facilities. A parcel of land or a building that is used for the storage of wrecked motor vehicles which are kept for a period of time not exceeding 45 days, and the dismantling or disassembly of damaged or wrecked vehicles.

Automobile repair. Buildings and land where repairs, including painting and body repair, are made on automobiles.

Automobile sales. Buildings and land used for the retail sale of automobiles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacement parts and services including mechanical and body repair or restoration.

Automobile service station. An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, windshield wiper blade replacements, lubrication and minor repairs may also be provided if incidental to such principal use.

Automotive convenience and gas station. Structures designed for the sale of motor fuels and groceries. This establishment may include an automatic car wash but cannot engage in the business of automotive repair.

Basement. An area below the first floor level in a building and having not more than one-half of its clear floor-to-ceiling height above grade. A basement shall not be counted as a story.

Bed and Breakfast inn (B&B). A private owner-occupied residence with one to three guestrooms. The B&B is subordinate and incidental to the main residential use of the building.

Buffer. A portion of a lot set aside to provide a visual separation from abutting tracts, uses, or streams through the use of natural vegetation or other means including replanting, or the provision of supplemental plantings or other visual screening elements or noise attenuation devices. Buffers are not included in setbacks.

Buildable area. That area of a tract or parcel of land excluding all floodplains, wetlands, bodies of water, required buffers, easements, street right-of-ways and/or other encumbrances.

Building. Any enclosed structure with a permanent foundation and having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal, process, equipment, good or property of any kind.

Building height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. See also tower height.

Building materials establishments. A business engaged in selling primarily lumber or lumber and a general line of building materials to the public. While these establishments may also sell to contractors, they are known as retail in the trade. General building materials include: doors; windows; electrical supplies; flooring; paint; glass; wallpaper; wall covering; plumbing supplies (retail); and tile.

Building setback line. The minimum distance allowed between the street right-of-way line and the principal building or structure on a lot or any projection thereof, except the projections of unenclosed porches, steps, eaves, gutters and similar fixtures as permitted by this section.

Business vehicle. Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.

Campground. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Care home. A state-licensed convalescent center, assisted living facility, memory care facility, or similar use established to render long-term domiciliary care to individuals of retirement status no longer able to live independently. This shall not include facilities for the care of mental patients, epileptics, alcohol/drug use patients, or nursing homes.

Child caring institution. Any institution, society, agency, or facility which either primarily or incidentally provides full-time care for children under 17 years of age outside of their own homes, subject to such exceptions such as may be provided in rules and regulations of the state board of human resources. For purposes of these rules, a child caring institution means any institution, society, agency or facility that provides care to six or more children.

Club, lodge or social building. All associations of civic, social, cultural, religious, fraternal, literary, political, and recreational or like activities operated for the benefit of the members and not open to the general public.

Commercial motor vehicle. Any vehicle with a gross vehicular weight greater than 10,000 pounds or with a minimum width of 80 inches and a maximum length of 196 inches. Construction or other similar vehicles or equipment not designed and intended for passenger use or for on-the-road hauling shall be deemed commercial motor vehicles.

Commercial motor vehicle repair. Buildings and land where repairs, including painting and body repair, are made on commercial motor vehicles.

Commercial motor vehicles sales. Buildings and land used for the retail sale of commercial motor vehicle sales, including boats and recreational vehicles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacements parts and services including mechanical and body repair or restoration.

Community living arrangement. Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the department of human resources, division of mental health, developmental disabilities, and addictive diseases. A community living arrangement is also referred to as a "residence".

Construction vehicle. Any heavy-duty vehicle designed for executing construction tasks, including but not limited to backhoes, bulldozers, front loaders, excavators, graders, cranes, dump trucks, and similar vehicles.

County. Fayette County, Georgia.

Day care—Child care learning center. Any center operated by a person, society, agency, corporation, institution, or group that receives pay for group care, children remain less than 24 hours per day and provides care for 19 or more children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

Day care—Family home. A private residence operated by any person who receives pay for supervision less than 24 hours per day, without transfer of legal custody, of at least three but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents of the same private residence.

Day care—Group. A center operated by any person, partnership, association, or corporation that receives pay for group care, operates less than 24 hours per day and provides care for seven to 18 children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

Day spa. A nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Massage treatments may include body packs and wraps, exfoliation, cellulite and waxing, aromatherapy, cleansing facials, medical facials, and nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instructions may be provided in addition to the massage and therapeutic treatment services. Full-service hair, make-up consultation and application and manicure and pedicure services may be provided as additional services.

Density. As used in residential categories of the comprehensive land use plan for the Town of Tyrone, means the number of dwelling units permitted per acre or other specified area of land. For the purpose of this definition street rights-of-way shall not be included in density calculations.

Drive-in. A retail or service enterprise where service is provided to the customer on the outside of the principal building.

Dwelling. A building or part of a building designed for occupancy by one family for residential purposes as a single housekeeping unit.

Dwelling, single-family. A detached dwelling designed for and containing one dwelling unit.

Dwelling, two-family or duplex. A dwelling designed for and containing two dwelling units totally separated from each other.

Dwelling, multi-family. A dwelling designed for three or more dwelling units totally separated from each other.

Dwelling, townhouse. One of a series of three or more attached dwelling units which has ground floor access and is separated from the others by wall partitions extending at least from the lowest floor level to the roof.

Dwelling unit. A house or other structure or portion of any building or structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping and sanitation.

Exterior storage. The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair not in an enclosed building.

FAA. The Federal Aviation Administration.

Family. One or more persons occupying a single dwelling unit provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

Farm operations. Farming operations related to livestock-raising, provided all structures permitted under this category are related to the farming operations.

Farmers' market. Seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FCC. The Federal Communications Commission.

FEMA. The Federal Emergency Management Agency.

Floor area, accessory structure. The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

Floor area, principal structure. The area of a dwelling exclusive of unheated attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling.

Frontage lot. A lot for which one of the principal boundary lines as described on the deed is coincident with a street right-of-way line.

Group home. A facility or dwelling unit housing two or more individuals who are not related to the owner by blood or marriage and operating as a single family-like housekeeping unit, including but not limited to homes for orphans, foster children, the elderly, and battered children and women.

Hardware store. Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

Health club. A place or building where active exercise and related activities are performed utilizing weight control or muscle-building equipment or apparatus for the purpose of physical fitness.

Height. See building height; tower height.

Home occupation. An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Hospital. Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium, with an approved certificate of need (CON) from the state health planning agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel. A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" and "tourist court".

Independent living facility. A facility containing units which is part of a lifecare community and includes complete facilities for independent living, including cooking and sanitary facilities. The occupants are presumed to be able to function independently of the support facilities of the lifecare community.

Indoor pet boarding. Any facility where pet animals owned by another person are temporarily boarded indoors for pay, trade, barter, commission or remuneration of any sort; however, this definition shall not apply to animal hospitals and veterinary clinics operated by veterinarians duly licensed under law.

Indoor sports facility. An indoor facility accommodating a variety of individual, organized, or franchised sports, including wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, arcade, and other support facilities.

Intermediate care home. A facility which admits residents on a medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies, and it otherwise complies with these rules and regulations.

Junk or salvage yard. Property used for outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house-wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel. Any location boarding, caring for and keeping more than a total of four dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) or any location

boarding, caring for and keeping more than a total of ten chickens. The definition for kennel herein shall not include those facilities that satisfy the definition for indoor pet boarding and which are located on property zoned under the town's downtown commercial (C-1) or highway commercial (C-2) zoning classifications.

Landfill. Disposal sites where solid wastes, other than recyclable wastes or hazardous wastes, are disposed of on land by placing an earth cover thereon.

Livestock. Animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, roosters, ducks, geese, mules, emu/ostrich, buffalo, and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats, as well as chickens (other than roosters) and normally domesticated small animals such as rabbits, hamsters, and guinea pigs.

Lot, corner. A lot located at the intersection of two streets.

Lot coverage. The percentage of a lot which may be covered with buildings or structures, excluding walks, drives, other similar uses, and recreation facilities which are accessory to a permitted use.

Lot of record. A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the clerk of the superior court of the county; or a parcel of land, consistent with the town's ordinances and regulations at the time of conveyance, conveyed by deed recorded in the office of the clerk of the superior court of the county.

Lot, parcel. A tract of land legally transferable as a single unit of land.

Lot, through. A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot width. The distance from one side lot line to the other side lot line measured at the minimum building setback line.

Manufactured housing. Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

Manufactured home lot. A parcel of land in a mobile home park for the placement of a single mobile home and for the exclusive use of its occupants.

Manufactured home park. A parcel of land which has been planned and improved for the placement of mobile homes for nontransient use.

Motel. See hotel.

Neighborhood recreation center or swimming pool (residential zoning districts). A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with the development and are usually located within or adjacent to such development.

Nonconformance. A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of the ordinance from which this section derives, or as the result of subsequent amendments.

Nursing home. A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care and rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for

any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; it otherwise complies with these rules and regulations.

Open space. That portion of a lot, including yards, established pursuant to the requirements of this section as open space, which is open and unobstructed from its lower level to the sky, with the exception of natural foliage, flower garden or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not part of the roof of any portion of any building.

Parks. A natural or landscaped area, with or without buildings or structures, to meet the active or passive recreational needs of people.

Personal care home. Any dwelling, whether operated for profit or not, which undertakes through its ownership and management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more individuals who are not related to the owner by blood or marriage.

Public use. Administrative and cultural buildings, uses and structures, including lots and facilities owned, used or operated by a governmental agency.

Recreation vehicle. A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half feet in width and 45 feet in length.

Religious institution. A building used for public worship including temples, synagogues and related Sunday school or church school facilities.

Setback. The area as designated by this section in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

Self-storage facility. A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares.

Sewer system, central sanitary. Collection of sanitary sewage via a pipe network and its transportation to a common collection point with treatment to required Georgia Department of Natural Resources criteria prior to release.

Sewer system, community sanitary. A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than 30 lots via a pipe network with transportation to a common collection point for on-site treatment.

Small engine sales and repair. The sale and repair of lawnmowers, motorized lawn equipment, motorized hand-carried tools, motorcycles, and motor scooters.

Special trade contractor. A person or establishment that specializes in a specific aspect of construction, such as carpentry, electrical, painting, plumbing, flooring, roofing or tile.

Specified anatomical areas. Specified anatomical areas shall include any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast before a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Specified sexual activities shall include any of the following:

- (1) Human genitals in a discernible state of sexual stimulation or arousal;
- (2) Actual or simulated sexual intercourse, masturbation, oral copulation, flagellation, bestiality, fondling, or sodomy;

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- (3) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock, or female breasts; or
 - (4) Any combination of the foregoing.

State. The State of Georgia.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

Street, private. Any right-of-way or area set aside to provide vehicular access within a development which is not dedicated or intended to be dedicated to the town, and which is not maintained by the town.

Street, public. All streets other than private streets.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to permanently mounted signs, tennis courts, swimming pools and buildings, but does not include walls or fences.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose (whether immediate or future) of sale, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether public or private) or a change in an existing street, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this section; and
- (2) The division of land into parcels of five acres or more where no new street is involved.

Tower, tower facilities. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures. Facilities shall also include all accessory buildings excluding tower anchors.

Tower height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also building height.

Town. The Town of Tyrone, Georgia.

Vehicle, abandoned. A vehicle which is wrecked, dismantled, partially dismantled, discarded, is in an unhealthy condition, does not bear a current license plate with an appropriate decal affixed thereto or is incapable of being moved under its own power, unless said vehicle is stored within a completely enclosed building.

Yard. A required open space on a lot that is left unoccupied with structures and facilities, except as permitted herein.

Yard, front. The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

Yard, rear. The area between the rear property line and the rear building line, extending the full width of the lot.

Yard, side. The area between the side property line and the side building line, extending from the front yard to the rear yard.

(Revised June 6, 2013; October 3, 2013; April 2, 2015; Ord. No. 2018-07, § 1, 5-17-2018; Ord. No. 2020-06 , § 1, 9-17-2020)