

JEKYLL ISLAND-STATE PARK AUTHORITY  
BOARD OF DIRECTORS  
JEKYLL ISLAND, GEORGIA

Ordinance #O-2022-1

Adoption: June 21, 2022

At the regular meeting of the Jekyll Island-State Authority Board of Directors, held at the Morgan Center on Jekyll Island, Georgia, there were present:

Dale Atkins, Chairman, Appling County  
Robert W. Krueger, Vice Chairman, Pulaski County  
William H. Gross, Camden County  
Joy Burch-Meeks, Wayne County  
Dr. L.C. Evans, Monroe County  
Glen Willard, Bryan County  
Mark Williams, Commissioner of Department of Natural Resources

After a first reading held on May 17, 2022; after a revised first reading held on June 2, 2022; after a second reading on June 21, 2022; after allowing time for public comment and public comments having been received and considered; and upon motion to adopt, which carried 7-0 on June 21, 2022, the following Ordinance was hereby adopted:

**AN ORDINANCE TO AMEND, RESTATE AND REVISE THE CODE OF ORDINANCES OF THE JEKYLL ISLAND-STATE PARK AUTHORITY, PROVIDING FOR THE AMENDMENT AND RESTATEMENT OF CERTAIN ORDINANCES RELATING TO ANIMAL CONTROL, BEACH LIGHTING, BUILDING AND DEVELOPMENT CODES, COMMERCIAL AND BUSINESS REGULATIONS, ENVIRONMENTAL REGULATIONS, FIRE PROTECTION, FLOOD PROTECTION, LANDSCAPE AND TREE PROTECTION, RESIDENTIAL USE AND DESIGN REGULATIONS, SEA LEVEL RISE RESILIENCE, STORMWATER MANAGEMENT, STREETS AND RIGHTS OF WAY, AND WATER CONSERVATION; PROVING FOR THE ENFORCEMENT AND ASSESSMENT OF PENALTIES FOR VIOLATIONS THEREOF; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE MAINTENANCE OF EXISTING CONDITIONS AND CIRCUMSTANCES NOT CONFORMING WITH THE REQUIREMENTS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF SUCH ORDINANCE AND CODES; AND FOR OTHER PURPOSES.**

42           **BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE JEKYLL ISLAND**  
43           **STATE PARK AUTHORITY:**

44           **SECTION 1.** Chapter 4 of the Code of Ordinances of the Jekyll Island-State Park  
45 Authority relating to Animals is hereby repealed and replaced with a new Chapter 4  
46 relating to Animal Control to read as provided in Attachment 1 of this Ordinance.

47           **SECTION 2.** Chapter 6 of the Code of Ordinances of the Jekyll Island-State Park  
48 Authority relating to Buildings and Building Regulations is hereby repealed and replaced  
49 with a new Chapter 6 relating to Building Codes to read as provided in Attachment 2 of  
50 this Ordinance.

51           **SECTION 3.** Chapter 8 of the Code of Ordinances of the Jekyll Island-State Park  
52 Authority relating to Businesses and Business Regulations is hereby amended as follows:

53           Article I, Divisions 1, 3 and 4 of Article II, and Article III of Chapter 8 are hereby  
54 repealed and replaced with a new Chapter 8 relating to Business and Commercial  
55 Regulations to read as provided in Attachment 3 of this Ordinance; and

56           Division 2 of Article II of Chapter 8 pertaining to Hotel, Tourist Camps, and Similar  
57 Places, is hereby renumbered and restated as a new Article VI of Chapter 8.

58           **SECTION 4.** Chapter 10 of the Code of Ordinances of the Jekyll Island-State Park  
59 Authority relating to the Environment is hereby amended as follows:

60           Article I, Section 10-19 of Article II, Sections 10-21 through 10-47 of Article II, and  
61 Article IV are hereby repealed and replaced with a new Chapter 10 relating to the  
62 Environment and Natural Resources Protection to read as provided in  
63 Attachment 4 of this Ordinance;

64           Section 10-20 of Article II pertaining to Emissions of Gases, Vapors and Odors is  
65 renumbered and restated as a new Section 18 of Article VIII of Chapter 10;

66           Article III of Chapter 10 pertaining to Noise is renumbered and restated as a new  
67 Article IV of Chapter 10; and,

68           Article VII of Chapter 10 is reserved.

69           **SECTION 5.** Chapter 12 of the Code of Ordinances of the Jekyll Island-State Park  
70 Authority relating to Fire Prevention is hereby amended as follows:

71           Articles I and II of Chapter 12 are hereby repealed and replaced with a new  
72 Chapter 12 relating to Fire Prevention and Protection to read as provided in  
73 Attachment 5 of this Ordinance; and,

74           Article III of Chapter 12 pertaining to Fuel Storage is hereby ratified and restated  
75 as Article III of Chapter 12.

76           **SECTION 6.** Chapter 14 of the Code of Ordinances of the Jekyll Island-State Park  
77 Authority relating to Flood Protection is hereby repealed and reserved.

**SECTION 7.** Chapter 16 of the Code of Ordinances of the Jekyll Island-State Park Authority relating to Land Development and Use Regulations is hereby amended as follows:

Sections 16-1 through 16-8 of Article I of Chapter 16 are hereby repealed;

Sections 16-9 through 16-13 of Article I are hereby renumbered and restated as Sections 14-1 through 14-5, respectively, of Chapter 14, which chapter is redesignated as Land Development and Use Regulations.

Article II of Chapter 16 is hereby repealed;

Articles III through VII of Chapter 16 are hereby renumbered and restated as Articles II through VI, respectively, of Chapter 14; and,

Chapter 16 is otherwise hereby repealed and replaced with a new Chapter 16 pertaining to Leased Property to read as provided in Attachment 7 of this Ordinance.

**SECTION 8.** Chapter 18 of the Code of Ordinances of the Jekyll Island-State Park Authority relating to Offenses and Miscellaneous Provisions is hereby amended as follows:

Sections 18-1 through 18-18 are hereby reordered into a new Article I of Chapter 18;

Section 18-5 of Chapter 18 pertaining to Drinking in Public is hereby repealed and reserved;

Section 18-7 of Chapter 18 pertaining to Accumulation of Junk is hereby repealed and reserved;

Section 18-8 of Chapter 18 pertaining to Abandonment of Motor Vehicles is hereby repealed and reserved;

Sections 18-13 through 18-18 of Chapter 18 are hereby repealed and reserved.

**SECTION 9.** Chapter 20 of the Code of Ordinances of the Jekyll Island-State Park Authority relating to Public Properties, Streets and Roads is hereby amended as follows:

Sections 20-19 through 20-28 of Article II of Chapter 20 pertaining to Gatherings for the Purpose of Public Expression are hereby renumbered and restated as Sections 18-13 through 18-22, respectively, of a new Article II of Chapter 18;

The remainder of Chapter 20 is hereby repealed and replaced with a new Chapter 20 pertaining to Residential Regulations to read as provided in Attachment 9 of this Ordinance.

**SECTION 10.** Chapter 24 of the Code of Ordinances of the Jekyll Island-State Park Authority relating to Traffic and Motor Vehicles is hereby repealed and replaced with a new Chapter 24 relating to Streets and Rights of Way to read as provided in Attachment 10 of this Ordinance.

114 **SECTION 11.** The Attachments referenced in this Ordinance are hereby  
115 incorporated as if they were fully set forth in the body of this Ordinance.

116 **SECTION 12.** Any ordinances or parts of ordinances in conflict with the provisions  
117 of this Ordinance are hereby repealed. Any ordinances or parts of ordinances not in  
118 conflict with this Ordinance and not otherwise amended or modified by this Ordinance  
119 shall continue in effect.

120 **SECTION 13.** If any provision, part or sentence of this Ordinance is held invalid,  
121 illegal or otherwise unenforceable by any court of competent jurisdiction, the remaining  
122 provisions, parts and sentences will continue in full force and effect.

123 **SECTION 14.** Any characteristic or condition of a building, structure, or area of  
124 land leased from the Jekyll Island-State Park Authority, or the use of such building,  
125 structure, or area of land leased from the Jekyll Island-State Park Authority that does not  
126 conform to the uses, standards, or other requirements of this Ordinance but that existed  
127 and was lawful prior to the date of enactment of this Ordinance may be continued as  
128 "Nonconforming" subject to the following conditions:

- 129 a) Applicability. A Nonconforming condition or use as to a portion of any lot  
130 shall not entitled the entire lot to be used in a Nonconforming manner, rather  
131 only that portion of the lot so affected or used at the time of the enactment  
132 of this Ordinance will be Nonconforming.
- 133 b) Change. A building, structure, or use of land shall not be permitted to revert  
134 to a Nonconforming use once changed to a conforming use. Change to  
135 another unpermitted or nonconforming use is prohibited.
- 136 c) Discontinuance. Any Nonconforming use that is discontinued for a  
137 continuous period of 365 days shall not be resumed.
- 138 d) Repair, Expansion or Enlargement. No extension or enlargement of a  
139 Nonconforming condition or use will be permitted. Except as may be  
140 required by law, a Nonconforming building, structure, or portion thereof shall  
141 not be enlarged, added to, or structurally altered in any manner unless the  
142 said building, structure, and use shall be made to conform to the uses,  
143 standards, or other requirements of the Code of Ordinances of the Jekyll  
144 Island State Park Authority. Repairs and alterations necessary in the  
145 ordinary course and operation of a building may be made to a  
146 Nonconforming building, except that no structural alterations shall be  
147 permitted unless such structural alteration is for the purpose of conforming  
148 with the uses, development standards, or other requirements of the Code  
149 of Ordinances of Jekyll Island State Park Authority.
- 150 e) No Unlawful Conduct Permitted. A Nonconforming condition or use of any  
151 building, structure, or area of land leased from the Jekyll Island-State Park  
152 Authority shall not operate nor be construed as operating to allow any

153 person to engage in conduct that is otherwise unlawful.

154 **SECTION 15.** The Executive Director of the Authority is hereby empowered to edit  
155 the numbering of the provisions of the Code of Ordinances and this Ordinance, including  
156 any Attachments to this Ordinance (but excluding any substantive provisions of either),  
157 solely to the extent necessary to codify this Ordinance in compliance with and consist  
158 with the existing numbering conventions established by the Code of Ordinances.

159 **SECTION 16.** This Ordinance will become effective immediately upon adoption.

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JEKYLL ISLAND-STATE PARK AUTHORITY

  
Dale Atkins, Jr., Chairman  
Board of Directors

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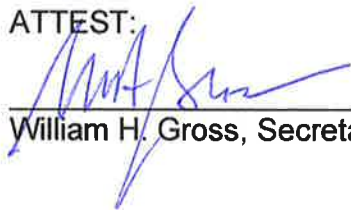
ATTEST:

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William H. Gross, Secretary/Treasurer

ATTACHMENT 1  
(corresponding to Section 1)

Chapter 4: Animal Control Ordinance

Article I: Requirements and Prohibitions

**Section 1: Restraint of all animals of pet origin.**

- A. Any owner or person having custody of an animal, including mammals such as dogs, cats, rabbits, ferrets, hamsters among others; birds; reptiles; amphibians and fish; on the island shall confine the animal to the premises of the owner or to the premises of someone authorized by the owner to have custody of the animal.
- B. When off the premises of the owner or custodian, such dogs, cats and other animals shall be in the care and immediate control of a competent person.
- C. An animal shall be presumed not to be in the care and immediate control of a person unless that person maintains the animal on a hand-held leash not more than sixteen (16) feet long.

**Section 2: Removal of fecal matter**

- A. It shall be a violation of this chapter for the owner of any animal to fail to immediately remove the fecal matter of such dog or animal from any portion of the island off the premises of the owner or custodian.

**Section 3: Pets on beaches and in dunes.**

- A. It is prohibited for pets to be off leash on the beaches and dunes of the island at any time.
- B. To protect sea turtles and shorebirds, it is prohibited for a pet to be on the beaches or in the dunes of the island from a posted point on the beach adjacent to the South Dunes Beach Park (Latitude 31.031854, Longitude -81.415358) south and around the southern tip of the island north to a point (Latitude 31.015594, Longitude -81.433926) or equivalent to 2,000 feet south of the St. Andrews Beach Park.
- C. The prohibition set forth in this section shall not apply to any service animal as that term is defined under federal law.

**Section 4: Release of Animals.**

- A. No person shall knowingly and intentionally release any animal within Jekyll Island State Park without the written permission of the Executive Director or their designee. Such permissions may be granted or denied at the Authority's discretion, may be limited to a period of time set at the Authority's discretion, and will be revocable at the Authority's discretion.
- B. No person shall knowingly and intentionally release any wildlife within Jekyll Island State Park; provided, however, that the release of sea turtles or other wildlife may

be permitted as part of conservation activities approved by the Authority and permitted by the Georgia Department of Natural Resources.

**Section 5: Rabies.**

- A. The owner of a dog, cat or ferret must possess a current certificate of rabies vaccination for each animal owned as provided for by Georgia law.

**Section 6: Impounding.**

- A. The Authority in cooperation with Glynn County Animal Control may impound any and all animals running at large in violation of this Article. Impounded animals shall be removed from the island and handled in accordance with Glynn County's policies and procedures.

**Section 7: Outdoor feeding of animals.**

- A. Maintaining outdoor feeding stations, except for wild bird feeders, and/or feeding animals outside on a regular basis, is prohibited without the written permission of the Executive Director or their designee. Such permissions may be granted or denied at the Authority's discretion, may be limited to a period of time set at the Authority's discretion, and will be revocable at the Authority's discretion.
- B. Should a stray, feral or displaced animal appear on a premises, the Authority, Glynn County, or an Authority-approved agent may be contacted to pick up and humanely care for the animal.
- C. Feeding of such animals is permissible only from the time the Authority or its licensed agent is notified until the animals are under the care of the Authority, Glynn County, or an Authority approved agent.

**Section 8: Livestock.**

- A. No livestock or live fowl shall be kept upon any lot or allowed on Authority property without the written permission of the Executive Director of their designee. Such permissions may be granted or denied at the Authority's discretion, may be limited to a period of time set at the Authority's discretion, and will be revocable at the Authority's discretion.

**Section 9: Horseback Riding.**

- A. Horseback riding is prohibited except in specially designated sites and areas by a vendor authorized by the Authority.
- B. Where permitted, horses shall be appropriately trained, cared for, properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or plant.

**Article II: Enforcement and Penalties**

**Section 1: Enforcement.**

- A. This chapter shall be enforced by the Authority, Glynn County Animal Control, or the members of the Uniform Division of the Georgia Department of Public Safety.

**Section 2: Penalties.**

- A. Any person found in violation of any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both fine and imprisonment, to be imposed at the discretion of the judge or as provided and stipulated by law. Each day such violation continues shall be considered a separate offense.



ATTACHMENT 2  
(corresponding to Section 2)

Chapter 6: Building Codes

Article I: Generally

Section 1: Purpose and Scope

- A. This Chapter provides for the administration and enforcement of the Georgia State Minimum Standard Codes for Construction as adopted and amended by the Georgia Department of Community Affairs. Hereinafter, the state minimum standard codes for construction shall be referred to as "the construction codes."
- B. This Chapter also provides for the administration and enforcement of the Georgia Minimum Fire Safety Standards under Ga. Comp. R. and Regs. r. 120-3-3 and the Georgia Accessibility Code.
- C. All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing and fire systems.
- D. The construction codes shall be construed to secure the beneficial interests and purposes of public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises.

Section 2: Relationship to Leases.

- A. This Chapter is not intended to abrogate, annul, or otherwise interfere with any lease, easement, covenant or other private agreement or legal relationship between the applicant and the Authority.

Section 3: Applicability

- A. There are three (3) classifications of requirements for building permits as described in the following Tiers:
  - 1. **Tier 1.** No building permit is required for the following work:

- 282 a. Exterior or interior painting;
- 283 b. Finish flooring replacement;
- 284 c. Routine maintenance on roofing, electrical, gas, mechanical and plumbing
- 285 systems;
- 286 d. Routine landscaping;
- 287 e. Removal and replacement of appliances; and
- 288 f. Similar work on existing buildings as determined by the Code Compliance
- 289 Officer.
- 290 2. **Tier 2.** A building permit is required with a review by the Code Compliance
- 291 Officer for the following work:
- 292 a. Major alterations of electrical, plumbing and mechanical systems;
- 293 b. Structural alterations;
- 294 c. Window replacement, for wind code regulations;
- 295 d. Residential remodels and additions;
- 296 e. Commercial remodels and additions;
- 297 f. Accessory buildings;
- 298 g. Carports and garages;
- 299 h. Lot excavation, grading or filling;
- 300 i. Fence permits;
- 301 j. Pool permits; and
- 302 k. Temporary sign and event signs.
- 303 3. **Tier 3.** A building permit is required with review by the Design Review Group
- 304 (DRG) for the following work:
- 305 a. New residential construction;
- 306 b. New commercial construction;

- 307 c. Demolition permits;
- 308 d. Permanent sign permits; and
- 309 e. Projects referred to the DRG by the Code Compliance Officer.

310 **Section 4: Building Permits**

311 A. Application for a building permit shall be made by the owner or the owners'  
312 representative, such as an architect or contractor, accompanied by one (1) set of  
313 plans stamped by an architect, engineer or landscape architect, in PDF format  
314 together with written specifications of the work to be done. Submittal concurrently  
315 in Auto-CAD or another electronic format such as .dxf or .dwg is encouraged.

316 1. A site plan or landscape plan, showing the size of lot and portion of lot to be  
317 built on, shall show that the lot has been surveyed by a licensed surveyor, or  
318 that lot stakes have been placed in position in accordance with such a survey.  
319 Additional required information for Site Plan / Landscape Plan must show:

- 320 a. Set back lines;
- 321 b. Location of jurisdictional determination lines under the Georgia Shore  
322 Protection Act and the Georgia Coastal Marshlands Protection Act as  
323 applicable;
- 324 c. The amount of pervious and impervious surface on the property; and
- 325 d. All trees with protection as provided in the tree protection ordinance.

326 2. No work that requires a building permit shall be started until the building permit  
327 has first been issued by the Authority, and if required, a permit obtained from  
328 Glynn County.

329 3. No permit shall be issued until the prescribed fees for same have been paid in  
330 accordance with the fee schedule on file with the Authority.

331 B. All work covered under a building permit shall be performed by a contractor  
332 licensed by the Georgia Secretary of State.

333 **Section 5: Alternate materials and methods.**

334 1. The provisions of the construction codes are not intended to prevent the use  
335 of any material or method of construction not specifically prescribed by them,  
336 provided any such alternate has been reviewed by the Authority and Glynn  
337 County Building Official.

338 2. The Glynn County Building Official shall approve any such alternate, provided

the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability and safety.

3. The Glynn County Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

## **Section 6: During Construction**

- A. Owners of property while under construction shall ensure there is sufficient space on their property for all construction vehicles, materials, and other related items so as not to interfere with adjacent residents' access to or parking on their property.
  1. If any vehicle related to the construction project is parked on the street, it shall be parked so as to maintain clear traffic flow on the street for the public and emergency vehicles.
- B. All construction sites are required to have restroom facilities as well as sufficient containers for collecting all waste and debris created from the construction activities. No inspection shall be conducted until the applicant has provided proof of removal of all waste and debris created during the construction activities. If during construction such facilities are not provided on site, the Building Official or Code Enforcement Officer will issue a stop work order until such compliance is achieved.
- C. A placard issued with a permit shall be posted on the premises in a location visible from the front property line. Placards shall not be affixed to any tree. A placard shall be removed as soon as practicable after a project has passed final inspection.

## **Article II: Building and Construction Codes Adopted by Reference**

### **Section 1: List of Building and Construction Codes**

- A. The following list of standard building codes, as approved by the State of Georgia Department of Community Affairs, including all attachments, future editions, and amendments, is hereby adopted by reference and applicable throughout the jurisdiction of the Authority.
  1. International Building Code, 2018 edition, with Georgia Amendments (2020);
  2. International Residential Code, 2018 edition, with Georgia Amendments (2020);
  3. International Plumbing Code, 2018 edition, with Georgia Amendments (2020);
  4. International Mechanical Code, 2018 edition, with Georgia Amendments (2020);
  5. International Fuel Gas Code, 2018 edition, with Georgia Amendments (2020);
  6. National Electrical Code, 2020 edition, with Georgia Amendments (2021);

7. International Energy Conservation Code, 2015 edition, with Georgia Supplements and Amendments (2020);
8. International Property Maintenance Code, 2018 edition, with Georgia State Amendments (2021);
9. International Existing Building Code, 2018 edition, with Georgia State Amendments (2021);
10. International Fire Code with Georgia State Amendments (2018 edition);
11. International Swimming Pool & Spa Code, 2018 edition with Georgia State amendments (2020);
12. Georgia Accessibility Code.

## **Section 2: Relationship to Other Codes**

- A. Where, in any specific case, different subsections of these construction codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. The procedures and standards of this Chapter are intended to facilitate and ensure compliance with other technical standards adopted by the Authority and Glynn County, including, but not limited to the following:
  1. Compliance with Fire Code
    - a. All buildings, structures and property shall be in compliance with the provisions of the fire code in accordance with Chapter 12, Fire Protection, and the Georgia Fire Safety Minimum Standards.
  2. Compliance with Protection of Natural Features in Chapter 10, including:
    - a. Landscaping and Tree Protection. Prior to any land-disturbing activity or structure modifications, the applicant shall show the diameter and location of all trees in accordance with Chapter 10, Article 1.
    - b. Flood Protection in accordance with Chapter 10, Article 2.
    - c. Sea Level Rise in accordance with Resilience Chapter 10, Article IX.
    - d. Stormwater in accordance with Chapter 10, Article III.

## **Article III: Additional Specifications**

### **Section 1: Local Building Requirements**

- 408 A. In addition to the Building and Construction Codes in Article II, Section 1 above, the  
409 following local building standards are required by the Authority.
- 410 B. Building requirements will be limited to such matters of improper construction  
411 which may endanger life or health, may be unsightly, or cause unnecessary  
412 inconvenience to neighbors.
- 413 C. The contractor shall have the approval of the Glynn County Building Official before  
414 pouring concrete footings for residential or commercial buildings.
- 415 D. Particular attention is called to the following:
- 416 1. Materials.
- 417 a. Exposed foundation piers are not permitted.
- 418 b. Corrugated iron clad or other similarly covered or enclosed buildings are  
419 not permitted.
- 420 c. Concrete block walls, when neatly done and pleasingly painted or finished  
421 with stucco is acceptable for exterior wall finish.
- 422 d. Hollow tile when finished with stucco is acceptable.
- 423 e. Common brick, used or new, painted or unpainted, is acceptable and is  
424 recommended for walls.
- 425 f. Wood siding, or similar cementitious siding shall be of a beveled edge type  
426 or vertical barn siding and shall have a fire spread rating.
- 427 g. Thick butt asphalt shingles, clay or cement tile, slate shingles, metal or white  
428 marble chip-type roofing may be used.
- 429 h. Any proposed fences, boundary or patio walls, shall obtain a permit from  
430 the Authority.
- 431 2. Accessory Buildings.
- 432 a. Carports and garages shall, where possible, be placed away from the  
433 principal street so that the main view of the house will not be directly into  
434 a carport.
- 435 b. Particular care shall be taken in the design and location of a detached  
436 building, such as a garage or storage building, so that it will be in keeping  
437 with the main building in every way and shall be located to cause the least  
438 inconvenience to neighbors. No more than one detached building shall be  
439 built upon any one building area.
- 440 c. No detached structure may be built and lived in prior to the building of the  
441 main residence structure.
- 442 3. All buildings and roof colors must be consistent with the neutral colors of the  
443 surrounding development.
- 444 4. Trash cans should be stored in a location not clearly visible from the street.
- 445 5. Roof Pitch. The Authority considers rooflines of particular importance. Unless

otherwise approved by the Authority, no roof shall exceed a 10/12 pitch, meaning the roof rises a maximum of 10 inches vertically for every 12 inches horizontally towards the peak or ridge of the roof.

**Section 2: Local Construction Specifications.**

- A. In addition to the Building and Construction Codes in Article II, Section 1 above, the following local construction specifications are required by the Authority.
- B. Construction hardware. All nails, bolts and construction hardware shall be of galvanized metal, wrought iron or stainless steel to prevent rusting in the salt atmosphere.
- C. Flashing material. All roof, window and through wall flashing shall be copper or copper back paper, aluminum or hot dipped galvanized metal. Untreated sheet metal will not hold up in a seaside location and is, therefore, not permitted.
- D. Floor slabs on grade. Concrete floor slab on grade shall have waterproofed membrane under and should have a layer of gravel or cinders under to provide good drainage and to prevent moisture absorption. Concrete shall have integral-type waterproofing admixture.
- E. Termite and rot fungi protection.
  - 1. All substructure lumber shall be pressure treated or treated with other wood preservative.
  - 2. Further, wherever possible, metal termite shields shall be installed according to standard practice.
  - 3. Drip edge shall be installed on all roof eaves and gable ends to prevent roof drip from wetting or saturating boards or other trim lumber.
- F. Foundations. Must follow current building codes and standards.
  - 1. Unless otherwise specified, spread-type footings are required.
  - 2. Because of the possibility of varying soil load capacities (soft spots) it is recommended that longitudinal reinforcing be added to the footings.
  - 3. Footings for large and heavy buildings shall be designed after completing and submitting a soil load bearing test.
- G. Best Management Practices for use of Exterior Insulation and Finishing Systems (EIFS) or other expanded-polystyrene (EPS) construction practices.
  - 1. Any project that involves Exterior Insulation and Finishing Systems (EIFS) or otherwise utilizes expanded polystyrene (EPS, a.k.a. "Styrofoam") in any element of construction shall follow these specifications.
  - 2. If EPS materials are to be rasped, sanded, sawn, planed or otherwise worked in a way that produces loose debris of any size, all of the following measures shall be implemented.
    - a. Any rasping equipment shall be equipped with a vacuum.
    - b. The area around the activity shall be shielded on all sides from six (6) feet

above the area being worked to ground level with construction netting to capture any loose debris.

- c. At least one vacuum in addition to any vacuum rasps shall be on site with someone assigned to use it to immediately clean up any EPS debris that is not captured by the vacuum rasps.
- d. The contents of all vacuum equipment shall be emptied into sealable, disposable bags before being disposed of in any open containers to prevent wind dispersal of debris after it has been disposed of in open top dumpsters or other containers.
- e. EPS debris or scrap too large to be vacuumed shall be disposed of immediately in sealed bags or enclosed containers to prevent it from being broken into smaller pieces and dispersed off site.
- f. Any activities not in compliance with these specifications will be stopped until the specifications of this section are satisfied. Any EPS debris on the construction site or escaping the construction site, regardless of the implementation of these specifications, will be the responsibility of the contractor to clean up immediately and completely.

#### Article IV: Administration

##### Section 1: Relationship between the Authority and Glynn County

- A. Both the Authority and Glynn County shall issue permits for building projects on Jekyll Island covered by the building and construction codes.
- B. Appointment of Building Official – Glynn County
  - 1. The Glynn County Building Official is hereby recognized and shall be empowered to enforce their respective duties as specifically granted under the building and construction codes as promulgated by mutual agreement between Glynn County and the Authority.
  - 2. The actual inspection of a building as it pertains to this Chapter shall be supervised by the Building Official and conducted by their qualified and certified designee.
- C. Appointment of Code Compliance Officer – Authority
  - 1. The Authority Code Compliance Officer is hereby recognized and shall be empowered to enforce their respective duties as specifically granted under the building and construction codes as promulgated by mutual agreement between Glynn County and the Authority. These duties include:
    - a. Supplement the work of the Building Official, to include issue of building



- 520 permits and collection of building permit fees.
- 521 b. Issue Stop Work Orders under the building and construction codes where
- 522 necessary for immediate enforcement and compliance.
- 523 c. Enforce the Authority's local and supplemental standards and codes under
- 524 this Chapter.
- 525 d. To review, coordinate with the Glynn County Building Official, within a
- 526 reasonable time, all building permit applications, plans, and specifications.
- 527 e. Answer questions from owners, contractors, and the general public relative
- 528 to this Chapter.

529 **Section 2: Violations, Penalties and Enforcement**

- 530 A. Any person found in violation of any provision of this Chapter shall be guilty of a
- 531 misdemeanor, and upon conviction thereof, shall be punished by a fine not to
- 532 exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both
- 533 fine and imprisonment, to be imposed at the discretion of the judge or as provided
- 534 and stipulated by law. Each occurrence shall be deemed a separate offense.
- 535 B. In addition to the penalty and punishment for violation of this Chapter, the
- 536 Authority may take any action not prohibited by law to prevent or halt a violation
- 537 or threatened violation of this Chapter, including without limitation, commencing
- 538 legal proceedings to prevent, correct, or abate such violation or threatened
- 539 violation.

540 **Section 3: Building Inspections.**

- 541 A. All the officers designated under this Chapter or any future amendments to the
- 542 same shall, as far as may be necessary only for the performance of their specific
- 543 and respective duties under the building and construction codes, have the right to
- 544 enter any building or premises in at any time, during construction.
- 545 B. Quality control of materials and workmanship is not within the purview of the
- 546 building and construction codes except as it relates to the purposes stated therein.
- 547 C. The inspection or permitting of any building, system or plan, under the
- 548 requirements of construction codes shall not be construed as a warranty of the
- 549 physical condition of such building, system or plan or their adequacy by the
- 550 Authority or Glynn County.
- 551 D. Every building that is forty (40) feet or higher and classified under the International
- 552 Building Code as either Group B - Business, Group I - Institutional or Group R -
- 553 Residential shall have periodic inspections of the foundation and the exterior walls
- 554 of the ground floor.
- 555 1. The purpose of these inspections is to determine if there are cracks, settling or
- 556 other structural deficiencies that could pose a danger to the occupants and to
- 557 the public.

- 558 2. These inspections are required every five (5) years.  
559 3. These inspections shall be performed by a licensed structural engineer or  
560 architect.  
561 4. A written report, signed by the licensed structural engineer or architect shall be  
562 submitted to the Jekyll Island Authority Code Compliance Officer.  
563 5. Single-family residences are exempt from this requirement for periodic  
564 structural inspections.

565

**ATTACHMENT 3**  
**(corresponding to Section 3)**

## Chapter 8: Business and Commercial Regulations

### Article I: Commercial Project Review Process

#### Section 1: Jekyll Island Authority Design Review Group

D. The Jekyll Island Design Review Group (DRG) reviews all proposed projects on Jekyll Island. In its review process the DRG may at its discretion solicit additional technical assistance from other governmental agencies and or consultants for help in the review of each project.

E. The DRG shall be comprised of members of the Jekyll Island Authority professional management staff appointed by the Executive Director, who shall serve as the DRG Chair.

#### Section 2: Required Approvals.

A. The approval process includes but is not limited to the submission steps presented in the table below. JIA Staff through the DRG will manage the action steps in the review process. The approvals required by the DRG and the Board of Directors are indicated by the check marks in the table.

Action Step	Action	Design Review Group	Board of Directors
Action 4: Site Visit & Pre-Concept Meeting	1.	Action 5: ✓	Action 6: ✓
2. Concept Plan		✓	✓
Action 7: Schematic Design	3.	Action 8: ✓	Action 9: ✓
4. Site Staking		✓	
Action 10: Landscape Plan including designation of Tree Protection Areas	5.	Action 11: ✓	Action 12: ✓
6. Design Development		✓	✓
Action 13: Construction Documents	7.	Action 14: ✓	Action 15: ✓
8. Construction Site Visits and Inspections		✓	

- 582
- 583 B. Each Project application reviewed by the DRG will receive a written notification of
- 584 approval or denial along with any additional comments by the DRG. The JIA Board
- 585 will review and consider for approval the Concept Plan, Schematic Design and the
- 586 Design Development Plans.
- 587 C. Remedial Action. The DRG may, at its discretion, recommend any appropriate
- 588 remedial action if violations occur or if non-conforming work or work that is
- 589 inconsistent with the approved plans or guidelines is identified, up to and including
- 590 legal action.

591 **Section 3: Design Review Process**

- 592 A. Submission Review.
- 593 1. The design review process is intended to review each submission and evaluate
- 594 the proposed project's consistency with the design intent of the concept plan
- 595 and its adherence to the development codes, the Jekyll Island Master Plan, the
- 596 Jekyll Island Conservation Plan and other applicable guidance documents and
- 597 studies, including the Jekyll Island Carrying Capacity and Infrastructure Study.
- 598 2. The review shall include, without limitation, compliance with development
- 599 styles, scale, materials, colors, the relationship of proposed improvements and
- 600 natural site features, grading and drainage design, landscape design,
- 601 streetscape image, impacts on surrounding areas and systems, site features,
- 602 and such other specific requirements detailed herein.
- 603 3. When conducting its review of each proposed project, the DRG may, when
- 604 appropriate, allow for flexibility of design based on internal site planning
- 605 considerations that present unique limitations in terms of the scope of the
- 606 development, land use combinations, development patterns, or transitions in
- 607 order to promote environmentally sensitive and efficient uses of the land,
- 608 consistent with the development codes.
- 609 4. Any such allowances shall be documented in writing through the approval
- 610 process as set forth above.
- 611 5. Compliance with building codes and life safety codes shall be enforced in
- 612 coordination with the Glynn County Building Official.

613 **Section 4: Submittal Requirements.**

- 614 A. General.
- 615 1. All plans and specifications for site development, structures and other
- 616 development shall be prepared by licensed or otherwise qualified land
- 617 planners, architects, landscape architects, professional engineers, or other
- 618 approved designers.
- 619 2. Changes to approved plans shall be resubmitted to the DRG for review and
- 620 approval.

- 621 B. Legal Requirements. The physical development of Jekyll Island property by private  
622 entities shall be subject to all applicable laws.
- 623 C. Document Packages.
- 624 1. Proposed plans shall be delivered to the Jekyll Island Code Compliance Office  
625 for preliminary review and distribution to the DRG for further review. Plans shall  
626 be submitted in the following two (2) formats:
- 627 a. Printed copies of plan drawings shall be submitted on either 24-inch by 36-  
628 inch or 30-inch by 42-inch drawing sheets; and
- 629 b. An electronic copy of the plans shall be submitted in PDF format. Submittal  
630 concurrently in Auto-CAD or another electronic format such as .dxf or .dwg  
631 is encouraged.
- 632 2. At each stage of review, a cover letter that explains the current status of the  
633 project and lists its owners and agents shall accompany a copy of the  
634 immediately preceding DRG approval letters and the written comments.
- 635 3. The Authority shall have the right to require payment of reasonable fees for  
636 review of proposed plans, specifications and other material.
- 637 D. Meetings. At each stage of the design review process, a meeting may be scheduled  
638 by the applicant by contacting the JIA as follows:
- 639 1. Physical address: The Jekyll Island-State Park Authority,  
640 100 James Road  
641 Jekyll Island, GA 31527
- 642 2. Telephone: 912.635.4000
- 643 3. Email: info@jekyllisland.com

## 644 Section 5: Submission Stages

- 645 A. This section established the steps required in the design review process.
- 646 1. Site Visit & Pre-Concept. A pre-concept meeting and site visit with JIA staff as  
647 a representative of the Jekyll Island Design Review Group is required prior to  
648 plan submission.
- 649 2. Concept Plan Submission Package
- 650 a. **Concept Plans**. Professionally prepared documents illustrating the  
651 proposed project, including significant details of principal functional areas  
652 and initial investment estimate. Consists of a preliminary site plan, building  
653 plans, sections, elevations and such other graphic and narrative information  
654 as is necessary to fully describe the proposed project for review and  
655 approval. Concept plans shall consider land use, environment, master plans,  
656 traffic, parking, transportation, utilities, and functional relationships within  
657 the project and building systems.
- 658 i. Preliminary Site Plan. Overall layout showing parcel limits, setback lines,  
659 the Shore Protection boundary, known or potential wetlands, vehicular

660 circulation, parking, and building(s) or unit(s) location.

- 661 ii. A prototypical lot or unit plan shall also be included for each proposed  
662 floor plan configuration. The prototypical plans should indicate typical  
663 setbacks, building footprints, driveway and parking lot size and location,  
664 signage, walkways and other site improvements. The plan shall tabulate  
665 total lot and floor area, total greenscape and hardscape, amount of  
666 hardscape proposed to be pervious and impervious, the number of  
667 units, and gross density.

668 3. Schematic Design Submission Package

- 669 a. **Schematic Design.** Based upon the DRG's approval of the Concept Plans,  
670 Schematic Design Documents including drawings and outline specifications.  
671 These documents shall represent a further development of the approved  
672 design concept, providing additional detail and specificity regarding the  
673 intended design solution. All documents shall be drawn to scale, indicating  
674 materials and assemblies as appropriate to convey the design intent and to  
675 illustrate the project's elements, scale and relationship to the site.
- 676 b. Site Plan. Updated site plan showing the parcel limits and other requirements  
677 from the Preliminary Site Plan Submission.
- 678 c. Architectural Floor Plans. Architectural floor plans of the building or unit types  
679 shall be submitted to include the following:
- 680 i. A ground level floor plan and a typical upper-level floor plan;
- 681 ii. All rooms shall be labelled including balconies, decks, atriums, service areas,  
682 garages, and storage buildings;
- 683 iii. The square footage of the unit or building and overall dimensions shall be  
684 indicated; and
- 685 iv. The entire product line, showing each type of unit, shall be represented in  
686 the submission showing the square footage of each unit and the proposed  
687 number of units.
- 688 d. Exterior Elevations. Sketch elevations of each type of unit shall show overall  
689 architectural character, style, and scale, including exterior materials, roof  
690 pitches and/or type, as well as other important design details.
- 691 i. All four exterior elevations with dimensions, materials, colors, textures, and  
692 the lines of typical natural and finished grades shall be indicated.
- 693 ii. Buildings shall have a maximum of four (4) stories including inhabitable  
694 roofs and dormers and a maximum height of forty-five (45) feet to the top  
695 of the structure measured from the FEMA base flood elevation or the

average site elevation, whichever is highest.

e. Typical Sections. Sketch sections and profile through entire site including the building pad, structure and its relationship to the topography.

f. Rendering of Project. To assist the DRG with visualization of the completed project, a rendering of the project showing the overall site and building design shall be submitted.

4. Site Staking Review. The site is to be physically delineated with wood stakes that are clearly labeled to identify proposed major site features including but not limited to buildings, structures, parking areas, drives, tree protection areas, and beach connections.

5. Design Development Submission Package; Including the Landscaping and Tree Protection Plan

a. **Design Development Documents.** Based upon the DRG's approval of the Schematic Design Documents, the Design Development Documents shall consist of a site plan, building plans, floor plans, sections, elevations, typical construction details, equipment layouts, and other drawings and outline specifications. These documents will illustrate the size and character of the entire project in its essentials. Outline specifications shall be prepared giving descriptions of essential components of all systems. The outline specifications shall identify major materials and systems and establish in general their quality levels.

b. Site Plan. The site plan shall include all of the required information illustrated in the Schematic Design Submission Package with revised information where requested.

c. Grading Plan. The grading plans shall include a clear delineation of the limits of the proposed grading, all final grades and elevations around the lots and proposed buildings, drainage patterns, walks, walls, drainage structures, tree protection areas, and other site improvements.

d. Landscape Plan. The final landscape plan shall indicate all planting, including trees, shrubs, and ground cover for the entire area under development. A material schedule shall indicate proposed size and quantity of all materials, miscellaneous sculptural objects, irrigation systems, accent lighting, and other physical features. All proposed walls and fences shall be submitted with dimensioned elevations and sections with materials and colors identified.

e. Tree Protection Plan. Professionally surveyed plan indicating all trees with the site boundaries at four-inch (4") calipers (measured at breast height). The plan shall indicate trees that are proposed to be removed. At a minimum, all plans shall be in accordance with the Jekyll Island Jekyll Island Landscaping and Tree

Protection Ordinance in Chapter 10, Article I, as well as in conformity with the Jekyll Island Conservation Plan.

f. Exterior Elevations. All exterior elevations of architectural style submissions shall include elevation drawings depicting colors, materials, and finishes.

g. Condominium Documents, if applicable. A copy of the developer's proposed property owners and tenants' documents, association rules, development guidelines, or other controlling mechanisms shall be submitted for review and approval.

h. Useful Life Expectancy. The applicant shall provide a statement from a licensed architect or contractor that all structures, except temporary structures, are designed to meet minimum structural requirements for a 30-year useful life expectancy.

6. Construction Documents Submission Package.

a. **Construction Documents.** Based upon the approved Design Development Documents, Construction Documents consist of final working drawings and specifications, setting forth in detail the architectural and engineering work required for construction.

b. Two (2) copies of the complete and final Construction Documents, in the form to be submitted for a building permit, shall be submitted. All final construction drawings shall be drawn to scale, shall be ready for construction and shall have no "not for construction" annotations, and shall include all of the required drawings and specifications for construction of the project. After review and approval by the DRG, the package shall be reviewed and approved to incorporate all required code compliance approvals from Glynn County and other regulatory agencies. Responses shall be separately provided for any comments noted in the preliminary plan package, with additional details, sections, and other materials that are required for building permits.

c. For design-build, construction management, and other "fast track" construction delivery methods, construction cannot begin until Design Development Documents have been approved by the DRG and a fixed price or guaranteed maximum price has been established, and presented to the Design Group. Construction documents for any component should be complete and approved by the DRG.

7. Construction Site Visits.

a. Purpose and Scope.

i. Purpose. The purpose of the construction site visit is to ensure that the actual construction conforms to the originally approved construction



771 documents.

772 ii. Scope. A periodic review of the construction of the project will be  
773 undertaken to ensure conformity to the approved design. Deviations will be  
774 brought to the owners and/or applicants' attention along with the  
775 measures that the DRG requires to mitigate or eliminate the deviation.

776 iii. Technical Assistance. The DRG may employ the services of professionals  
777 such as architects, land planners, landscape architects, or engineers to  
778 render professional advice and may charge the cost for services of such a  
779 professional to the owner and/or applicant but only after the owner and/or  
780 applicant has been informed in advance that such compensation shall be  
781 charged.

782 b. Site Visits. After approval of the final Construction Documents by the Design  
783 Group, the construction, alteration or other work described therein shall be  
784 commenced and completed in accordance with the described procedures. The  
785 DRG has the right to enter the lot or premises for site visits, for the purpose of  
786 inspecting the project for compliance with the design guidelines.

787 c. Remedying Violations.

788 i. For violations that constitute an immediate threat to the health and safety  
789 of the public, the Authority may issue an immediate "Stop Work Order" and  
790 require the stoppage of all work on the site.

791 ii. Construction deemed to be in violation of the approved drawings and of  
792 the guidelines shall be corrected as instructed by the Authority within  
793 fourteen (14) days of written notice to the owner of such violation.

794 iii. The Authority shall have the right, but not the obligation, to enter such work  
795 site or premises with its employees, agents or contractors and to take all  
796 reasonable actions to halt, correct or remediate such unapproved or  
797 unauthorized construction that continues beyond the fourteen (14) day  
798 time frame.

799 iv. The cost of such correcting violations, abatement or removal shall be a  
800 binding obligation on the person or persons responsible for the project,  
801 including the owner or lessee of the premises and any agent or contractor,  
802 and the costs incurred shall become a lien on the property.

803 d. No Liability. Nothing in this Article shall establish nor be deemed to establish  
804 any liability or duty on the part of the Authority nor any employee, agent or  
805 contractor of the Authority, to any person, nor shall any provision of this Article  
806 establish any cause of action or right in favor of any person, relating to the  
807 Authority's review, evaluation, approval or denial of any plans, specifications,  
808 or documentation, nor of any work performed pursuant to any plans,

specifications, or documentation. The review and approval or disapproval of any plans, specifications or documentation under this Article does not constitute and should not be construed as constituting an opinion as to whether such plans, specifications or documentation or the proposed construction means or methods, or the accomplishment of the work proposed therein is sound or defective, fit for a particular purpose, nor compliant with all laws and regulations applicable to such work.

- e. Additional Requirements. The DRG may define additional requirements or make other recommendations as may be appropriate for the particular project being constructed. Any such requirements and recommendations shall normally be determined not later than the date of the Schematic Design Documents approval.

#### **Section 6: Appeal Requests.**

- A. In the event that an owner, applicant, or contractor believes that hardship conditions exist, a request for a deviation from these standards in the form of an appeal may be filed with the Executive Director.
- B. As a condition to submission of any appeal, consistency with the objectives and general intent of the standards and faithful implementation of the Concept Plan must be demonstrated by the applicant.
- C. In deliberating an appeal request, the Executive Director shall apply one or more of the following options:
  - a. Make a finding and determination on the appeal request; or
  - b. Refer the appeal request to the Board of Directors for final decision.

#### **Section 7: General Notes.**

- A. The Jekyll Island development standards and codes have been adopted for the purpose of interpreting, applying, supplementing, and implementing design consistent with the history and architecture of Jekyll Island, including retail and restaurant developments, hotels, and condominiums.
- B. These development standards and codes may be amended from time to time by the Jekyll Island-State Park Authority Board. A copy of the development standards and codes is maintained in the offices of the Jekyll Island-State Park Authority, and shall be available for inspection during normal business hours at the address provided above or on the Authority website, by the developer, owner, or prospective owner, contractor, architect, or agent of any such owner or representative of respective owner to inform themselves as to any and all such changes in these development standards and code.

## Article II: Commercial Development Standards

### Section 1: Applicability

- A. The following general standards apply to all commercial development on Jekyll Island.
- B. Much of the commercial development on the island will take place within the primary village core. This area links the Historic District to the beach.

### Section 2: Commercial Buildings

- A. Height.
  - 1. All building heights shall be measured from the FEMA base flood elevation or the existing ground elevation, whichever is highest.
  - 2. Unless specifically addressed in subsequent sections for hotels and condominiums, the maximum height of all commercial buildings shall be four (4) stories or forty-five (45) feet.
  - 3. The following general standards apply to all commercial development on Jekyll Island.
- B. Siding Materials. The permitted materials for siding on commercial buildings shall include the following, appropriate to the project and subject to the approval by the DRG:
  - 1. Wood clapboard;
  - 2. Shake siding;
  - 3. Cement or wood-fiber composite siding substitutes;
  - 4. Metal;
  - 5. Exterior Finish Insulation System;
  - 6. Brick; or
  - 7. Stucco.
- C. Roof.
  - 1. Materials: The permitted materials for roofing on commercial buildings shall include:
    - a. Standing seam gray or galvanized metal roof; or
    - b. Asphalt or fiberglass shingles.
  - 2. Metal roofing shall meet or exceeds coastal wind codes.
  - 3. Roofs shall have sloped hip or gable roofs with overhangs and decorative brackets.
- D. Facades.
  - 1. The ground floor of buildings shall be built to the back of sidewalk with a building setback of zero.

- 881 2. The ground floor of buildings shall have a minimum floor to floor height  
882 dimension of fifteen (15) feet.
- 883 3. Facades facing commercial streets or common areas shall be designed to  
884 provide:
- 885 a. Active uses, such as shops or restaurants shall be located on the ground  
886 floor; and
- 887 b. Balconies, covered porches, or awnings may be installed on the floors above  
888 the ground floor;
- 889 c. A minimum of sixty-five percent (65%) of ground floor facade shall be  
890 transparent;
- 891 d. A series of storefronts, which shall have design variation at a minimum  
892 interval of each twenty (20) feet of building width;
- 893 4. Entrances.
- 894 a. The primary entrance to all ground floor and upper story uses shall be from  
895 the street;
- 896 b. Primary entrance doors shall be a minimum of fifty-percent (50%)  
897 transparent; and
- 898 c. Entrances to upper story condominium units and hotels shall be separate  
899 from the entrances to ground floor uses.
- 900 5. A minimum of thirty-five (35%) of the upper story facades shall be windows.
- 901 6. Balconies are required for dwelling units facing onto public spaces, main  
902 streets, beaches and courtyards.

903 **Section 3: Commercial Site Standards.**

- 904 A. All buildings shall be designed to align the front of the building to the street or to  
905 the beach.
- 906 B. Service areas must be screened and not located along the street front in order to  
907 minimize their effects on the pedestrian environment.
- 908 C. All utilities, including power, telephone, cable, and fiber optic, shall be located  
909 underground within the site.
- 910 D. The maximum coverage of impervious materials on a commercial site shall be sixty  
911 percent (60%). The maximum coverage of all constructed elements, including  
912 pervious and impervious materials, exclusive of planted landscaping, shall be  
913 seventy percent (70%).
- 914 E. Where the natural landscape along the shoreline or other open space areas has  
915 been destroyed, the developer shall be required to restore the natural dunes and  
916 vegetation according to a plan approved by the DRG and all agencies or  
917 departments with review and approval jurisdiction.
- 918 F. Common area parcels may be created at the discretion of the DRG. Such a common  
919 parcel shall allow multiple buildings under the same ownership to be constructed  
920 on one parcel. This parcel will be treated the same as a single parcel in terms of

applicability of development standards and regulations.

#### **Section 4: Hotels**

A. Hotels located outside the primary village core shall adhere to building height guidelines in Section 2, Subsection A.

B. Guest rooms.

1. The minimum size for hotel guestrooms shall be 325 square feet.
2. The interior walls shall have a sound transmission coefficient of 55 between rooms and 48 along the corridors, as determined by the individual hotel chain and tested by the Gypsum Association or Underwriter's Laboratories, Inc.
3. Exterior and external venting is required for kitchen, laundry and bathroom facilities.

C. Site Standards.

1. Each hotel fronting on the beach may have one or more access points to the beach over the dunes, subject to approval of the DRG and all agencies or departments with review and approval jurisdiction over beach access.
2. Hotel roadways and parking lots shall be designed to prevent stormwater flow into planted zones or infiltration basins.
3. Hotels in the primary village core may be setback from the road in order to accommodate a porte-cochere either in front of the building off the street or on the side of the building.
4. Hotels outside the primary village core shall orient to maximize ocean views and to preserve existing trees and dunes.
5. Hotel parcels outside the primary village core shall be connected to the main road via a wide pedestrian and bicycle path that's illuminated at night and marked with approved wayfinding signage.
6. Hotel parcels outside the primary village core shall maintain thirty percent (30%) open space. Open space shall be landscaping or preserved natural vegetation.
7. Hotel parcels outside the primary village shall maintain a minimum twenty-five (25) feet landscaped buffer between the developed portion of hotel parcels and any adjacent pedestrian path. This landscaped buffer also screens buildings and parking lots from the road and creates a pedestrian scale edge along the pedestrian path. This buffer may be counted toward the thirty percent (30%) open space requirement.

#### **Section 5: Condominiums**

A. Condominium unit sizes.

1. The minimum size of units with a condominium development shall be as follows:

- a. Studio: 600 square feet.
  - b. One bedroom: 800 square feet.
  - c. Two bedrooms: 1100 square feet.
  - d. Three bedrooms: 1440 square feet.
2. Mechanical and utility equipment, compactors, and loading docks shall not be located within twenty (20) feet of ground floor street frontage. These shall be screened from public view with landscaping or accommodated internally within the building and accessed from parking lots.
- B. Secondary entrances for condominiums may be located behind the building.

#### **Section 6: Paved Areas and Hardscapes.**

1. Materials. Paving materials in commercial development areas may include:
  - a. Concrete pavers laid in sand;
  - b. Regional stone;
  - c. Fine gravel or crushed lime rock;
  - d. Crushed shells;
  - e. Tabby Concrete;
  - f. Brick; or
  - g. Gravel Pave product.
2. Sidewalks shall be constructed of:
  - a. Decorative brick;
  - b. Concrete pavers;
  - c. Oyster shell concrete; or
  - d. Finished concrete.
3. Pervious paving materials and construction methods are strongly encouraged.
4. Use.
  - a. Street furniture including benches, trash receptacles, newspaper dispensers, mailboxes, clocks or other public art shall only be placed with the expressed written approval of the DRG and shall be located between street trees and street lights along the edge of the curb.
  - b. Ground floor commercial tenants may place movable planters or café tables and chairs directly adjacent to their storefront, only with the expressed written approval of the DRG, to add color and interest to the street as long as a minimum five (5) feet clear pedestrian path is maintained on the sidewalk.
5. Connectivity
  - a. Connections to existing bike paths from new commercial development shall be of a consistent material to that of the bike path.
  - b. New crosswalks shall be of a consistent material with those used for existing hardscape within the site. Material should contrast in color and texture to visually highlight pedestrian crossings.

999	<b>Section 7:     Parking</b>
1000	A. Generally
1001	1. Parking shall be accommodated in either a shared surface parking lot or in a
1002	parking deck.
1003	B. Parking Lots.
1004	1. Surface parking lots shall be surrounded by planted ditches or vegetated swales
1005	to capture stormwater run-off and allow it to infiltrate into the ground.
1006	2. Developers shall incorporate pervious hardscape materials into parking lots to
1007	reduce the quantity of stormwater run-off.
1008	3. Parking lots shall be visually broken up with a continuous planting strip between
1009	parking aisles.
1010	4. Within the parking lot, one tree shall be planted for every ten (10) parking
1011	spaces.
1012	5. Parking lots shall be screened from the street and from the beach with
1013	landscaping, including a ratio of two (2) trees for every fifty (50) feet of parking
1014	lot frontage along a street.
1015	C. Parking Facilities.
1016	1. Parking facilities shall be designed to minimize their effect on the pedestrian
1017	environment.
1018	2. Clear pedestrian pathways shall be provided to the parking facilities and shall
1019	include ample wayfinding signage.
1020	3. Parking facilities shall be designed in an architecturally interesting way using
1021	elements such as screens, grilles, canopies, and awnings. Entrances and stair
1022	towers can be emphasized to add interest to the façade.
1023	4. Parking facilities shall be designed to complement the building material and
1024	architectural details of the building(s) the facility supports.
1025	5. Vegetation and landscaping materials shall be installed to screen the parking
1026	facility.
1027	6. Parking facility lighting shall be designed to provide safety for users of the
1028	facility while minimizing light pollution leaving the site.
1029	D. Required minimum parking ratios are as follows:
1030	1. Office: Five (5) parking spaces per 1,000 gross square feet (GSF) of building.
1031	2. Retail: Five (5) parking spaces per 1,000 GSF of building.
1032	3. Restaurant: Fifteen (15) spaces per 1,000 GSF of patron space.
1033	4. Conference Center: Fifteen (15) spaces per 1,000 GSF of patron space.
1034	5. Convention Center: Fifteen (15) spaces per 1,000 GSF patron space.
1035	6. Hotel Guestrooms: One and three tenths (1.3) spaces per sleeping room.
1036	7. Condominium and Planned Community: Two (2) spaces per unit

1037 E. In mixed-use situations, a reduction for shared parking may be permitted upon  
1038 review and approval by the DRG.

1039 **Section 8: Public Spaces**

1040 A. Commercial development shall be designed to maintain public beach access for  
1041 visitors and residents.

1042 B. Street frontage.

1043 1. Street trees shall be installed along the entire street frontage of the commercial  
1044 development a minimum of thirty (30) feet apart.

1045 2. Pedestrian street lights shall be installed in a manner evenly spaced between  
1046 the street trees. The design of the light fixtures shall be reviewed and approved  
1047 by the DRG, with the following standards:

1048 a. Light poles shall be round;

1049 b. Light poles shall be black in color;

1050 c. Light poles shall have a decorative base;

1051 d. The luminary shall be capped and shall not shine light upward; and

1052 e. The entire lighting structure shall be a maximum height of sixteen (16) feet.

1053 3. Commercial development shall be designed to provide on-street parking when  
1054 required by the DRG.

1055 **Section 9: Lighting**

1056 A. The lighting plan for commercial development shall provide safe illumination in  
1057 vehicular and pedestrian areas while preventing glare on beaches, natural areas or  
1058 adjacent properties.

1059 B. The Jekyll Island Beach Lighting Ordinance shall be strictly enforced in the  
1060 development of commercial areas. Path lighting and boardwalk access to the beach  
1061 should follow the Beach Lighting Ordinance, with special consideration given to sea  
1062 turtle requirements.

1063 C. Site lighting throughout the island shall be kept to a minimum and used only to  
1064 illuminate roads, pathways, signage and buildings within the developed areas.

1065 D. Street light fixtures shall be a maximum height of sixteen (16) feet above grade,  
1066 including pole and luminary.

1067 E. All lighting shall be low level and full cutoff fixtures following “dark sky” initiatives  
1068 and shall cast the light downward.

1069 **Section 10: Fences and Walls**

1070 A. The design and installation of all fences and walls must be reviewed and approved  
1071 by the DRG.

1072 B. Some limitations on the location of fences and walls may be required to provide



- 1073 emergency services egress and accessibility.
- 1074 C. The height requirements for fences are:
- 1075 1. Front yard fences shall be a maximum height of forty-two (42) inches;
- 1076 2. For rear yard, fences shall be a maximum height of six (6) feet; and
- 1077 D. Fencing and screening of trash containers or dumpsters shall be a minimum of eight
- 1078 (8) feet in height.
- 1079 E. Using low hedges as a fence is permitted.
- 1080 F. Wrought iron railing is permitted.
- 1081 G. Chain link fencing or vinyl fencing is not permitted.
- 1082 H. Retaining walls shall be constructed of materials that are complementary to
- 1083 adjacent structures.

1084 **Section 11: Connections to Nature**

- 1085 A. Connective pedestrian bridges and boardwalks entering into tidal or non-tidal
- 1086 wetlands, active sand dunes, and beaches, shall conform to the construction
- 1087 standards established by the Department of Natural Resources for wetlands,
- 1088 marshes, dunes and beaches.
- 1089 B. Boardwalks shall be constructed of:
- 1090 1. Sustainably grown wood products; or
- 1091 2. High quality composite products.

1092 **Article III: Alcohol Regulations**

1093 **Section 1: General Provisions.**

- 1094 A. *Purposes.* This Article is adopted for the purposes of:
- 1095 1. Promoting the health and general welfare of the residents, businesses and the
- 1096 general public on Jekyll Island;
- 1097 2. Establishing reasonable and ascertainable standards for the regulation and
- 1098 control of the distribution, sale and consumption of Alcoholic Beverages on
- 1099 Jekyll Island; and
- 1100 3. Protecting and preserving the residential and commercial uses of lands on and
- 1101 the unique character of Jekyll Island.
- 1102 B. *Definitions.* Unless a contrary meaning is clearly apparent from the context, any
- 1103 term not defined in this Article shall have the same meaning as it is given in the
- 1104 Georgia Alcoholic Beverage Code, Title 3 of the Official Code of Georgia Annotated,
- 1105 as amended, or in the rules and regulations of the Georgia Department of Revenue

(Ga. Comp. R. & Reg. § 560-2-1 et seq.), as amended. 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:

1. *Alcoholic Beverage* means and includes all alcohol, including Distilled Spirits, malt beverages, meads, wines and fortified wines.
2. *Alcoholic Beverage Caterer* means a person Licensed to distribute or sell Alcoholic Beverages by the drink at a location other than a Licensed Premises.
3. *Alcoholic Beverage Catered Function* means a public or private gathering at a location other than a Licensed Premises where alcoholic beverages will be distributed, sold or otherwise provided to attendees; provided, however, Alcoholic Beverage Catered Function shall not include an individual's hosting a private function at his or her personal residence where the host provides Alcoholic Beverages to guests for no consideration.
4. *Barrel* means, when used as a reference to a quantity of Alcoholic Beverages, a unit of measurement of volume equal to thirty-one (31) gallons.
5. *Beer* or *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 fourteen percent (14%) alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer, but not including sake (i.e., Japanese rice wine). The term "beer" is used interchangeably throughout this Article with "malt beverage."
6. *Brewpub* means any restaurant in which malt beverages are manufactured, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, and which meets the requirements for a Restaurant under this Article; provided, however, that when determining the total annual gross food and beverage sales, the sales of barrels of malt beverages to Licensed wholesale dealers or to the public for consumption off the premises, if any, shall not be used.
7. *Charter Boat* means a boat, vessel or other watercraft not less than twenty-five (25) feet in length, which is used, maintained or promoted for hire for transportation, sightseeing, fishing or other recreational activity; and,
  - a. Regularly moors at a marina or dock on Jekyll Island;
  - b. Picks up or drops off customers on Jekyll Island; or
  - c. Otherwise operates within and upon waters under the jurisdiction and control of the Authority.
8. *Consumption Off-Premises* means the sale of Alcoholic Beverages in a defined or partitioned-in locality, whether counter, display case, refrigerator, room,

1143 shop or building wherein Alcoholic Beverages are sold at retail in the original  
1144 unbroken container for consumption off the premises.

1145 9. *Consumption On-Premises* means the sale of Alcoholic Beverages in a defined  
1146 or partitioned-in locality, whether room, shop or building wherein Alcoholic  
1147 Beverages are sold at retail for consumption on the same premises.

1148 10. *Convenience Store* means a retail establishment offering a limited variety of  
1149 groceries, snacks, beverages, household goods, personal care items, or similar  
1150 sundries in conjunction with the dispensing of motor vehicle fuels.

1151 11. *Convention Center* means each building or other structure kept, used,  
1152 maintained, advertised and held out to the public to be used for meetings,  
1153 conferences, forums and seminars and related activities; with a seating capacity  
1154 in one room of at least 500 persons; which structure contains no sleeping  
1155 accommodations.

1156 12. *Cruise ship* means a large vessel capable of crossing open waters held out to  
1157 the public as a place where food or alcohol, or both, are offered and consumed;  
1158 having an area designated for the seating of customers; with a seating capacity  
1159 for at least sixty (60) people.

1160 13. *Distilled Spirits* or *Liquor* means any Alcoholic Beverage containing alcohol  
1161 obtained by distillation, whether mixed with water or other substance in  
1162 solution, and containing more than twenty-four percent (24%) alcohol by  
1163 volume including, but not limited to, all fortified wines. The term "Distilled  
1164 Spirits" is used interchangeably throughout this Article with "liquor."

1165 14. *Event Permit* means a written authorization or License to hold or conduct an  
1166 Alcoholic Beverage Catered Function.

1167 15. *Gallon* means a United States gallon of liquid measure equivalent to the volume  
1168 of 231 cubic inches or the nearest equivalent metric measurement.

1169 16. *Golf Course* means an area of land designed and used primarily for the game of  
1170 golf in a series of nine (9) or eighteen (18) holes each including tee, fairway, and  
1171 putting green and often one or more natural or artificial hazards including  
1172 supporting facilities, buildings, paths and other structures.

1173 17. *Grocery Store* means a retail establishment which has at least eighty-five  
1174 percent (85%) of its total retail floor space reserved for the sale of food and  
1175 other nonalcoholic items and conducts all of its sales inside the building  
1176 containing its retail floor space.

1177 18. *Gross Income*. For purposes of this Article;

1178 a. Gross Income means the total revenue of the establishment for a period  
1179 including, without being limited to, the following:

- 1180 i. Total income without deduction for the cost of goods sold or expenses  
1181 incurred;
- 1182 ii. Gain from trading in stocks, bonds, capital assets, or instruments of  
1183 indebtedness;
- 1184 iii. Proceeds from commissions on the sale of property, goods, or services;
- 1185 iv. Proceeds from fees charged for services rendered; and.
- 1186 v. Proceeds from rent, interest, royalty, or dividend income.
- 1187 b. The term "Gross Income" does not include the following:
- 1188 i. Sales, use, or excise taxes;
- 1189 ii. Sales returns, allowances, and discounts;
- 1190 iii. Interorganizational sales or transfers between or among the units of a  
1191 parent subsidiary-controlled group of corporations, as defined by 26  
1192 USC 1563(a)(2), or between or among wholly owned partnerships or  
1193 other wholly-owned entities;
- 1194 iv. Payments made to a subcontractor or an independent agent for  
1195 services which contributed to the gross receipts in issue;
- 1196 v. Governmental and foundation grants, charitable contributions or the  
1197 interest income derived from such funds, received by a nonprofit  
1198 organization which employs salaried practitioners otherwise covered by  
1199 this Chapter, if such funds constitute eighty percent (80%) or more of  
1200 the organization's receipts; and
- 1201 vi. Proceeds from sales of goods or services which are delivered to or  
1202 received by customers who are outside the state at the time of delivery  
1203 or receipt.
- 1204 19. *Growler* means a glass or ceramic bottle or jug not to exceed sixty-four (64)  
1205 ounces in volume that is filled by a Licensed retailer or employee of a Licensed  
1206 retailer with malt beverages from a keg and then capped for consumption off  
1207 the premises.
- 1208 20. *Hard cider* means an Alcoholic Beverage obtained by the fermentation of apple,  
1209 pear or similar fruit juices, containing not more than six percent (6%) alcohol  
1210 by volume, including, but not limited to, flavored or carbonated cider. For  
1211 purposes of this Article, hard cider shall be deemed a malt beverage. The term  
1212 does not include "sweet cider."
- 1213 21. *Hotel* means any Hotel, inn, motel or other establishment that offers overnight  
1214 accommodations to the public for lease, rent or hire and includes every building  
1215 or other structure so kept, used, maintained, and advertised whether in the

1216 same building or in separate buildings or structures provided that such separate  
 1217 buildings or structures are a part of the same business operation; provided,  
 1218 however, the term Hotel shall not include a residence used for short term  
 1219 rentals and Licensed pursuant to Article XX of Chapter XX of these ordinances.

1220 22. *In-room Service* means

1221 a. The delivery of Alcoholic Beverages by an employee of the Hotel to a  
 1222 registered guest's room or to a registered guest at any other location in the  
 1223 same building as the Hotel when such Alcoholic Beverages have been  
 1224 ordered by the guest and when the guest shall be billed for the cost of such  
 1225 Alcoholic Beverages at the time of delivery and when the sale of such  
 1226 Alcoholic Beverages is completed at the time of delivery; and

1227 b. The provision of a cabinet, appliance or other facility located in a Hotel's  
 1228 guest room which contains Alcoholic Beverages and which is provided upon  
 1229 written request of the guest and which is accessible by lock and key only to  
 1230 the guest and for which the sale of the Alcoholic Beverages contained  
 1231 therein is deemed to be final at the time requested except for a credit which  
 1232 may be given to the guest for any unused portion.

1233 23. *Interest* means any pecuniary interest and any ownership interest, whether  
 1234 present or future, whole or partial, legal or beneficial, contingent or vested,  
 1235 direct or indirect, and any right, power, or authority of control

1236 24. *Keg* means a bulk container of malt beverage commonly known as tap or draft  
 1237 beer containing less than thirty-one (31) gallons.

1238 25. *License* means written authorization or permission by the Authority for a  
 1239 person to distribute, manufacture, serve, furnish, sell or offer for sale Alcoholic  
 1240 Beverages as provided in this Article and in the manner specified on such  
 1241 authorization.

1242 26. *License Year* means that period of time for which Licenses under this ordinance  
 1243 shall be issued. Each License year shall begin on January 1 of each year and end  
 1244 on December 31 of each year.

1245 27. *Licensed Premises* means the physical location, space or area (including all  
 1246 rooms, pavilions, sidewalks, patios) of an establishment wherein Alcoholic  
 1247 Beverages are permitted to be sold, furnished, served, or consumed under a  
 1248 License issued pursuant to this Article.

1249 28. *Lounge* means a separate room or area within or connected to a Hotel or its  
 1250 public dining room with all booths, stools and tables being unobstructed and  
 1251 open to view.

- 1252 29. *Manager* means an individual responsible for the regular supervision and  
1253 operation of an establishment Licensed under this Article.
- 1254 30. *Marina* means a permanent dock or basin located on the island, providing  
1255 secure moorings for boats, motorboats and yachts and offering or supplying  
1256 repairs, fuel, refreshments and other facilities.
- 1257 31. *Mead* or *Honey Mead* means a fermented Alcoholic Beverage made from honey  
1258 that may not contain an alcohol content of more than fourteen percent (14%)  
1259 by volume. For purposes of this Article, Mead is considered Wine.
- 1260 32. *Package Store* means a building or other structure used for the sale at retail of  
1261 Alcoholic Beverages in the original unbroken package only, for consumption off  
1262 the premises only, and located in a commercial shopping area designated and  
1263 approved by the Authority.
- 1264 33. *Person* means any individual (where in an individual, fiduciary or representative  
1265 capacity), company, corporation, association, partnership, or other legal entity  
1266 or group.
- 1267 34. *Restaurant* means an eating establishment
- 1268 a. Serving prepared food for sale to the public for at least one meal a day at  
1269 least six days a week for at least eleven (11) months a calendar year;  
1270 b. Having an area designated for seating at least twenty-five (25) people; and  
1271 c. Deriving at least fifty percent (50%) of its total annual gross sales from the  
1272 sale of prepared foods.
- 1273 35. *Retail liquor dealer* means any individual, partnership or corporation engaged  
1274 in the sale of Distilled Spirits at retail on the island.
- 1275 36. *Retail malt beverage dealer* means any individual, partnership or corporation  
1276 engaged in the sale of malt beverages at retail on the island.
- 1277 37. *Retail wine dealer* means any individual, partnership or corporation engaged in  
1278 the sale of wines at retail on the island.
- 1279 38. *Transient boater* means a person who is the owner, lessee or operator; or who  
1280 is traveling with the owner, lessee or operator of any vessel which is passing  
1281 from one place to another.
- 1282 39. *Wholesale liquor dealer* means any person, firm, or corporation engaged in the  
1283 distribution or sale of Distilled Spirits to retailers for the purpose of resale on  
1284 the island.
- 1285 40. *Wholesale malt beverage dealer* means any person, firm or corporation  
1286 engaged in the distribution or sale of malt beverages to retailers for the  
1287 purpose of resale on the island.

- 1288 41. *Wholesale wine dealer* means any person, firm, or corporation engaged in the  
1289 distribution or sale of wines to retailers for the purpose of resale on the island.
- 1290 42. *Wines* means all Alcoholic Beverages containing not more than twenty-one  
1291 (21%) percent alcohol by volume produced from the natural fermentation of  
1292 fruits, berries or other products, but shall not include fortified wines as defined  
1293 by the Federal Alcoholic Administration.
- 1294 C. *Jurisdiction*. This Article will apply to all persons and lands within the territorial  
1295 limits of Jekyll Island and without the territorial limits of Jekyll Island in all locations  
1296 to which the jurisdiction of the Authority may extend.
- 1297 D. *Severability*. The terms and provisions of this Article are severable. If any clause,  
1298 sentence, paragraph or provision of this Article, or the application thereof to any  
1299 person or circumstance, shall be held illegal, unconstitutional or otherwise  
1300 unenforceable, such deficiency shall not affect the remainder of this Article that  
1301 can be given effect without the deficient provisions or application.
- 1302 E. *Sale of Alcoholic Beverages a Privilege*. The businesses of manufacturing,  
1303 distributing, selling, handling, and otherwise dealing in or possessing Alcoholic  
1304 Beverages on or within Jekyll Island are declared to be privileges and not rights, and  
1305 such privileges shall not be exercised by any person except in accordance with the  
1306 requirements of this Article. The issuance of any License pursuant to this Article  
1307 shall be a mere grant of a privilege to carry on such business during the term of the  
1308 License.
- 1309 F. *Compliance with Federal, State and Local Laws Required*. No person shall  
1310 manufacture, serve, furnish, sell or offer for sale or otherwise deal in, at retail or  
1311 wholesale, Alcoholic Beverages except as authorized by and in accordance with the  
1312 terms and conditions of such License and this Article. The exercise of any License is  
1313 subject to all applicable federal, state and local laws, including these Ordinances.  
1314 No Licensee may commence business pursuant to such License unless and until  
1315 such Licensee has obtained the appropriate authorization from the Georgia  
1316 Department of Revenue for such business.

1317 **Section 2: Licensing Requirements Generally.**

- 1318 A. *License Required*. It shall be unlawful for any person to distribute, manufacture,  
1319 serve, furnish, sell or offer for sale, or otherwise deal in, at retail or wholesale,  
1320 within the territorial limits of Jekyll Island any Alcoholic Beverage to the general  
1321 public without a License issued by the Authority pursuant to this Article. No person  
1322 may provide or furnish Alcoholic Beverages, whether for sale or otherwise, to the  
1323 general public in connection with the operation of any business establishment  
1324 without a License issued by the Authority pursuant to this Article, including without

1325 limitation, as part of any promotion, contest, sweepstakes, raffle or as part of any  
1326 bonus or similar inducement relating to the sale of goods, services or property.

1327 B. *Locations and Manner of Sale Individually Licensed.* Each location and each manner  
1328 in which the distribution or sale of Alcoholic Beverages will occur must be  
1329 separately Licensed under this Article. Locations may be separate where the  
1330 Authority determines the locations have different addresses, have separate  
1331 entrances, operate under different trade names, have different functions or  
1332 business models or otherwise do not constitute the same establishment or  
1333 premises.

1334 C. *Display of License.* Any License issued pursuant to this Article must be displayed  
1335 conspicuously on or within the Licensed Premises.

1336 D. *Classes of License.* Alcohol Beverage Licenses issued by the Authority include the  
1337 following:

- 1338 1. Distilled Spirits, Consumption On-Premises
- 1339 2. Distilled Spirits, Consumption Off-Premises
- 1340 3. Beer/Wine, Consumption On-Premises
- 1341 4. Beer/Wine, Consumption Off- Premises
- 1342 5. Hotel In-Room: Distilled Spirits
- 1343 6. Hotel In-Room: Beer/Wine
- 1344 7. Alcohol Beverage Catering
- 1345 8. Brewpub Operator
- 1346 9. Wholesale Distilled Spirits
- 1347 10. Wholesale Beer/Wine
- 1348 11. Tasting, Beer/Wine/ Distilled Spirits
- 1349 12. Event Permit

1350 **Section 3: Application for License.**

1351 A. *Application Contents.* Before a License to sell or otherwise provide Alcoholic  
1352 Beverages may be issued, a written application must be submitted to the Authority  
1353 on such forms as the Authority may require, by the individual and the  
1354 establishment for which a License is sought. Additionally, each application  
1355 submission shall include:

- 1356 1. A non-refundable application processing fee.
- 1357 2. The License fees for the License(s) sought.



- 1358 3. The applicant's full name, contact information and the physical address of the  
1359 establishment to be Licensed.
- 1360 4. The full name, contact information and physical address of the manager of the  
1361 establishment to be Licensed, if different from the applicant.
- 1362 5. The full name, contact information and physical address of the applicant's  
1363 agent for service of process, if different from the applicant.
- 1364 6. Whether the applicant is an individual, partnership, limited liability company or  
1365 corporation, and,
- 1366 a. for a partnership, the name and address of each partner directly concerned  
1367 in the operation of the business and the name and address of each partner  
1368 holding ten percent (10%) or more of the outstanding interests of the  
1369 partnership.
- 1370 b. for a limited liability company, the name and address of each officer directly  
1371 concerned in the operation of the business and the name and address of  
1372 each member holding ten percent (10%) or more of the outstanding  
1373 membership interests of the company.
- 1374 c. for a corporation, the name and address of each officer directly concerned  
1375 in the operation of the business and the name and address of each  
1376 shareholder holding ten percent (10%) or more of the outstanding shares  
1377 of the corporation.
- 1378 7. The proposed business to be carried on and type of License desired.
- 1379 8. Whether the applicant, or any partner, officer, manager, shareholder or  
1380 member of applicant, has had:
- 1381 a. An Alcoholic Beverage License suspended or revoked;
- 1382 b. an application for such License denied; or
- 1383 c. a renewal of such License denied.
- 1384 9. Whether the applicant, or any partner, officer, manager, shareholder or  
1385 member of applicant, has been convicted of (or pleaded guilty or nolo  
1386 contendere to) a violation of any felony, misdemeanor, or municipal ordinance,  
1387 or forfeited bond as to such charges, in any state or federal court of the United  
1388 States within the last five years, not including traffic violations other than  
1389 driving under the influence of intoxicants or drugs.
- 1390 10. Whether the applicant holds any other License for the sale of Alcoholic  
1391 Beverages and the location thereof.
- 1392 11. A survey or other accurate drawing to scale showing the location of the  
1393 applicant's property and the specific areas thereof to be Licensed for the

1394 distribution or sale of Alcoholic Beverages, and the application of any minimum  
1395 distances required by this Article or by state law. If the proposed Licensed  
1396 premises requires construction or substantial renovation, the applicant shall, in  
1397 addition to the survey, submit a detailed set of plans and specifications showing  
1398 the exact location of the proposed licensed premises, the construction  
1399 proposed to be carried out by the applicant and the anticipated time for  
1400 completion of construction.

1401 12. Three written references dated within thirty (30) days of the application  
1402 addressing the applicant's general character and fitness for licensing under this  
1403 Article. References are not required for renewal applications.

1404 13. Such other information as the Authority may from time to time require.

1405 *B. Separate Applications Required.* A separate License application is required for each  
1406 separate location for distribution or sale of Alcoholic Beverages; provided, the  
1407 Authority may in its discretion allow an applicant to utilize the same application  
1408 form for multiple Alcoholic Beverage License classes at the same establishment.  
1409 The Authority may consider and act upon each License class as a separate  
1410 application.

1411 *C. False Representations.* Each application shall be made under oath. Any untrue,  
1412 misleading or omitted statement or information contained in such application shall  
1413 be cause for the denial thereof, and if the License has been granted, shall be cause  
1414 for revocation of the same.

1415 *D. Notice of Change of Ownership Required.* A Licensee shall give notice to the  
1416 Authority within ten days after the sale or transfer during the term of any License  
1417 of more than ten percent (10%) of the ownership interests of any business or  
1418 establishment operating as a Licensed Premises; provided however, the Authority  
1419 may waive this notice requirement for any business or establishment the  
1420 ownership interests of which are traded on any public stock exchange.

1421 *E. Notice of Material Change in Licensee; Effect on License.* The holder of any License  
1422 issued under this Article, or any similar license issued by the Authority under any  
1423 prior ordinance pertaining to the regulation of alcoholic beverages on Jekyll Island  
1424 in effect as of the enactment of this Article, will give notice to the Authority within  
1425 ten days after the happening of any of the following:

1426 1. the sale or transfer during the term of any License of more than forty-nine  
1427 percent (49%) of the ownership interests of any business or establishment  
1428 operating as a Licensed Premises;

1429 2. the termination, departure, disassociation, death or permanent disability of any  
1430 individual Licensee or Manager of any Licensed Premises;

1431 3. the cessation of operations of any business or establishment operating as a  
1432 Licensed Premises.

1433 (each a "Material Change in Licensee"). Any such license shall stand terminated  
1434 automatically as of the date of any Material Change in Licensee, unless the  
1435 Authority, within 30 days of the date of such Material Change in Licensee either (i)  
1436 issues a license to sell Alcoholic Beverages reflecting the Material Change in  
1437 Licensee; (ii) issues a provisional license for a period not to exceed 30 days allowing  
1438 the temporary continuation of business operations of the Licensed Premises until  
1439 the expiration of the current License or until a new License is issued; or (iii)  
1440 determines in writing that no new license or provisional license is required to be  
1441 issued; provided, however, nothing in this Section 3(E) shall be construed as  
1442 authorizing the Authority to issue any license contrary to the provisions of this  
1443 Article.

1444 **Section 4: Persons and Establishments Eligible for Licensing.**

1445 A. *Persons Eligible.* Licenses shall only be issued to an individual who:

- 1446 1. Is an owner, an officer, a manager, or another employee with day-to-day  
1447 control or supervision, of an eligible establishment for which application is  
1448 made, and
  - 1449 a. Where the business is a partnership, all partners having ten percent (10%)  
1450 or more of the ownership interest of the business would be eligible for  
1451 licensing under this Article;
  - 1452 b. Where the business is a corporation, all officers and directors and all  
1453 stockholders having ten percent (10%) or more of the ownership interest of  
1454 the business would be eligible for licensing under this Article;
  - 1455 c. Where the business is a limited liability company, all officers and managers  
1456 and all members (however denominated) having ten percent (10%) or more  
1457 of the ownership interest of the business would be eligible for licensing  
1458 under this Article;
  - 1459 d. The business is not otherwise owned, operated or managed by an individual  
1460 who would not be eligible for licensing under this Article.
  - 1461 e. This Section shall not apply to wholesale dealers.
- 1462 2. Is a United States citizen, a legal permanent resident, or a qualified alien or non-  
1463 immigrant under the Federal Immigration and Nationality Act (with an alien  
1464 number issued by the Department of Homeland Security or other federal  
1465 immigration agency of the United States).

- 1466 3. Has not been convicted of, or pled nolo contendere or forfeited bond in  
1467 connection with, a violation of any law prohibiting driving under the influence  
1468 of intoxicants or drugs, within the preceding two years.
- 1469 4. Has not been convicted of, or pled nolo contendere or forfeited bond in  
1470 connection with, any felony within the preceding ten years.
- 1471 5. Has not been convicted of, or pled nolo contendere or forfeited bond in  
1472 connection with, any violation of any law pertaining to the sale of Alcoholic  
1473 Beverages.
- 1474 6. Has not had a License to sell Alcoholic Beverages revoked by any License issuing  
1475 authority, within the last ten years in any jurisdiction.
- 1476 7. Is not a public official or officer of the State of Georgia nor an employee of the  
1477 Authority.
- 1478 8. With respect to a License for wholesale, a person who is not the holder of any  
1479 other License to engage in the business of selling Alcoholic Beverages.
- 1480 9. With respect to a License for retail sale of Alcoholic Beverages in original  
1481 containers and for off-premises consumption only, a person who is not the  
1482 holder of any other License to engage in the business of selling Alcoholic  
1483 Beverages.
- 1484 B. *Eligible Establishments.* Subject to the requirements, limitations and conditions set  
1485 forth in this Article, any eligible person may apply to the Authority for a License to  
1486 sell Alcoholic Beverages for the following establishments:
- 1487 1. Brewpub Operator. Any restaurant may apply for a License to operate as a  
1488 brewpub. The holders of Licenses for brewpubs shall only be permitted sell up  
1489 to a maximum of 500 barrels annually of beer produced onsite in draught form  
1490 in accordance with O.C.G.A § 3-5-36 to Licensed wholesale dealers for  
1491 distribution to premises on Jekyll Island with Licenses for Consumption On-  
1492 Premise.
- 1493 2. Distilled Spirits - Consumption On-Premises. The following types of  
1494 establishments are eligible to apply for a License to sell of Distilled Spirits for  
1495 consumption on premises: Hotel, Brewpub, Golf Course, Lounge, Convention  
1496 Center, Cruise Ship, Restaurant or Charter Boat.
- 1497 3. Distilled Spirits - Consumption Off-Premises. The following types of  
1498 establishments are eligible to apply for a License to sell of Distilled Spirits in  
1499 original containers and for off-premises consumption only: Package Store.
- 1500 4. Malt Beverages and/or Wine - Consumption On-Premises. The following types  
1501 of establishments are eligible to apply for a License to sell Malt Beverages  
1502 and/or Wine for Consumption On-Premises: Hotel, Brewpub, Golf Course,  
1503 Lounge, Convention Center, Cruise Ship, Restaurant or Charter Boat.
- 1504 5. Malt Beverages and/or Wine – Consumption Off-Premises. The following types  
1505 of establishments are eligible to apply for a License to sell Malt Beverages

and/or Wine in original containers or growlers and for consumption off the premises only: Convenience Store, Golf Course, Grocery Store, Hotel, Package Store, Marina.

6. Hotel In-Room. Any Hotel may, in addition to any other applicable class of License, apply for a License to sell Alcoholic Beverages to Hotel customers or guests for In-Room Service.
7. Tasting License. Any establishment Licensed for the sale of Alcoholic Beverages for Consumption Off-Premises, except for a Convenience Store, may apply for a License to serve free samples of Alcoholic Beverages at the Licensed Premises for consumption on the premises, subject to the following limitations:
  - a. A tasting event may only take place on the Licensed premises at times during which such Licensed Premises may lawfully sell Alcoholic Beverages.
  - b. Only one tasting event per day may be held on the Licensed premises and such tasting event shall not exceed four hours.
  - c. Only one type of Alcoholic Beverage may be served at a tasting event (e.g., either malt beverages, or wine, or Distilled Spirits); provided, however, that more than one label or brand of such type of Alcoholic Beverage may be offered so long as not more than four packages are open at any one time.
  - d. Only Alcoholic Beverages that the Licensee is Licensed to sell on the Licensed premises may be offered as part of a tasting event, and such Alcoholic Beverages shall be part of the Licensee's inventory.
  - e. The Licensee will notify the Authority of the county or municipality in which the Licensed premises is located prior to holding a tasting event.
  - f. The Licensee will follow all state law restrictions on the volumes and quantities of samples offered.
  - g. Packages opened for the purposes of providing samples may not be sold, but instead must be kept locked in a secure room or cabinet except when in use during a tasting event.

#### **Section 5: Standards for Issuing License.**

- A. *Background Check Authorized.* Upon receipt of an application for licensing under this Article, the Authority shall investigate each applicant, which investigation may include at the Authority's discretion a criminal background check and submittal of the fingerprints of the applicant, and any partner, officer, manager, shareholder or member of applicant or of the establishment to be Licensed, to determine whether said applicant is eligible to be Licensed under this Article. By submitting an application for licensing under this Article, an applicant authorizes the Authority and its agents to secure from any court, law enforcement agency, or other public agency, his or her criminal history and the criminal history of all individuals required

to be listed on the application and to use such information in determining whether the License sought should be granted; and further, each applicant waives any right that he would otherwise have to preclude the Authority or its agents from obtaining and using such information, and each applicant further waives any liability of the Authority or its agents for obtaining and using such information in determining the suitability of the applicant for licensing under this Article.

B. *Issuance of License.* After investigation of the fitness of the applicant and a determination of the propriety of the establishment or location to be Licensed for the class of License sought, the Authority may approve, approve with conditions or deny the application.

1. In any case where an application is denied, the Authority will issue a refund of the License fees, less the application fee.

2. In any case where an application is approved, the Authority will issue a License to the applicant, the effectiveness of which will be stayed pending issuance of the appropriate Alcoholic Beverage License from the Georgia Department of Revenue.

C. *Location of Premises.* In evaluating an application for licensing under this Article, the Authority shall consider the suitability of the proposed location for the sale of Alcoholic Beverages and the type of establishment sought to be Licensed. The following provisions shall be used in evaluating the suitability of the location:

1. No Distilled Spirits may be sold by the package in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus.

2. No beer or wine may be sold by the package within 100 yards of any school building, school grounds, or college campus; provided, this prohibition will not apply to Grocery Stores with 10,000 square feet or more of floor space.

3. Within the Restricted Area (defined below), no License for Consumption Off-Premises for Beer or Wine will be issued. "Restricted Area" means that area commonly known as Beach Village, and extending to the west of the Beach Village to include the gas station on Ben Fortson Parkway and that portion of land between said gas station and the roundabout at Ben Fortson Parkway and Beachview Drive, and extending south of the Beach Village to include the three adjacent Hotels, but specifically excluding the Jekyll Island Convention Center. The Restricted Area also includes the parking lot surrounding the water tower located at or near 31 S. Beachview Drive. The prohibition will not apply to:

a. The renewal of a License for Beer/Wine – Consumption Off-Premises that was issued on or before April 15, 2021;

- 1581                   b. The issuance of a License for Beer/Wine – Consumption Off-Premises to a  
1582                   new owner or applicant of a business at the same location issued to a  
1583                   License holder on or before April 15, 2021;
- 1584                   c. The issuance of Licenses for Hotel In-Room Service, Alcoholic Beverage  
1585                   Caterer;
- 1586                   d. The issuance of an Event Permit for an Alcoholic Beverage Catered  
1587                   Function; or
- 1588                   e. The issuance of a License for Beer/Wine – Consumption Off-Premises to any  
1589                   person for the sale or distribution of packaged malt beverages or wines in  
1590                   conjunction with or as part of an exhibition, festival, or similar special event  
1591                   within the Restricted Area.

1592                   D. *Prohibited Conduct and Attire.* The following types of entertainment, attire and  
1593                   conduct are prohibited upon any Licensed Premises:

- 1594                   1. The employment or use of any person, in any capacity, in the sale or service of  
1595                   Alcoholic Beverages while such person is unclothed or in such attire, costume  
1596                   or clothing, as to expose to view any portion of the female breast below the top  
1597                   of the areola or of any portion of the male or female pubic hair, anus, cleft of  
1598                   the buttocks, vulva and genitals.
- 1599                   2. Live entertainment where any person appears in the manner described in  
1600                   subsection (D)(1) of this Section or where such persons perform acts of or acts  
1601                   which simulate any of the following:
- 1602                   a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation,  
1603                   flagellation or any sexual act which is prohibited by law.
- 1604                   b. The caressing or fondling of the breasts, buttocks, anus or genitals.
- 1605                   c. The displaying of the male or female pubic hair, anus, vulva or genitals.
- 1606                   3. The holding, promotion, sponsoring or allowance of any contest, promotion,  
1607                   special night, event or any other activity where patrons of the Licensed  
1608                   establishment are encouraged or allowed to engage in any of the conduct  
1609                   described in subsection (D)(1) and (2) of this Section; provided, however, that  
1610                   nothing contained in this subsection shall apply to the premises of any  
1611                   mainstream performance house, museum or theater which derives less than  
1612                   twenty percent (20%) of its gross annual income from the sale of Alcoholic  
1613                   Beverages.

1614                   **Section 6: Alcoholic Beverage Catering.**

- 1615                   A. Alcoholic Beverage Caterer License Required. No person may distribute, sell or  
1616                   otherwise provide any Alcoholic Beverages at an Alcoholic Beverage Catered

1617 Function unless such person holds a valid Alcoholic Beverage Caterer License and  
1618 such function has been approved and permitted under this Article.

1619 B. Application. Any person Licensed under this Article for the retail sale of Alcoholic  
1620 Beverages on premises may apply for licensing as an Alcoholic Beverage Caterer to  
1621 distribute, sell or otherwise provide Alcoholic Beverages by the drink at an  
1622 approved Alcoholic Beverage Catered Function. Any person seeking to be Licensed  
1623 as an Alcoholic Beverage Caterer shall make application with the Authority with the  
1624 required application and License fees, and the Authority will consider and act upon  
1625 such application according to the same requirements for similar Licenses under this  
1626 Article.

1627 C. Alcoholic Beverage Caterer License Issued by Other Jurisdictions. If a person is  
1628 Licensed by a municipality or county of this State to sell Alcoholic Beverages by the  
1629 drink for consumption on the premises and also holds a valid Alcoholic Beverage  
1630 catering License (however denominated) issued by the same licensing authority,  
1631 such person may sell and/or distribute Alcoholic Beverages by the drink at an  
1632 Alcoholic Beverage Catered Function subject to the requirements of this Article.

1633 D. Event Permit Required. No person may host or conduct an Alcoholic Beverage  
1634 Catered Function at a location other than a Licensed Premises without first applying  
1635 for an obtaining an Event Permit issued under this Article. An Alcoholic Beverage  
1636 Caterer seeking to sell, distribute or otherwise provide Alcoholic Beverages at such  
1637 function must apply for an Event Permit at least ten (10) days prior to the date of  
1638 the event.

1639 1. Application Requirements. Each application for an Event Permit shall include:

1640 a. The application fee of \$50.00;

1641 b. The name of the Alcoholic Beverage Caterer, a copy of the License(s) under  
1642 which the Alcoholic Beverage Caterer operates, and the name and phone  
1643 number of the Licensee and his representative who will be on-site at the  
1644 event;

1645 c. The name and phone number of the host or sponsor of the event, if  
1646 different from the Licensee, including the name and telephone number of  
1647 the representative of the host or sponsor who will be at the event;

1648 d. A plan of the event, which includes: the date, location or address, and hours  
1649 of the event; the number of persons expected to be in attendance; the  
1650 location of guest parking; and whether security, valet parking, or additional  
1651 restroom facilities will be provided;

1652 e. Whether food is being provided by the applicant, and if not, the name and  
1653 phone number of the person providing food at the event;



- 1654 f. For any applicant holding an Alcoholic Beverage catering license (however  
1655 denominated) not issued by the Authority: the name of the local jurisdiction  
1656 issuing such catering License and a photocopy of such catering license.
- 1657 2. Event Permit Application Review. Within ten days after receipt of an application  
1658 for an Event Permit, the Authority shall either approve, approve with  
1659 conditions, or deny the Event Permit application and communicate same in  
1660 writing to the applicant. An Event Permit may be denied for any of the following  
1661 reasons or combination of reasons:
- 1662 a. The applicant, and/or event host or sponsor does not meet the  
1663 requirements for an Event Permit;
- 1664 b. The applicant and/or event host has previously violated or failed to comply  
1665 with applicable law concerning the sale or possession of Alcoholic  
1666 Beverages;
- 1667 c. The event location is a site where a violation of this ordinance or the state  
1668 laws or rules regarding alcohol has previously occurred;
- 1669 d. The plan of the event as proposed is likely to restrict and/or congest traffic  
1670 on any of the public roads, rights-of-way, or sidewalks in the immediate  
1671 vicinity of the event, or is likely to present a danger to the health and safety  
1672 of guests at the event or members of the public;
- 1673 e. The plan of the event as proposed is likely to cause a disturbance of the  
1674 peace at the time of the event, or is likely to intrude upon the privacy or  
1675 property of residents in the area of the event; or
- 1676 f. The plan of the event as proposed is inconsistent with the uses of or is  
1677 prohibited at the proposed location.
- 1678 3. Event Permit Requirements. The following conditions and requirements apply  
1679 to all Event Permits for Alcoholic Beverage Catered Functions and all Alcoholic  
1680 Beverage Caterers Licensed under this Article:
- 1681 a. An Alcoholic Beverage Caterer may sell and/or distribute only those  
1682 Alcoholic Beverages authorized by that person's On-Premises License.
- 1683 b. Alcoholic Beverages may only be served at the location and on the date(s)  
1684 specified in the Event Permit.
- 1685 c. Food must be served at the event;
- 1686 d. Copies of Event Permits shall be conspicuously posted on site at the event  
1687 location at all times during the event.

- 1688 e. Alcoholic Beverage Caterers must carry a copy of the caterer's License, a  
1689 copy of the Event Permit, and any documents or permits required under  
1690 Georgia law for the transporting of the Alcoholic Beverages to the event;
- 1691 f. Alcoholic Beverages may be served at the event only within the hours  
1692 permitted for the sale of Alcoholic Beverages generally within Jekyll Island;  
1693 provided, however, that events held at residences or on residential  
1694 property may be held within the hours of 12:00 noon and 10:00 p.m. and  
1695 no more than four (4) times per calendar year.
- 1696 g. No Event Permit will be issued for an event on Sunday, except to an  
1697 Alcoholic Beverage Caterer who possesses a valid Sunday sales License and  
1698 complies with all requirements of Georgia law with respect to service of  
1699 Alcoholic Beverages on Sunday, and then only from 12:30 p.m. to 11:00  
1700 p.m. The sale of Alcoholic Beverages until 2:00 a.m. on Sundays as provided  
1701 in this Article does not constitute a Sunday event;
- 1702 h. No "cash bar" sales of Alcoholic Beverages will be permitted at residences  
1703 or on residential property; provided that a nonprofit corporation may  
1704 charge admission or collect donations so long as the money collected is not  
1705 intended to solely defray the costs of providing the Alcoholic Beverages;
- 1706 i. Alcoholic Beverage Caterers Licensed by the Authority shall pay excise taxes  
1707 on the sale of Alcoholic Beverages as provided for under this Article and  
1708 report such sales to the Authority on or before the time when other excise  
1709 taxes are due for such Licensee;
- 1710 j. Alcoholic Beverage Caterers not Licensed by the Authority shall pay excise  
1711 taxes on the total quantity of Alcoholic Beverages brought into Jekyll Island,  
1712 as provided for under this Article, and provide a report to the Authority  
1713 within fifteen (15) days of the conclusion of the event. In addition to  
1714 information required to determine the amount of tax due, the report shall  
1715 state the quantity and type of Alcoholic Beverages transported from the  
1716 Licensee's primary premises to the location of the event;
- 1717 E. Violations.
- 1718 1. It shall be unlawful for any person Licensed to sell Alcoholic Beverages for on-  
1719 premises consumption to sell or distribute Alcoholic Beverages outside of such  
1720 person's Licensed Premises at an Alcoholic Beverage Catered Function without  
1721 an Alcoholic Beverage Caterer License issued or otherwise authorized under  
1722 this Section and without an Event Permit issued under this Section.
- 1723 2. It shall be unlawful for any person holding an Alcoholic Beverage Caterer  
1724 License and/or an Event Permit to distribute, sell or otherwise provide Alcoholic

1725 Beverages in any manner inconsistent with such License, permit, or the  
1726 requirements or conditions for of this Article.

1727 F. Private Functions Not Prohibited. Nothing contained in this Section is intended to  
1728 prohibit anyone from hosting a private function at his or her personal residence  
1729 where the host provides alcohol to guests free of charge or permits the otherwise  
1730 legal consumption of Alcoholic Beverages.

1731 **Section 7: Fees.**

1732 A. All applications for Licenses under this Article and any application for renewal  
1733 thereof will pay a non-refundable application fee, or renewal fee, as the case may  
1734 be, as may from time to time be established by the Authority. Such fee shall be  
1735 calculated to cover the Authority's administrative costs of considering such  
1736 application, including without limitation, the costs of any background investigation.

1737 B. All Licensees shall for each calendar year or any fraction of a calendar year pay  
1738 License fees as may from time to time be established by the Authority.

1739 C. Each License requires a separate License fee.

1740 D. Each applicant will be responsible for the prompt payment of all required fees or  
1741 taxes at the time of application. No application will be considered unless and until  
1742 the Authority receives full payment for all fees owed.

1743 E. If the Authority shall deny the application for License, the License fee tendered with  
1744 the application for License shall be returned to the applicant.

1745 **Section 8: Exercise of Discretion; Authority Determination Final.**

1746 A. The Authority shall have full discretion and authority to determine whether the  
1747 applicant for a License under this Article is fit to be Licensed to operate the type of  
1748 establishment as proposed in the application; whether the issuance of such License  
1749 and the operation of such establishment is in the best interest of the public health,  
1750 safety and welfare of the residents and patrons of Jekyll Island and the Authority;  
1751 whether the application and the proposed establishment satisfies the conditions  
1752 and requirements of this Article. The Authority's determination of these  
1753 considerations shall be final, subject to the appeal procedures in this Section.

1754 B. All approvals and denials of License applications shall be issued in writing by the  
1755 executive director and shall be delivered or made available to the applicant. The  
1756 Authority may provide the reason for such denial.

1757 C. In the event of a denial of an application, an applicant may appeal the denial by  
1758 submitting to the Authority on or before the appeal deadline stated in the denial  
1759 notification, which date shall be at least ten days from the date of notice, a written  
1760 request for a hearing before the Board of Directors on the denial. The Authority  
1761 shall schedule a time and place for the hearing within forty-five (45) days of receipt

1762 of the request for a hearing, and the applicant and the Executive Director, and their  
1763 respective designees or representatives, shall be entitled to present evidence and  
1764 to cross examine witnesses opposing or supporting the application. The Board of  
1765 Directors shall issue its final decision in writing, including the reasons for such  
1766 decision, and the decision shall be delivered or made available to the applicant.

1767 D. Suspensions and revocations of a License shall be upon written notice to the  
1768 Licensee from the Executive Director, stating the reasons for such suspension or  
1769 revocation, and such notice shall be delivered or made available to the Licensee.  
1770 The Licensee shall be entitled to request a hearing on such suspension or  
1771 revocation pursuant to the provisions of this Section and Section 9.

1772 E. The Authority will report any disciplinary action against a Licensee to the Georgia  
1773 Department of Revenue within forty-five (45) days of the Authority taking such  
1774 disciplinary action.

1775 **Section 9: Conditions necessary to obtain and maintain license.**

1776 A. No one other than the holder of the License for consumption on the premises only,  
1777 his manager or agent, shall carry into or have in his possession on any Licensed  
1778 premises any Distilled Spirits in the original package, the seal of which has been  
1779 broken or the original package opened.

1780 B. The sale of Distilled Spirits by the drink for consumption by persons in any room or  
1781 place which is not open to general public use is prohibited, except where such sale  
1782 is pursuant to:

- 1783 1. a Hotel in-room Service License;
- 1784 2. an Alcoholic Beverage Caterer License and an Event Permit; and
- 1785 3. a Consumption On-Premises License at a private event or convention held in  
1786 Licensed Premises and scheduled in advance.

1787 C. No holder of a License to sell Distilled Spirits for Consumption On-Premises may sell  
1788 or provide Distilled Spirits by the bottle or package (e.g., "bottle service") for  
1789 consumption on the premises.

1790 D. No person may add to the contents of a bottle or container of Alcoholic Beverages  
1791 or refill empty bottles or containers of Alcoholic Beverages, or in any other manner  
1792 misrepresent the quantity, quality or brand name of any Alcoholic Beverages.

1793 E. Each Licensee shall comply with all applicable rules, regulations, laws and statutes  
1794 of the state, and shall in addition thereto or in furtherance thereof:

- 1795 1. Prohibit the sale or serving of Alcoholic Beverages in automobiles or other  
1796 vehicles

- 1797 2. Prohibit the sale or serving of Alcoholic Beverages anywhere outside the main  
1798 building or accessory thereto from which the business of such Licensee is  
1799 operated, except for the sale of mixed drinks for off-premises consumption in  
1800 approved containers as defined and regulated by O.C.G.A. § 3-3-11, as may be  
1801 amended from time to time.
- 1802 3. Strictly adhere to the laws of the state respecting the sale of Alcoholic  
1803 Beverages to minors, intoxicated persons, habitual drunkards or other  
1804 prohibited persons, including but not limited to persons prohibited by O.C.G.A.  
1805 §§ 3-3-22—3-3-25.
- 1806 4. Keep the Licensed premises free and clear of cans, bottles, paper, and other  
1807 debris.
- 1808 F. No mingling with customers. Employees of Hotels or lounges shall not dance or sit  
1809 with customers on the Licensed Premises, and shall not be permitted to accept  
1810 alcohol from customers while working.
- 1811 G. Employment of minors restricted.
- 1812 1. No Licensee hereunder shall employ any minor in his establishment; provided,  
1813 however, persons under the age of eighteen (18) years may be employed  
1814 where their duties are not in any way involved with the preparation, sale or  
1815 service of any Alcoholic Beverage; and provided that musicians and other  
1816 entertainers under the age of eighteen (18) years may provide professional  
1817 entertainment on a Licensed premises with permission of the executive  
1818 director.
- 1819 2. The provisions of this Section shall not prohibit persons under eighteen (18)  
1820 years of age who are employed in a grocery store as defined herein from selling  
1821 or handling malt beverages or wine which are sold for consumption off the  
1822 premises.
- 1823 H. Licenses not transferable. No license issued under this Article, nor any similar  
1824 license issued by the Authority under any prior ordinance pertaining to the  
1825 regulation of alcoholic beverages on Jekyll Island in effect as of the enactment of  
1826 this Article, may be transferred to any other person, location or establishment, and  
1827 any license will be deemed terminated upon such attempted transfer.

1828

1829 **Section 10: Expiration and Renewal.**

- 1830 A. Expiration. All Licenses granted hereunder shall expire on December 31 of each  
1831 License Year.
- 1832 B. Renewals. Licensees who desire to renew a current License for the following  
1833 License year shall submit an application for renewal on the form required by the

Authority, together with the applicable renewal fee and License fees, on or before November 1 of each License year in order to allow sufficient time for the Authority to review and process the application prior to expiration of the current License. Nothing herein shall be construed to preclude the submittal of an application for renewal after November 1; provided, however, for any renewal application submitted after November 1, the Authority will be under no obligation to process such renewal application or issue any renewal License prior to December 31.

**Section 11: Days and hours of sale regulated.**

A. It shall not be lawful for any person or business to sell, offer to sell, give away or otherwise dispense any Alcoholic Beverages, fortified wine, malt beverages, Distilled Spirits for beverage purposes by the drink for consumption on the premises, including Hotel in-room and catering Licenses, (as those terms are defined by O.C.G.A. § 3-1-2) during the following times, except as provided in subsection (h) of this Section:

1. Monday: 2:00 a.m. to 8:00 a.m.
2. Tuesday: 2:00 a.m. to 8:00 a.m.
3. Wednesday: 2:00 a.m. to 8:00 a.m.
4. Thursday: 2:00 a.m. to 8:00 a.m.
5. Friday: 2:00 a.m. to 8:00 a.m.
6. Saturday: 2:00 a.m. to 8:00 a.m.
7. Sunday: 2:00 a.m. to 11:00 a.m.

B. Licensees of Alcoholic Beverages for consumption off premises may only sell or permit the sale of Alcoholic Beverages between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday and between the hours of 11:00 am and 10:00 p.m. on Sundays.

**Section 12: Revocation and Suspension of License.**

A. Revocation and Suspension. Upon violation of any provision of this division or of any law or regulation of the state relating to Alcoholic Beverages, or, in the event of a Material Change in Licensee, the Authority at a regular or specially called meeting, after written notice to the Licensee and an opportunity to be heard, may revoke or suspend the License for all or a portion of the License Year. Upon proof of disorderly conduct at any Licensed Premises, or if, in the opinion of the Authority, any Licensed Premises has become a nuisance or threat to public health and safety, the Authority may temporarily suspend such License for a period not to exceed thirty (30) days pending a hearing and action by the Authority.

1869 B. Effect on Fees. In case of revocation, suspension or surrender of such License due  
1870 to a violation of this Article before the expiration of the License Year, the Licensee  
1871 shall not be entitled to receive any refund whatsoever.

1872 **Section 13: Failure to open or operate.**

1873 A. All holders of Licenses hereunder must within six (6) months after the issuance of  
1874 said License open the establishment referred to in the License for business and  
1875 exercise the privilege granted by the License. Failure to exercise the privilege  
1876 provided by the License within this period shall work an automatic forfeiture and  
1877 cancellation of the unused License without the necessity of any further action of  
1878 the Authority and no refund of License fees or taxes shall be made.

1879 B. The Authority may cancel the License of any Licensee who shall, for a period of two  
1880 consecutive months, fail to exercise the business privilege conferred by the License  
1881 after intimal establishment of operations, as set forth in Section 16 (A).

1882 **Section 14: Consumption of Alcoholic Beverages in Public Areas**

1883 A. Except for the areas and circumstances specified in subsections (B) (C) and (D)  
1884 herein, it shall be lawful for any [person](#) of legal drinking age under Georgia law to  
1885 possess an Alcoholic Beverage in an open container on or about their person in any  
1886 public place on Jekyll Island.

1887 B. No person may possess an open container of Alcoholic Beverages:

1888 1. On or within the streets, roads, sidewalks or paths within Jekyll Island in any  
1889 motor vehicle, personal transportation vehicle, all-terrain vehicle, low-speed  
1890 vehicle, golf-cart, bicycle, tricycle or other conveyance; provided, this  
1891 prohibition will not apply:

1892 a. to the operation of any golf cart within the boundaries of any golf course;  
1893 b. to the storage or transport of a broken package of Alcoholic Beverages  
1894 contained in a locked compartment of a vehicle;

1895 c. to possession or consumption by the passengers in any chartered vehicle  
1896 designed for carrying more than ten persons when it is being used for the  
1897 transportation of passengers;

1898 d. to possession or consumption by the passengers in any chauffeured  
1899 limousine driven by an individual holding a valid Chauffeur's Permit by the  
1900 State of Georgia; or

1901 e. to possession or consumption by the passengers or occupants within the  
1902 living quarters of any recreational vehicle, camper or motor home;

1903 2. On or within twenty-five (25) feet of any children's playground except in  
1904 designated picnic or dining areas;

1905 3. Within any building owned or operated by the Authority; provided, this  
1906 prohibition will not apply to:

1907 a. the Jekyll Island Convention Center; and

1908 b. any space or area within any building owned or operated by the Authority  
1909 that is rented to or otherwise made available to any person or group  
1910 pursuant to a written agreement for an event or convention during the  
1911 hours of such event or convention;

1912 4. On or within any building or area where the possession of an open container of  
1913 Alcoholic Beverages is prohibited by the owner, lessee or operator of such  
1914 building or area; or,

1915 5. Where prohibited by applicable law.

1916 C. No establishment Licensed to sell Alcoholic Beverages for Consumption On-  
1917 Premises may provide for removal from the [Licensed Premises](#) an Alcoholic  
1918 Beverage in an open container except in a metal, paper or plastic cup with a  
1919 capacity of 16 fluid ounces or less; provided, however, no more than one such  
1920 container of Alcoholic Beverage may be removed per person at a time.

1921 D. No person shall possess an open container containing an Alcoholic Beverage on the  
1922 streets, sidewalks, parks, or other public places within Jekyll Island unless such  
1923 container is a metal, paper or plastic cup having a capacity of sixteen (16) fluid  
1924 ounces or less.

1925 E. No driver of a vehicle in which the passengers are excepted from the prohibition  
1926 on possession of an open container under Section XX(XX) shall be in violation of this  
1927 Section unless the driver has in his immediate possession an open container or  
1928 broken package containing Alcoholic Beverages.

1929 F. Nothing in this Section shall be construed as precluding the Authority from  
1930 prohibiting or otherwise limiting the sale, possession or consumption of Alcoholic  
1931 Beverages on public property of the Authority in connection with the approval of  
1932 any application for any Event Permit or the renting or furnishing by written  
1933 agreement of any event space on public property of the Authority where the  
1934 Executive Director determines such prohibition or limitation is the best interests of  
1935 the Authority or the health and safety of the public, including without limitation, by  
1936 limiting the manner, time, or place of such sale, possession or consumption, or by  
1937 limiting the types of Alcoholic Beverages sold, possessed or consumed.

1938 G. It shall be unlawful for any person to drink or attempt to drink any Alcoholic  
1939 Beverage from a glass bottle or glass receptacle on the streets, sidewalks, rights-  
1940 of-way, beaches, and parking lots, whether public or private.



- H. **Penalties.** Any person found in violation of any provision of this Section 14 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both fine and imprisonment, to be imposed at the discretion of the judge or as provided and stipulated by law. The Authority may establish a schedule of monetary fines applicable to each violation.

**Section 15: Excise Tax on Wholesale Alcoholic Beverages.**

- A. There is hereby levied an excise tax on the sale of Distilled Spirits by Licensed wholesalers in the amount of \$0.22 per liter or a proportionate tax at like rates on any fractional part of a liter on Distilled Spirits, excluding fortified wine.
- B. There is hereby levied an excise tax on the sale of malt beverages, commonly known as tap or draft beer, which is sold in or from a barrel or bulk container, at a rate equal to \$6.00 on each container sold containing not more than fifteen and one-half (15½) gallons or a proportionate tax at the same rate on all fractional parts of fifteen and one-half (15½) gallons.
- C. There is hereby levied an excise tax on the sale of malt beverages sold in bottles, cans and other containers, except barrel or bulk containers, at a rate equal to \$0.05 per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces.
- D. There is hereby levied on the first sale or use of wine by the package an excise tax in the amount of \$0.22 per liter or a proportionate tax at like rates on all fractional parts of a liter.
- E. The excise taxes provided in this Section shall be imposed upon and shall be paid by the Licensed wholesale dealer. The taxes shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the city by the wholesale dealer. Each Licensee responsible for the payment of the excise tax shall file a report with the finance department itemizing for the preceding calendar month the exact quantities of Alcoholic Beverages, by size and type of containers, sold during the month within the city.
- F. It shall be a violation of this Article for any Licensee to fail to file in a timely manner any report required pursuant to this Article or to fail to remit in a timely manner all taxes due with any such report. Such Licensee may be required to appear before the city commission to show cause why such Licensee's License should not be revoked or suspended.

**Section 16: Excise Tax on Retail Sales and Production.**

- A. There is hereby levied and imposed a specific excise tax on the sale of Distilled Spirits for on-premises consumption in the amount of three percent of the charge to the public for the beverage. The amount taxed shall not include any sales tax

- 1979 imposed on the purchase.
- 1980 B. Brewpubs must submit an excise tax on all beer and malt beverages produced at
- 1981 the rate of \$6.00 per half barrel (15½ gallons) and \$12.00 per barrel (31 gallons).
- 1982 C. The excise taxes provided for in this Section shall be imposed upon and shall be
- 1983 paid by the Licensee selling Distilled Spirits at retail directly to consumers for on-
- 1984 premises consumption.

1985 [Article V: Compactor requirements](#)

1986 **Section 1: Definitions.**

- 1987 A. **Commercial Establishment** shall mean a business, corporation, company,
- 1988 incorporated or limited concern, doing business on Jekyll Island, whether owned,
- 1989 leased, or rented.
- 1990 B. **Compactor** shall mean a container that has a compaction mechanism, whether
- 1991 stationary or mobile, intended for collection of garbage or recyclable materials.
- 1992 C. **Garbage** means all waste containing or contaminated with discarded food or drink
- 1993 or any remnants or residues thereof.
- 1994 D. **Recyclable Materials** shall mean those materials that are capable of being recycled
- 1995 and which would otherwise be processed or disposed of as solid waste.
- 1996 E. **Waste** means unwanted or discarded material, except human body waste.

1997 **Section 2: Trash and Recycling Compactors Required.**

- 1998 A. Commercial Establishments generating Garbage shall be required to utilize
- 1999 Compactors rather than dumpsters or bins for the containment of such Waste.
- 2000 B. Compactors shall be of sufficient size to contain all Garbage generated by the
- 2001 Commercial Establishment between days of pickup service.
- 2002 C. If Compactor service is not available, Commercial Establishments shall be required
- 2003 to provide daily pickup of all Garbage.
- 2004 D. When uncontaminated by Garbage, Recyclable Materials produced by a
- 2005 Commercial Establishment may be contained in compactors, dumpsters, or other
- 2006 appropriately designed, designated, and serviced containers.
- 2007 E. Commercial Establishments shall install and have in place ready for use Compactors
- 2008 for the disposal and containment of all Garbage within eighteen (18) months from
- 2009 the effective date of this ordinance.
- 2010 F. Commercial Establishments shall:
- 2011 1. Make use of the compaction mechanism on a regular basis, but not less than
- 2012 once daily while the Compactor is in use.

2013 G. The Authority may consider cooperative agreements between two (2) or more  
2014 Commercial Establishments to share Compactor facilities.

2015 H. The Authority may consider, evaluate and issue variances to these requirements in  
2016 its sole discretion.

2017 **Section 3: Compactor Area.**

2018 A. Any outdoor area used for Compactors shall adhere to the following requirements:

2019 1. Shall be located entirely on a concrete surface that shall be sloped to an  
2020 approved drainage connection;

2021 2. Shall provide drainage to and connection with the sanitary sewer system;

2022 3. Shall be shielded from direct view by a method approved by the DRG including  
2023 but not limited to a screen, fence, landscaping, or other means;

2024 4. Other measures considered applicable to the individual compactor site by the  
2025 Authority.

2026 **Section 4: Violations, Penalties and Enforcement.**

2027 A. It shall be unlawful for any Commercial Establishment to operate except in  
2028 compliance with this Article.

2029 B. Where the Authority determines a Commercial Establishment is not compliant with  
2030 this Article, the Authority shall give written notice of the violation to the  
2031 Commercial Establishment (i) by personal service upon its manager or owner (ii) by  
2032 certified mail or statutory overnight delivery, return receipt requested, at the  
2033 address of record maintained by the applicable tax commissioner for the  
2034 Commercial Establishment, or (iii) by such other method of service allowed by  
2035 applicable law for such Commercial Establishment, setting for the nature of the  
2036 violation and providing a cure period of thirty (30) days from the date of notice in  
2037 which the Commercial Establishment must correct the violation.

2038 C. Any person who fails to cure a noticed violation of this Article within the 30-day  
2039 cure period shall be guilty of a misdemeanor, and upon conviction thereof, shall be  
2040 punished by a fine not to exceed \$1,000.00 or by imprisonment for a term not to  
2041 exceed 60 days, or by both fine and imprisonment, to be imposed at the discretion  
2042 of the judge or as provided and stipulated by law. The Authority may establish a  
2043 schedule of monetary fines applicable to each violation. Each day a violation  
2044 continues constitutes a separate offense.

2045 D. In addition to the enforcement of this Article by citation or accusation, the  
2046 Authority may take any action not prohibited by law to prevent or remediate a  
2047 violation or threatened violation of this Article, including without limitation,  
2048 rescinding any issued permit, issuing a stop work order, or commencing legal

2049 proceedings to prevent, correct, or abate such violation or threatened violation or  
2050 to recover any monetary damages, or both.

2051 **Article VI: Management of Fats, Oils and Grease (FOG)**

2052 **Section 1: Purpose**

2053 A. Excessive amounts of fats, oils and grease, grit, sand and other solid or viscous  
2054 materials can cause blockage and obstruction in the sanitary sewer system causing  
2055 untreated wastewater to overflow into the environment. Much of the waste  
2056 material that has the potential to cause blockage or obstruction originates from  
2057 commercial facilities, such as food preparation and vehicle maintenance facilities.  
2058 This Article sets forth minimum and uniform requirements for the treatment and  
2059 disposal of commercial waste into the sewer system, and the transportation and  
2060 ultimate disposal of commercial waste sludge and byproducts.

2061 B. The objective of this Article is to:

- 2062 1. Minimize the discharge of pollutants associated with commercial waste  
2063 discharged into the sewer system that may interfere with the normal operation  
2064 of the sewer system; and
- 2065 2. Assure the sludge and by-products removed from the commercial waste  
2066 treatment systems, including grease interceptor, oil/water separators, and  
2067 grit/sand trap, are transported and disposed of in accordance with Chapter  
2068 391-3-6-24 of the Rules and Regulations of the Georgia Environmental  
2069 Protection Division (EPD).

2070 **Section 2: Coverage and Exclusions**

2071 A. This Article applies to any facility that generates commercial wastes, to any person  
2072 who removes commercial wastes, to any person who processes commercial wastes  
2073 and anyone who accepts commercial wastes for final disposal. This is referred to as  
2074 the "Originator".

2075 B. This Article applies only within the geographical boundaries of Jekyll Island and the  
2076 adjacent state-owned tidal marshes and water bottoms under the administration  
2077 of the Jekyll Island-State Park Authority located in Glynn County, Georgia.

2078 C. In this regard, any transporter or disposal site operator on Jekyll Island who  
2079 receives or transports commercial wastes, whether such wastes originate from  
2080 Jekyll Island or any other location, must comply with all registration, permitting,  
2081 and manifest requirements set forth in this Article.

2082 **Section 3: Requirements**

2083 A. General:

- 2084 1. It is the responsibility of the Originator to assure that the commercial waste  
2085 removed from the Originator's facility is properly treated and discharged into  
2086 the sewer system, and also, sludge and byproducts are transported by a  
2087 Permitted Commercial Waste Transporter, referred to as the "Transporter,"  
2088 and disposed of at an EPD approved commercial waste processing and disposal  
2089 facility.
- 2090 2. The originator of commercial waste shall not allow a Transporter to remove  
2091 waste from their facility unless the Transporter possesses a valid/current  
2092 commercial waste transporter permit from a utility or local governing authority  
2093 granting such permits within the State of Georgia, and also possesses a valid  
2094 commercial transporter registration number issued by the EPD. Such  
2095 registration number shall contain a preface or endorsement for fats, oils and  
2096 grease (FOG).

2097 **Section 4: Manifests**

- 2098 A. Record Keeping
- 2099 1. All Originators, Transporters, processing and disposal site operators involved in  
2100 the removal, transport, and disposal of commercial waste sludge and by  
2101 products shall participate in a proper maintenance of manifests.
- 2102 2. This manifest will require signatures from the Originator, Transporter, and any  
2103 disposer in order to establish and maintain accountability.
- 2104 3. The approved manifest is a multi-copy form. A sample copy of an approved  
2105 manifest is on file with the Authority.
- 2106 B. The Originator shall:
- 2107 1. Sign the received manifest form, maintain such record on site for a period of  
2108 three (3) years, making it available for inspection by the Authority.
- 2109 2. Upon receipt of the completed copy of the manifest from the Transporter, the  
2110 originator must provide a copy of the manifest within (10) working days to the  
2111 Jekyll Island Authority Wastewater Department. A manifest is considered  
2112 complete after the commercial waste is delivered and disposed of at the  
2113 commercial waste processing or disposal facility and the manifest has been  
2114 signed and completed by the processing or disposal facility.
- 2115 3. Spills.
- 2116 a. Any spills shall be reported to the Jekyll Island Authority Wastewater  
2117 Department upon becoming aware of a spill that has occurred and may  
2118 impact any surrounding area, including but not limited to, storm drains,  
2119 adjacent streams or ponds, marshes or shorelines or the ground surface  
2120 where the Transporter has removed waste from the Originator's  
2121 pretreatment system.

2122                           b. Failure to notify the Jekyll Island Authority of a spill will constitute a violation  
2123                           of this Article and fines may be assessed to the commercial waste Originator  
2124                           as well as the Transporter.

2125                   C. The Transporter shall:

- 2126                   1. Provide and utilize a manifest for each location being serviced.
- 2127                   2. Sign the completed Transporter Information portion of the manifest and leave  
2128                   a copy of the manifest with the Originator.
- 2129                   3. Present the manifest to the disposal operator to complete and sign the  
2130                   disposal section, and shall leave one copy of the manifest with the disposal site  
2131                   operator.
- 2132                   4. Send a completed copy of the manifest to the Originator with the signature of  
2133                   the disposal site operator within thirty (30) days.
- 2134                   5. Keep one copy of the completed manifest form demonstrating delivery to the  
2135                   disposal site operator for the Transporter's records and shall maintain such  
2136                   records for a period of three (3) years; provided, however, the Transporter's  
2137                   manifest covering not less than the immediate preceding thirty (30) day period  
2138                   for a particular tank truck shall be kept in the Transporter's tank truck. All such  
2139                   records shall be available for inspection.
- 2140                   6. Ensure that the manifest contains all the information required on the manifest  
2141                   form prescribed and furnished from time to time by the EPD.
- 2142                   7. Transporters must remove the entire contents of any commercial tank that is  
2143                   serviced and dispose of such contents unmingled with hazardous wastes or  
2144                   septic wastes. Transporters must deliver commercial wastes only to a  
2145                   processor's facility authorized to receive such waste.
- 2146                   8. The Transporter shall provide a copy of the commercial waste transporter  
2147                   permit for the tank truck to each disposal site where the transporter disposes  
2148                   of commercial wastes.

2149                   D. Processing and Disposal. A processing or disposal facility of commercial waste shall  
2150                   maintain copies of all manifests of tank pumping at their principal place of business  
2151                   for a period of three (3) years and make such records available for inspection.

## 2152                   Section 5:   Food Service Establishments

2153                   A. New Facilities.

- 2154                   1. Facilities likely to discharge fats oils and grease which are newly proposed or  
2155                   constructed, or existing facilities which shall be expanded or renovated to  
2156                   include a food service facility where such facilities did not previously exist, shall  
2157                   be required to install an approved, and properly operated and maintained  
2158                   pretreatment device/interceptor. Pretreatment devices or interceptors shall be  
2159                   installed prior to the opening or re-opening of said facilities.

- 2160 2. New pretreatment devices shall be of proper size and number for the expected  
2161 waste loading and shall be inspected by the Jekyll Island Authority prior to use  
2162 to ascertain compliance with this ordinance.
- 2163 B. Existing Facilities: Existing commercial facilities shall be required to install an  
2164 approved, properly operated and maintained pretreatment device/interceptor  
2165 when any of the following conditions exist:
- 2166 1. Facilities that are found to be contributing fats oils and grease in quantities  
2167 sufficient to cause line stoppages or necessitate increased maintenance on the  
2168 collection system;
- 2169 2. Remodeling of the food preparation or kitchen waste plumbing facility; or  
2170 3. Facility change of ownership or leaseholder.
- 2171 C. The FOG separator(s) shall exclude sanitary wastewater and be located outside any  
2172 building and accessible for proper maintenance and inspection. In areas where  
2173 additional weight loads may exist, the separator(s) shall be installed with traffic  
2174 bearing covers. A manhole must be provided over the discharge pipe and over the  
2175 inlet and outlet pipe(s) for inspection and maintenance purposes. A separate  
2176 sampling manhole may be required by the Authority.
- 2177 D. The FOG separator equipment shall be pumped out as required herein and  
2178 maintained by the Originator.
- 2179 E. Alternative treatment methods: The use of any alternative method is prohibited  
2180 without written approval of the Authority. Alternative treatment systems such as  
2181 mechanical grease recovery devices shall be used on a case-by-case evaluation and  
2182 authorization in writing by the Authority.
- 2183 F. The use of chemicals, enzymes and bacteria is prohibited. The use of any additive  
2184 shall not be considered an alternative to an adequate treatment system or in lieu  
2185 of regular maintenance, as prescribed in this Article.
- 2186 G. Maintenance Required:
- 2187 1. All FOG separators shall be maintained at the originator's expense.  
2188 2. Maintenance shall include the complete removal of all contents of the  
2189 separator.  
2190 3. All FOG separators shall be pumped out at a frequency not to exceed ninety  
2191 (90) days or as required by the Authority pursuant to the schedule established  
2192 by the Authority.

2193 **Section 6: Maintenance and Service Facilities**

- 2194 A. Sand/Oil Separator required. All maintenance or service facilities shall provide  
2195 approved oil and solids removal equipment or facilities sufficient to meet the

2196 limitations set forth in this Article, including all users that may contribute wastes  
2197 with petroleum-based oils, grease or lint.

2198 B. The sand/oil separator(s) shall exclude sanitary wastewater and be located outside  
2199 of any building and be accessible for proper maintenance and inspection. In areas  
2200 where additional weight loads may exist, the separator(s) shall be installed with  
2201 traffic bearing covers. A manhole opening must be provided over the discharge  
2202 pipe and the inlet and outlet pipe(s) for inspection and maintenance purposes. A  
2203 separate monitoring manhole may be required.

2204 C. The equipment or facilities shall be installed and maintained by the Originator.

2205 D. Maintenance required.

- 2206 1. All separators shall be maintained at the Originator's expense.  
2207 2. Maintenance shall include the complete removal of all contents of the  
2208 separator.  
2209 3. All separators shall be pumped out at a frequency not to exceed ninety (90)  
2210 days or as required by the Authority pursuant to the schedule established by  
2211 the Chief Operations Officer or his designee.  
2212 4. In some interceptor in-series installations, the second interceptor in series  
2213 receiving commercial waste may be maintained less frequently than the first.  
2214 This shall be determined on a case-by-case basis.

2215 **Section 7: Interceptor Requirements**

2216 A. Design. Approved type of pretreatment device/interceptors shall be either interior  
2217 and exterior sealed concrete construction or fiberglass construction or equivalent  
2218 provided that use of equivalent type requires pre-approval by the Authority. Any  
2219 unit requiring the installation of an outlet filter shall have an approved sample port  
2220 installed immediately outside the unit.

2221 B. Capacity:

2222 1. Capacity will be based on the following design criteria and will meet the  
2223 required effluent quality parameters, which are < 100mg/1 FOG. Certain  
2224 applications may require the installation of multiple units installed in series with  
2225 outlet filters and approved sample port. No single in-ground unit shall be  
2226 smaller than 1000 gallons or smaller than 1500 gallons when a dishwasher is  
2227 attached.

2228 2. Restaurants and Food Service Establishments shall meet the following formula:  
2229  $(S) \times (GS) \times (HR/12) \times (LF) = \text{Interceptor capacity, where:}$

2230 (S) means the number of seats in the dining area;

2231 (GS) means gallons of water per seat (at 25 gallons per seat);

2232 (HR) means number of hours open (divided by 12);



2233 (LF) means Loading Factor: 0.8 (Note: 0.8 will be used for Jekyll Island Food  
2234 Service Facilities and equates with Restaurants located on 2-Lane roads)

2235 3. Hospitals, nursing homes, other types of commercial kitchens with varied  
2236 seating capacity shall meet the following formula:  
2237  $(M) \times (GM) \times (LF) = \text{Interceptor Capacity, where:}$   
2238  $(M)$  means meals per day;  
2239  $(GM)$  means gallons of wastewater per meal (at 5 gallons per meal);  
2240  $(LF)$  means loading factor; 1.0 With dishwasher and 0.5 Without dishwasher

2241 **Section 8: Transporter Permits:**

- 2242 A. Any Transporter, owning and operating one or more waste tank trucks that receive,  
2243 transport, or dispose of commercial waste from Jekyll Island must be registered  
2244 with EPD and also possess a valid commercial waste transporter permit issued by a  
2245 Local Governing Authority within the State of Georgia authorized by law to issue  
2246 such permit. Further, no Transporter shall pump-out or Vacuum FOG separators,  
2247 grit traps, oil water separators without a valid commercial waste transporter  
2248 permit.
- 2249 B. Application for the transporter permit must be made on a form prescribed by EPD.
- 2250 C. Transporters shall provide a copy of the permit application to the Authority  
2251 Wastewater Department which will also include the location of disposal site(s).
- 2252 D. No commercial waste transporter permit shall be valid if the tank truck(s) are not  
2253 registered with the EPD.
- 2254 E. A separate waste transporter permit is required for each individual tank truck  
2255 owned by a transporter. Every vehicle that transports commercial waste must  
2256 display on the vehicle the FOG/permit number.
- 2257 F. All commercial waste transporter permits issued shall have a fixed term not to  
2258 exceed one (1) year unless otherwise prescribed by law.

2259 **Section 9: Enforcement**

- 2260 A. Inspection and Entry.
- 2261 1. Authority staff, after proper identification, shall be permitted to enter the  
2262 premises of an originator, transporter, processor, disposal site, or food service  
2263 establishment at any reasonable time for the purpose of making inspections to  
2264 determine compliance with commercial transporter permit/manifest  
2265 requirements or any other provisions of this Article.
- 2266 2. Representatives of the Authority during inspections of the originator,  
2267 transporter, processor and the disposal site operator, may review records to  
2268 determine compliance with provisions of this Article.

2269 3. The right of inspection shall include the right to measure, observe, sample, test,  
2270 record, review and make copies of all pertinent documents to determine  
2271 compliance with provisions of this Article.

2272 B. Monitoring

2273 1. The Authority may require the user to provide, operate, and maintain, at the  
2274 owners' expense, appropriate monitoring facilities, such as a manhole, that are  
2275 safe and accessible at all times, for observation, inspection, sample collection,  
2276 and flow measurement of the originator's discharge into the Jekyll Island  
2277 Authority sewer system.

2278 2. The Authority may impose additional limitations and monitoring requirements  
2279 for the discharge to the Authority sewer system in accordance with provisions  
2280 set forth in this Article.

2281 C. Violations

2282 1. Jekyll Island Authority Facility Management Practices

2283 a. Written Warning. A written warning shall be issued to an Originator for any  
2284 one or multiple violations as set forth below. The originator shall have ten  
2285 (10) working days to complete corrective action and submit evidence of  
2286 compliance to the Authority. A written warning shall be issued for failure  
2287 to:

2288 i. Report pumping activities on the manifest;

2289 ii. Maintain onsite records at all times;

2290 iii. Maintain the pretreatment device/interceptor and associated  
2291 components at required time intervals; or

2292 iv. Maintain inspection access.

2293 b. Notice of Violation. Upon re-inspection, a notice of violation shall be issued  
2294 to an originator for failure to comply with the corrective action specified in  
2295 the written warning. The user shall have five (5) working days to complete  
2296 the corrective action and submit evidence of compliance to the Authority.

2297 c. Show Cause Hearing

2298 i. When an Originator fails to initiate and/or complete corrective action  
2299 within the specified time period in response to the Notice of Violation,  
2300 the originator shall be notified by certified mail of the time, date and  
2301 place of a hearing, the proposed enforcement action to suspend  
2302 service, the reasons for such action, and a request that the originator  
2303 show cause why water and/or wastewater service should not be  
2304 suspended immediately. The hearing date shall be within ten (10)  
2305 working days of the date the Show Cause notice is mailed.

2306 ii. The Executive Director, or his designee, shall preside as the hearing  
2307 officer. Upon hearing, the Authority may suspend service immediately,

or he may extend an additional time up to fifteen (15) working days for the originator to remedy the violation(s). The user shall have the right to appear at the hearing with or without an attorney, to introduce evidence, and to cross examine witnesses against them. If the Originator is not in compliance following the extension of time, then the Authority will suspend water and/or wastewater service immediately. The decision of the hearing officer shall be final, and it shall be submitted to the originator in writing by certified mail.

2. Interceptor Noncompliance

a. Notice to install. Upon inspection, if the Authority determines a new facility does not have a pretreatment device interceptor, or that an existing facility has a pretreatment device that is not functioning properly to meet the pretreatment standards of this Article, then the Authority shall issue a Notice to Install an approved, properly functioning pretreatment device/interceptor. The originator shall have ninety (90) working days to come into compliance by installing such a device/interceptor.

b. Show Cause Hearing

i. If the violation specified in the Notice to Install is not remedied at the end of the ninety (90) day period, as shown by a second inspection, the Authority shall issue a second notice, by certified mail, stating the date, place, and time of a hearing and to show cause why the water or wastewater service to the originator should not be immediately suspended. The show cause hearing shall be within ten (10) working days of the date the show cause notice is mailed.

ii. The Executive Director, or his designee, shall preside as the hearing officer. Upon hearing, the Authority may suspend service immediately or he may extend an additional time up to thirty (30) working days for the originator to remedy the violation(s). The user shall have the right to appear at the hearing with or without an attorney, to introduce evidence and to cross-examine the witnesses against them. If the originator is not in compliance following the extension time, then the Authority will suspend the water and/or wastewater service immediately. The decision of the hearing officer shall be final, and it shall be submitted to the originator in writing by certified mail.

3. Emergency Suspension of Services. The Authority may suspend water and wastewater services, when, in the opinion of the Authority:

- a. An actual or threatened discharge may be present;
- b. An imminent or substantial endangerment to the health or welfare of persons or the environment is present;
- c. Originator's discharge may cause sanitary sewer stoppages or overflows; imminent damage to the sanitary sewer collection system is probable; or

- 2349 d. Interference with normal operations of the WPCP or potentially cause a  
2350 violation of any condition of the Jekyll Island Authority's NPDES permit.
- 2351 4. Reinstatement Fees and Charges. The Originator shall pay all outstanding utility  
2352 fees and other charges prior to, and associated with, restoration of water  
2353 and/or wastewater services.
- 2354 5. Transporter
- 2355 a. Any permitted transporter, found not to be in compliance with the terms  
2356 and conditions outlined in this Ordinance shall be suspended from future  
2357 pumping or vacuuming operations on Jekyll Island by the Authority.
- 2358 b. The suspended transporter must appeal this suspension by presenting  
2359 evidence of remedy of the non-compliance with this Article before any  
2360 additional pumping/vacuuming activities on Jekyll Island will be allowed.
- 2361 6. Notwithstanding any other provisions of law, the Authority shall be authorized  
2362 to impose a civil penalty not to exceed two-thousand five hundred dollars  
2363 (\$2500.00) for each violation of the commercial waste and handling or pre-  
2364 treatment device/interceptor provisions of this Article by any person, originator  
2365 or transporter. For purposes of enforcing this civil penalty, Magistrate Court  
2366 shall have jurisdiction in cases of violations committed within unincorporated  
2367 areas of Glynn County to impose the civil penalty stated herein for each  
2368 violation.
- 2369 7. The Georgia Environmental Protection Division (EPD) shall be notified of any  
2370 such local enforcement action and of the final conclusions or ultimate outcome  
2371 of any such action.

2372

ATTACHMENT 4  
(corresponding to Section 4)

Chapter 10: Environment and Natural Resources

Article I: Landscaping and Tree Protection

Section 1: Authority and Purpose

- A. Pursuant to authority conferred by the Georgia Code of laws, having recognized the importance of preserving the natural landscape through the protection of existing trees, and to promote the public health, safety and general welfare, to lessen air pollution, to increase dust filtration, to reduce noise, heat, and glare, to prevent soil erosion, to improve surface drainage and minimize flooding, to ensure that noise, glare and other distractions of movement in one area do not adversely affect activity within other adjacent areas, to beautify and enhance improved and undeveloped land, to preserve and protect both the natural and historic amenities on the island, to provide for wildlife habitat, to ensure that excessive tree cutting does not reduce property values, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters, this ordinance is enacted with the purposes of:
1. To establish rules and responsibilities for the placement, protection, care, and maintenance of trees on leased property by lease holders;
  2. Regulating and restricting the variety of plant materials, hardscape materials, walls/ fencing, lighting structures, and general landscaping and maintenance within Jekyll Island State Park;
  3. Regulating and restricting the removal of trees;
  4. Regulating and restricting the trimming of trees;
  5. Providing for mitigation and/or replacement of trees;
  6. Establishing standards for tree protection during land clearing and construction;
  7. Providing certain exceptions and exemptions;
  8. Establishing and defining duties and powers of the tree inspector with respect to these regulations;
  9. Providing appeal procedures and remedies;
  10. Providing penalties for violations of this article; and
  11. Defining certain terms used herein.

2404 B. The regulations set forth herein shall apply to all lands, leased or otherwise, within  
2405 the Jekyll Island State Park limits now and in the future.

2406 **Section 2: Definitions and Rules of Construction**

2407 E. Rules of Construction

2408 1. Words used in the present tense include the future tense.

2409 2. Words used in the singular number include the plural and words in the plural  
2410 include the singular.

2411 3. The term "shall" is mandatory and not merely discretionary.

2412 F. For the purpose of this article, the following words and phrases shall have the  
2413 meanings respectively ascribed to them:

2414 **Branch collar** – the swelling where a branch joins the trunk of a tree.

2415 **Buildable area** – that portion of a site, exclusive of the minimum required yard  
2416 (setback) areas and the building site, on which a structure or building may be erected.  
2417 The term "buildable area" also means the portion of a parcel of land where a building  
2418 may be located, which shall contain enough square footage to meet the minimum  
2419 required, and does not include the minimum setbacks, utility corridors, driveways, tree  
2420 save areas, landscape strips, heritage tree areas, wetlands, stormwater and sanitary  
2421 sewer easements.

2422 **Building** – any structure built for the support shelter or enclosure of persons, animals,  
2423 chattel or property of any kind.

2424 **Building site** – that portion of a lot which is occupied by a building or that portion of a  
2425 site which is proposed to be occupied by a building and for which a building permit has  
2426 been issued.

2427 **Caliper** – The caliper of the trunk shall be taken at breast height, which is four and one-  
2428 half (4½) feet above the ground.

2429 **Critical root zone** – the area of tree roots within the crown drip line. The zone is  
2430 generally defined as a circle with a radius extending from a tree's trunk to a point no  
2431 less than the furthest crown drip line.

2432 **Crown drip line** – a vertical line extending down to the ground from the end of a tree's  
2433 longest branches.

2434 **Damage or abuse** – any action which does not follow good arboricultural practices. The  
2435 term "abuse" also includes excessive pruning, which significantly alters the aesthetic  
2436 appearance or endangers survivability of the tree, damage inflicted upon roots by  
2437 machinery, changing the natural grade above the root system or around the trunk, and  
2438 changing drainage patterns.

2439           **Density factor for the site (DFS)** – a unit of measure used to prescribe and calculate  
 2440 required tree coverage on a site. Unit measurements are based upon tree size at dbh.

2441           **Diameter at breast height (DBH)** – the diameter of a tree, measured at breast height,  
 2442 which is four and one-half (4½) feet above the ground. If a tree splits into multiple  
 2443 trunks below 4½ feet, the diameter of each trunk shall be measured individually and  
 2444 added together.

2445           **Drip line** – an imaginary vertical line that extends downward from the outermost  
 2446 branches of a tree to the ground.

2447           **Good or Fair Condition Trees** - A tree in fair or good condition must meet the following  
 2448 minimum standards:

2449                   A. An estimated life expectancy of greater than ten (10) years;  
 2450                   B. A relatively sound and solid trunk with only minor decay and small cavities that  
 2451                   comprise an area of depth of less than thirty-three percent (33%) of the  
 2452                   adjacent diameter of the tree;  
 2453                   C. No more than twenty-five percent (25%) of the base of the trunk or primary  
 2454                   structural roots exhibiting dieback;  
 2455                   D. No major insect or pathological problem; and  
 2456                   E. No more than thirty-three percent (33%) percent of the tree's canopy can be  
 2457                   missing limbs or be comprised of major dead limbs.

2458           **Heritage tree** – a tree which is designated upon approval by the tree inspector, a  
 2459 certified arborist, or Authority authorized agents to be of notable historical value or  
 2460 interest because of its age, size, historic association, significant ecological value, or  
 2461 significant aesthetic value. The tree must be in good or fair condition in order to merit  
 2462 this designation.

2463           **Historic tree** – any tree of any native species which has a diameter at breast height  
 2464 (dbh) of twenty (20) inches or larger.

2465           **Land disturbing activity** – any activity which may result in soil erosion from water or  
 2466 wind and movement of sediment, including, but not limited to, clearing, dredging,  
 2467 trenching, grading, excavating, transporting, and filling of land.

2468           **Live oak tree** – any live oak, species *Quercus virginiana* or *Quercus geminata*, that has  
 2469 a diameter at breast height (dbh) of two (2) inches or larger.

2470           **Lot** – a plot or parcel of leased land considered a unit, devoted to a certain use or  
 2471 occupied by a building or group of buildings, and the customary accessories and open  
 2472 spaces belonging to the same.

2473           **Managed natural landscape area** - a variety of landscape management practices that  
 2474 include but are not limited to natural lawns, natural landscapes, native lawns, pollinator

2475 gardens, rain gardens, meadow vegetation, native prairie, prairie gardens, monarch  
2476 waystations, native plantings, native gardens, and butterfly habitat.

2477 **Native tree** – a tree species that is understood by botanical experts to occur in coastal  
2478 Georgia due to natural processes and not due to human intervention.

2479 **Person** – an individual, corporation, organization, or agency, but specifically excluding  
2480 the Jekyll Island Authority.

2481 **Protected Trees** – any native tree species, woody, perennial plant which has a diameter  
2482 at breast height (dbh) of four (4) inches or larger or any live oak, species *Quercus*  
2483 *virginiana* or *Quercus geminata*, that has a diameter at breast height (dbh) of two (2)  
2484 inches or larger.

2485 **Protective barricade** – a physical structure not less than four (4) feet in height, limiting  
2486 access to Protected Trees. A suitable protective barrier shall be composed of durable  
2487 material, which ensures protection of Protected Trees during development and/or  
2488 construction improvements.

2489 **Removal of trees** – any intentional or negligent act which will cause a tree to decline  
2490 and die, including, but not limited to, such damage inflicted upon the root system of a  
2491 tree by application of toxic substances, the operation or filling above the root system  
2492 or around the trunk of a tree, pruning, and damages from injury or fire inflicted on  
2493 trees which result in or permit pest infestation.

2494 **Replacement tree** – any tree that is planted in order to replace an existing tree which  
2495 must be removed. Replacement trees must have a minimum diameter at breast height  
2496 (dbh) of two and one-half (2½) inches in caliper, except that multitrunked trees must  
2497 have a minimum size of eight (8) to ten (10) feet.

2498 **Root collar** – the point of attachment of major woody roots to the tree trunk, usually  
2499 at or near the ground line and associated with a marked swelling of the tree trunk.

2500 **Root respiration** – an active process occurring throughout the feeder root system of  
2501 trees and involving the consumption of oxygen and sugars with the release of energy  
2502 and carbon dioxide.

2503 **Site** – any plot, lot, parcel or tract of land within the jurisdiction of this Section.

2504 **Soil compaction** – a change in soil physical properties which includes an increase in soil  
2505 weight per unit volume and a decrease in soil pore space.

2506 **Topping** – a practice of cutting back the entire crown of mature trees to stubs. Topping  
2507 is a destructive pruning practice that is stressful to mature trees, and may result in  
2508 reduced vigor, decline or even death of a tree. In addition, new branches that form  
2509 below the cuts are only weakly attached to the tree and are in danger of splitting out.



2510 **Tree inspector** – the individual or entity with the primary responsibility to administer  
2511 and enforce the standards set forth in this article, as designated by the Authority.

2512 **Tree mitigation fund** –in lieu of planting replacement trees on a leased site that will  
2513 continue to meet the minimum density requirement, payment may be made as fair  
2514 compensation for replacement of trees that are proposed to be removed. Revenue  
2515 collected in this fund will be used to support tree planting and tree maintenance  
2516 throughout Jekyll Island.

2517 **Tree replacement plan**– a plan showing the location, species, and sizes of all  
2518 replacement trees.

2519 **Tree save area** – all areas designated for the purpose of meeting tree density  
2520 requirements, saving heritage trees, and/or preserving natural buffers.

2521 **Yard area** – that portion of any site covered by the front, side and rear yard areas as  
2522 established by the minimum setback requirements.

2523 **Section 3: Permit Required**

2524 A. No person, or any agent or representative thereof, shall directly or indirectly  
2525 destroy or remove any Protected Tree, without obtaining a permit from the tree  
2526 inspector, unless otherwise authorized under provisions of this Section.

2527 B. No person, or agent or representative thereof, shall directly or indirectly prune or  
2528 remove any branch larger than two (2) inches in diameter on any Protected Tree  
2529 without obtaining a permit from the tree inspector. This requirement shall apply  
2530 to live and dead branches unless otherwise authorized under provisions of this  
2531 Article.

2532 C. Approval of a permit for tree trimming or pruning may be conditioned upon use of  
2533 an approved vendor from the Professional Tree Service Company list maintained  
2534 by the Authority.

2535 D. No person, or agent or representative thereof, shall impact a tree save area during  
2536 construction in any way without obtaining a permit from the tree inspector, unless  
2537 otherwise authorized under provisions of this Section.

2538 E. Permit applicants shall not directly or indirectly begin any landscaping on the site,  
2539 including any land disturbing activities or the use of heavy equipment, until the  
2540 landscaping and tree protection plan has been submitted to and approved by the  
2541 Authority, or representative thereof.

2542 F. Requests for permits shall be obtained by contacting the tree inspector by  
2543 telephone or in writing at the Authority office. Tree permit applications will be  
2544 approved or denied within ten (10) working days.

2545 G. Utility companies and electric suppliers constructing or maintaining easements for  
2546 transmission or rights-of-way will not be exempt from the provisions of this article.

2547 **Section 4: Exceptions**

2548 A. In the event that any tree endangers public health, safety, or welfare, and requires  
2549 immediate removal without delay, written authorization shall be given by the tree  
2550 inspector, or their designee and the tree removed.

2551 1. If the tree inspector cannot be reached immediately, photos must be taken of  
2552 the hazardous tree prior to its removal. The photos can be submitted to the  
2553 tree inspector or emailed to the Authority.

2554 2. Tree mitigation will be required as stated in Section 6, Mitigation, required.

2555 B. During the period of an emergency, such as a tornado, hurricane, flood or any act  
2556 of nature, the requirements of this article may be waived or adjusted as specified  
2557 by the Executive Director of the Authority.

2558 1. In such case, the cutting and removal of felled trees shall be permitted until  
2559 such time the Executive Director or his designee deems it unnecessary.

2560 2. Exceptions for the cutting and removal of trees during emergency periods do  
2561 not include exemption from mitigation for any removed trees, unless  
2562 specifically waived or adjusted by the Executive Director or his designee.

2563 3. Any waiver for permitting of tree pruning or removal is only applicable during  
2564 the official emergency period as determined by the Executive Director's order.

2565 C. Trimming palm trees, any tree other than a Protected Tree, and Protected Tree  
2566 limbs less than two (2) inches in diameter will not require the approval or  
2567 notification of the tree inspector and shall be exempt from the tree permitting  
2568 process.

2569 **Section 5: Minimum Required Tree Density**

2570 A. For all leased property, the minimum tree density factor is 200 caliper inches  
2571 measured at dbh per acre of the leased property. Only Protected Trees and  
2572 Cabbage Palms trees, as specified in Section 7 Subsection A, Subsection 3, will be  
2573 counted in order to determine the existing tree density on a leased property.

2574 **Section 6: Mitigation Required**

2575 A. Mitigation is required for removal of all Protected Trees (even if the tree is  
2576 threatening or damaging a structure) if the minimum tree density factor has not  
2577 been met or will not be maintained on a leased property. When the tree density  
2578 factor is not met, any Protected Tree removed must be replaced as specified in  
2579 Section 15, Tree Removal and Replacement Requirements. Only trees listed in  
2580 Section 21 may be used for tree replacement and mitigation.

- B. Mitigation is required for removal of historic trees, heritage trees, or live oaks over two (2) inches dbh, even if the property meets minimum tree density factor and even if the tree is diseased, structurally compromised, or dies of natural causes; provided, however, the Executive Director, upon a finding of good and sufficient cause, may adjust or waive this mitigation requirement upon written request submitted to the Authority by the subject property owner or lessee setting forth the factual basis for such request. The Executive Director may grant, condition, adjust or deny such request in his sole discretion and such determination shall be final.
- C. Mitigation plantings must occur within 90 days of tree removal or prior to issuance of a certificate of occupancy, whichever is later.

## **Section 7: Mitigation and Fees for Tree Removal and Replacement**

- A. Tree Replacement. Tree Replacement is required for the following trees and shall be calculated as follows:
1. Live oak, exceeding 2-inches dbh:
    - a. Healthy live oak trees in good condition, exhibiting only minor structural defects, will require a one-to-one (1:1) caliper-inch replacement ratio.
    - b. Live oaks in fair condition will require a one-half-to-one ( $\frac{1}{2}$ :1) caliper-inch replacement ratio.
    - c. Live oaks in poor condition, exhibiting significant structural defects, or posing a clear safety issue to persons or property, will require planting a minimum of one two and one-half ( $2\frac{1}{2}$ ) inch dbh replacement live oak, regardless of the overall size of the existing tree.
    - d. All live oak replacement trees must be live oak and a minimum of two and one-half ( $2\frac{1}{2}$ ) inches in dbh.
    - e. Tree health assessments must be made or endorsed in writing by the Authority's tree inspector.
  2. Non-Live Oak Protected Trees, four (4) inch dbh or larger, are to be replaced with any native tree two and one-half ( $2\frac{1}{2}$ ) inches dbh or larger, or a multitrunked native tree that is a minimum size of eight (8) to ten (10) feet.
  3. Cabbage palm (Sabal palmetto), any size with an identifiable trunk at 4.5 feet off the ground will require replacement, if the overall density of trees on the lot is less than the minimum density factor for the site or if the palm is located within the national landmark "historic" district. For density factor calculations, each Cabbage palm with an identifiable trunk at 4.5 feet off the ground will count only as one (1) inch DBH, regardless of actual size, unless otherwise approved in writing by the tree inspector. Cabbage palms, with an identifiable trunk at four and a half (4.5) feet off the ground, within the historic district must be replaced on a one palm for one palm ratio regardless of the overall density

2620 of trees on the lot. Cabbage palms may only be used to replace other Cabbage  
 2621 palms.

2622 4. Historic trees. Each Historic Tree permitted to be removed will require a one  
 2623 2.5" DBH replacement with a native tree approved by the tree inspector.

2624 5. Heritage trees. The property owner or lessee must attempt all practicable  
 2625 efforts to design around the tree in its existing location prior to being given  
 2626 permission for its removal. All heritage trees permitted to be removed will  
 2627 require a three-to-one (3:1) caliper inch replacement of same species, or as  
 2628 otherwise approved by the tree inspector.

2629 6. Prohibited trees. Trees listed in Section 21.B are prohibited and shall not be  
 2630 used for mitigation or otherwise planted.

2631 7. Tree sizes shall be measured in caliper inches according to the American  
 2632 Nursery Stock Standards (ANSS) and total number of inches (dbh) removed  
 2633 from site is measured at four and one-half (4½) feet above the ground.

2634 8. All replacement trees must be grade A quality with a dominant leader, dense  
 2635 foliage, and free from injury, pest, disease or nutritional disorders.

2636 9. All replacement trees must survive for at least five (5) years; otherwise, the  
 2637 replacement trees must be replaced at the owner's or lessee's expense.

2638 B. **Tree Mitigation Fund**. Owners and leaseholders who are granted a permit to  
 2639 remove a Protected Tree shall make every effort to mitigate for the loss of the tree  
 2640 by replanting replacement trees on their leased property.

2641 1. If the property meets the minimum tree density factor and will not reasonably  
 2642 sustain the number of replacement trees needed to satisfy the entire mitigation  
 2643 requirement, a mitigation fee may be paid to the Jekyll Island Tree Mitigation  
 2644 Fund.

2645 2. Mitigation of tree removal through contribution to the Tree Mitigation Fund  
 2646 will not be considered until the minimum required tree density is satisfied on a  
 2647 lease property.

2648 C. **Combined Mitigation**. Mitigation of tree removal, when the minimum required tree  
 2649 density is maintained on a lease property, can be accomplished through  
 2650 contribution to the Jekyll Island Tree Mitigation Fund, or through replacement of  
 2651 trees as described above, or a combination of both.

2652 D. **Residential mitigation fee**. The mitigation fee to be paid for residential properties  
 2653 shall be determined by the following formula:

2654 1. \$200.00, multiplied by the number of inches at dbh of tree to be removed.

2655 2. Heritage tree mitigation fees on residential properties will be \$600.00,  
 2656 multiplied by the number of inches at dbh of tree to be removed.

- 2657 E. **Commercial mitigation fee.** The mitigation fee to be paid for commercial properties  
2658 shall be determined by the following formula:
- 2659 1. \$400.00, multiplied by dbh of tree to be removed.
  - 2660 2. Heritage tree mitigation fees on commercial properties will be \$1,200.00  
2661 multiplied by dbh of tree to be removed.
- 2662 F. Funds from collected mitigation fees shall be expended only for the following  
2663 purposes:
- 2664 1. In support of planting live oaks or other native trees on public property within  
2665 the state park. Such expenditures may include the cost of purchasing and  
2666 planting trees, planting amendments, and the cost of watering and/or installing  
2667 irrigation improvements.
  - 2668 2. In support of the care, maintenance and preservation of existing native trees  
2669 on public property. This may include the cost of fertilization, aeration of tree  
2670 roots, pest prevention or treatment, and general tree structure maintenance  
2671 such as dead wooding and pruning broken and structurally weak branches.
  - 2672 3. In support of ecological restoration or enhancement activities that reestablish  
2673 or create native plant communities consistent with priorities expressed in  
2674 conservation planning documents approved by the Authority.
  - 2675 4. The Authority shall prepare an annual report accounting for the balance in the  
2676 tree mitigation fund and summarizing the funds use for the preceding year.

2677 **Section 8: Standards for Tree Trimming and Pruning of Native Trees**

- 2678 A. All pruning must be performed to the pruning specifications as provided by the  
2679 National Arborist Association (NAA) Pruning Standards for Native Trees.
- 2680 B. All branches that are removed shall have their finished cuts made immediately  
2681 beyond the bark ridges, preserving the branch collar. Stub cuts cannot be made  
2682 more than one (1) inch or more beyond the branch collar. Finish cuts must be made  
2683 adjacent and not through the branch collar in order for the resulting tree wounds  
2684 to heal properly.
- 2685 C. Pruning cuts that result in a one-third ( $1/3^{\text{rd}}$ ) reduction of the total biomass of a  
2686 tree's canopy, or finish cuts that exceed one-half ( $1/2$ ) of the size of the diameter  
2687 of the tree trunk or branch at the point in which the finish cut is made will require  
2688 mitigation.
- 2689 1. For every caliper inch in width of the branch at the location of the final finish  
2690 cut as defined by the National Arborists Association (NAA) Pruning Standards,  
2691 each caliper inch shall be mitigated at a ratio of one-inch of replacement DBH  
2692 for each two-inches of diameter cut, a 1:2 ratio.

- 2693 2. For Heritage Trees each caliper inch shall be mitigated at a ratio of three inches  
2694 of replacement DBH for each two-inches of diameter cut, a 3:2 ratio.
- 2695 3. If several tree limbs are removed, each cut will be assessed as a separate  
2696 mitigation requirement.
- 2697 4. However, in no circumstance will the mitigation requirement exceed more than  
2698 one-half (1/2) of the overall dbh of the tree.
- 2699 5. Removal of dead limbs will not require mitigation, but will still require a permit,  
2700 as stated in Section 3. If a qualifying dead limb is removed without the required  
2701 permit, the Tree Inspector may require mitigation.
- 2702 D. Creating stub cuts, random branch removal, and topping of native trees are  
2703 prohibited. Because these practices defeat the primary aim of ensuring long-term  
2704 tree health and create hazards, they are subject to the mitigation requirements set  
2705 forth in this Article.
- 2706 E. Pruning and removal of trees in utility easements or rights of way shall be the  
2707 minimum necessary to protect public safety and the property of the applicable  
2708 utility company. Pruning shall be performed to the pruning specifications as  
2709 provided by NAA Pruning Standards for Native Trees. All branches removed must  
2710 be finish cuts or pruned back to the branch collar of the adjoining main branch or  
2711 trunk of the tree. Cutting into the branch collar will not be permitted as the collar  
2712 helps the tree heal after pruning. The applicable utility company shall notify the  
2713 Authority to coordinate in advance of the time and location of any tree pruning or  
2714 removal activities in rights-of-way easements prior to conducting such activities  
2715 and regarding appropriate and acceptable operations including equipment  
2716 limitations. Aerial, boom saws, or other mass trimming equipment is prohibited.

2717 **Section 9: General Landscaping – Plant Materials and Design**

- 2718 A. Plantings listed in Section 21 and 22 are approved to be used for landscaping.
- 2719 B. Prohibited plantings listed in Sections 23 shall not be used for landscaping.
- 2720 C. Turf grasses shall be restricted to active-use areas such as golf courses or lawns.

2721 **Section 10: General Landscaping – Upkeep and Maintenance**

- 2722 A. The built environment and designed landscapes, such as lawns, patio areas, and  
2723 planting beds, within leased areas shall not be allowed to become overgrown giving  
2724 the appearance of abandonment. All plantings shall appear as planned, intentional,  
2725 and maintained including native and nonnative plant material.
- 2726 B. Any leaseholder may convert or maintain any area of a leased parcel to a managed  
2727 natural landscape not to exceed 50% of the yard area within the lease, excluding  
2728 preexisting wooded areas, provided that:
- 2729 1. Firewise® standards are followed.

- 2730 2. All herbaceous vegetation is cut back at least once annually to a height not to  
2731 exceed 24 inches.
- 2732 3. The front door or entryway providing access to the front door of the primary  
2733 structure remains visible from the street frontage.
- 2734 4. All exterior property shall be maintained to avoid the appearance of  
2735 abandonment of property.
- 2736 5. Exterior property shall be kept free from non-native rodent infestation. Where  
2737 such infestation occurs it shall be promptly addressed by legal and humane  
2738 means which shall not be injurious to human or non-target wildlife health.  
2739 Anticoagulant rodenticides are strictly prohibited.
- 2740 C. Natural areas on leased property shall be maintained in accordance with priorities  
2741 expressed in conservation planning documents approved by the Authority.
- 2742 D. Firewise® standards for landscaping should be followed as stated below:
- 2743 1. Eliminate dead vegetation and other fire fuels within ten (10) feet of any  
2744 structure on the property and from below decks and porches made of  
2745 flammable materials. This includes clearing any dead wood or timber that could  
2746 ignite or provide fuel for fire. Eliminating dead standing timber should be  
2747 considered.
- 2748 2. Dispose of cuttings and debris properly.
- 2749 3. Maintain woodpiles at least ten (10) feet from the house.
- 2750 4. Trees overhanging structures should be kept free of dead material.

2751 **Section 11: General Landscaping – Hardscape**

- 2752 A. All paving materials in developed areas are recommended to be pervious or  
2753 designed to allow for the infiltration of stormwater between paved surfaces into  
2754 the ground below, subject to approval by the Design Review Group.
- 2755 B. Connections to existing bike paths from development property shall be of a  
2756 functionally and aesthetically compatible material to that of the existing bike path,  
2757 unless otherwise approved by the Design Review Group.
- 2758 C. Construction of impervious surfaces shall not be permitted within the critical root  
2759 zone of a protected, historic or heritage tree, unless special construction methods,  
2760 including but not limited to tree feeders, porous paving materials and shell walks,  
2761 are installed only upon advance approval, documented in writing, by the  
2762 Authority's tree inspector.

2763 **Section 12: General Landscaping – Walls and Fencing**

- 2764 A. Walls or Fencing shall not exceed a height of forty-two (42) inches from its base for  
2765 front yard fences and shall not exceed a height of seventy-two (72) inches from its  
2766 base for rear yard fences.
- 2767 B. Installation of any new wall or fencing bounding leased property shall only be  
2768 permitted by written approval of the Authority.

- C. Chain link fencing bounding residential front yards will not be permitted.

**Section 13: General Landscaping – Lighting**

- A. Lighting installed on leased property shall be designed to prevent illumination of beaches, natural areas or adjacent properties. The Jekyll Island Beach Lighting Ordinance shall be strictly adhered to in all applicable situations and shall supersede the requirements in this Section, where there is a conflict.
- B. Site lighting throughout the island shall be kept to a minimum and used only to illuminate roads, pathways, signage, and buildings within developed areas.

**Section 14: Tree protection during new construction**

**A. Application and Scope.**

1. For new construction and related infrastructure including roads, parking areas, and utilities proposed to service new construction, a tree survey must first be conducted to identify all trees on the site. The tree survey must illustrate the location, species (differentiating among different species within a genus, i.e., laurel oak and live oak), health status, and size (dbh) of all trees exceeding four (4) inches dbh, and all live oaks exceeding two (2) inches dbh. Inventoried trees shall be tagged with a durable numbered tag that will remain affixed to the tree and readable throughout project construction.
2. For a property owner or lessee making an application for an addition to an existing building, the addition must follow the three-to-one (3:1) ratio rule as described within subsection (B)(1) below.
3. Encroachment of a building addition shall not be permitted within the critical root zone of a protected, historic or heritage tree, unless special construction methods, including but not limited to beam foundations, are used, and authorized by the Authority's tree inspector. The owner or lessee will bear full responsibility to any future damage the tree may cause such as cracking or foundation upheaval if it occurs.

**B. During Development.**

1. Protective barricades required. Protective barricades shall be placed around all Protected Trees prior to the commencement of any land disturbing activity and shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt or other construction materials, debris, vehicles and development activities. Barricades shall be erected at a minimum distance from the base of Protected Trees according to the following standards:
  - a) For Protected Trees the protective barricades must be placed according to the three-to-one (3:1) ratio rule. The radius of the protective barricades will be set at a minimum distance of one (1) foot for every three (3) inches of



- 2807 dbh, as measured from the outermost perimeter edge of tree's trunk,  
2808 typically the root collar, or, where practicable, at the canopy drip line.
- 2809 b) For Heritage Trees a semi-permanent protective barricade, such as chain-  
2810 link, shall be required.
- 2811 2. No encroachment of construction within the protective barricade. The area  
2812 fenced off shall not be used as a storage or staging area in connection with the  
2813 development. Changes in grade, land disturbance, or construction of  
2814 impervious surfaces or utilities within the required protective barricade shall be  
2815 subject to the following guidelines:
- 2816 a) Compaction of the soil within the protective barricade shall be avoided. No  
2817 heavy equipment can be operated or parked within the protective  
2818 barricade.
- 2819 b) Any brush, earth and other debris to be removed from within the protective  
2820 barricade shall be handled in a manner which prevents injury to the  
2821 Protected Tree. Oil, gas, chemicals or other substances that may be harmful  
2822 to trees shall not be stored within the protective barricade of any Protected  
2823 Tree.
- 2824 3. Trenching. The installation of utilities through the critical root zone shall occur  
2825 by way of tunneling rather than trenching. If roots must be cut, proper root-  
2826 pruning procedures must be employed. Wherever feasible, trenching shall  
2827 occur in a radial direction to or from a tree in order to minimize damage to tree  
2828 roots. In no circumstances will trenching be allowed within the critical root  
2829 zone. Tunneling and selective excavation within this area may occur only upon  
2830 advance approval, documented in writing, by the Authority's tree inspector.
- 2831 4. Grade changes. Moderate fill shall not exceed six (6) inches within a critical root  
2832 zone without the prior installation of an aeration system, which may be  
2833 installed only upon advance approval, documented in writing, by the  
2834 Authority's tree inspector.
- 2835 5. Where the tree inspector determines that irreparable damage has occurred to  
2836 trees within tree save areas, the trees must be removed and mitigated.  
2837 Removal shall avoid causing additional damage within tree save areas.
- 2838 6. Remedial procedures. Remedial site reclamation and tree care procedures shall  
2839 be implemented in accordance with a notice of violation, issued by the  
2840 Authority, when encroachment within protective zones has caused damage to  
2841 either a Protected Tree or its critical root zone.

## 2842 Section 15: Submission of Site Plans

- 2843 A. Where application for a building permit is submitted, a site plan for the  
2844 development or improvement of any parcel of land shall be submitted to the  
2845 Authority, if the building permit is for new construction or for construction outside

2846 of the current footprint of the existing structure. The site plans shall include a  
 2847 landscaping and tree protection plan to show the following information:

- 2848 1. The building site;
- 2849 2. The buildable area;
- 2850 3. The yard areas;
- 2851 4. Proposed landscaping improvements or alterations, including plant species and  
 2852 layout to be used;
- 2853 5. Proposed hardscaping improvements or alterations, including materials to be  
 2854 used;
- 2855 6. Proposed improvements or alterations to walls and fencing, including materials  
 2856 to be used;
- 2857 7. Proposed improvements or alterations to outdoor lighting fixtures, including  
 2858 fixture types to be used;
- 2859 8. Proposed improvements or alterations to pedestrian bridges or boardwalks,  
 2860 including materials and design to be used;
- 2861 9. A survey of all existing trees, consistent with Section 14(A)1, with a dbh greater  
 2862 than four inches, and including Live Oaks with a dbh of two (2) inches or greater,  
 2863 and a calculation of the existing tree density;
- 2864 10. Identification of any historic trees;
- 2865 11. Identification of trees to be preserved within the buildable area and yard area  
 2866 with location for each to be shown with reasonable accuracy. If grading is  
 2867 proposed, the plan must show proposed contours;
- 2868 12. Location and material of tree protective barricades;
- 2869 13. A tree replacement schedule showing the location, species and size of any  
 2870 replacement trees to be planted;
- 2871 14. Specifications and/or provisions for maintenance and upkeep of trees upon  
 2872 completion of the project.

2873 B. No building permit shall be issued until the site plan has been reviewed and  
 2874 approved by the tree inspector. The inspector shall tentatively approve, approve  
 2875 with conditions, or disapprove the plan. If the plan is disapproved or approved with  
 2876 conditions, the reasons for such action shall be provided in writing. One copy of the  
 2877 reasons shall be retained by the Authority, and one copy given to the applicant. On  
 2878 conditional approval, the tree inspector may require the applicant to resubmit the  
 2879 plan with all recommended changes before granting final approval.

**Section 16: Relocation of Mature Trees**

- A. The relocation of a mature tree is a labor and cost-intensive undertaking that may fail even under the best of conditions. However, mature trees may be relocated, providing the relocation meets all of the following criteria:
1. The property owner or lessee has made all reasonable efforts to design around the tree in the existing location;
  2. The tree is in good condition for relocation, to be determined by a licensed arborist or the Authority's tree inspector;
  3. There must be another suitable location for the tree on the leased property;
  4. The future location must not require removal of additional existing trees in good condition and/or healthy understory vegetation;
  5. Trees shall only be dug and moved between October 1 through June 1;
  6. The owner or lessee must employ an experienced tree moving company;
  7. The applicant must submit a detailed tree care plan including both pre-move and post-move care specifications to be approved by the tree inspector; and
  8. The owner or lessee is aware, that should the relocated tree die, mitigation planting will be required per Sections 6 and 7 above.

**Section 17: Violations, Penalties and Enforcement**

- A. It shall be unlawful for any person to remove, destroy, or damage any Protected Tree in any manner except in accordance with the requirements of this Chapter. Each Protected Tree, or each limb or branch of any Protected Tree where less than the entire Protected Tree is affected, that is so removed, destroyed or damaged shall constitute a separate offense.
- B. It shall be unlawful for any person to fail to install landscaping in accordance with any required landscaping plan approved by the Authority as part of a building permit. Each day such violation persists shall constitute a separate offense.
- C. It shall be unlawful for any person to fail to mitigate the removal, destruction or damaging of any Protected Trees in accordance with the requirements of this Chapter within twelve (12) months of the date of such removal, destruction or damaging of trees, as determined by the Authority. Each tree removed shall be identified as a separate offense.
- D. Any person found in violation of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both fine and imprisonment, to be imposed at the discretion of the judge or as provided and stipulated by law; provided:
1. The failure to obtain any required authorization shall result in a fine of \$500.00 for each violation;

- 2918 2. The failure to mitigate the removal, destruction or damaging of any Protected  
2919 Tree or limb or branch of any Protected Tree where less than the entire  
2920 Protected Tree is affected as required by this Chapter shall result in a fine not  
2921 to exceed \$50.00 per day per violation until mitigation is accomplished; and  
2922 3. In addition to any fine assessed pursuant to this Chapter, the person or persons  
2923 responsible shall be liable for, and pay to the Authority, all mitigation fees  
2924 attributable to such violation, if any.
- 2925 E. In addition to the enforcement of this Chapter by citation or accusation, the  
2926 Authority may take any action not prohibited by law to prevent or remediate a  
2927 violation or threatened violation of this Chapter, including without limitation,  
2928 rescinding any issued permit, issuing a stop work order, or commencing legal  
2929 proceedings to prevent, correct, or abate such violation or threatened violation or  
2930 to recover any monetary damages, or both.
- 2931 F. Nothing in this Article shall be deemed to preclude the Authority from obtaining  
2932 the voluntary compliance of any person where the Authority finds that such person  
2933 has violated or threatens to violate any of the provisions of this Chapter and gives  
2934 written notice to the responsible person or persons of the nature of the violation  
2935 and/or the action necessary to correct or prevent the violation.
- 2936 G. Three or more violations within any three-year period may, at the Authority's  
2937 option, result in land lease default.
- 2938 H. Any person who commits or participates or assists in such violation shall be guilty  
2939 of a misdemeanor and punished as provided herein.

2940 **Section 18: Appeals**

- 2941 A. In the event that an owner, applicant, or contractor alleges that there is error in  
2942 any order, requirement, decision or determination made by the tree inspector in  
2943 the enforcement of this article, an appeal must be submitted in writing to the  
2944 Executive Director within thirty (30) days after the order, requirement, decision, or  
2945 determination.
- 2946 B. As a condition to submission of any appeal, consistency with the objectives and  
2947 general intent of the standards and faithful implementation of these regulations  
2948 must be demonstrated by the applicant.
- 2949 C. In deliberating an appeal request, the Executive Director shall apply one or more of  
2950 the following options:
- 2951 1. Make a finding and determination on the appeal request;
- 2952 2. Appoint an Ad-Hoc Appeals Committee with a meeting called by the Executive  
2953 Director to hear, review and make recommendations on the appeal request.
- 2954 a. The Appeals Committee shall consist of five (5) members appointed by the  
2955 Board of Directors of the Jekyll Island Authority:

- 2956 i. Two (2) residents of Jekyll Island;
- 2957 ii. Two (2) staff members of the Authority; and
- 2958 iii. The Executive Director of the Authority, who shall serve as Chair of the
- 2959 Committee.
- 2960 b. In considering the appeal, the Ad-Hoc Appeals Committee may recommend
- 2961 other mutually beneficial requirements in place of the requirement that is
- 2962 the subject of the appeal.
- 2963 c. The Ad-Hoc Appeals Committee has the authority to recommend deviations
- 2964 from the requirements contained in these standards in appropriate
- 2965 circumstances, such as those that would create an unreasonable hardship
- 2966 or burden for the owner, applicant, contractor, tenant or resident.
- 2967 3. Refer the appeal request to the Board of Directors for final decision.

2968 **Section 19: Native Trees accepted for Mitigation**

Common Name	Scientific Name
Florida maple	<i>Acer barbatum</i>
Red maple	<i>Acer rubrum</i>
American hornbeam	<i>Carpinus caroliniana</i>
Pignut hickory	<i>Carya glabra</i>
Sugarberry	<i>Celtis laevigata</i>
Fringe tree	<i>Chionanthus virginicus</i>
Loblolly bay	<i>Gordonia lasianthus</i>
Dahoon holly	<i>Ilex cassine</i>
American holly	<i>Ilex opaca</i>
Southern red cedar	<i>Juniperus silicicola</i>
Eastern red cedar	<i>Juniperus virginiana</i>
Sweet gum	<i>Liquidambar styraciflua</i>
Tulip poplar	<i>Liriodendron tulipifera</i>
Southern magnolia	<i>Magnolia grandiflora</i>

Common Name	Scientific Name
Sweet bay	<i>Magnolia virginiana</i>
Red mulberry	<i>Morus rubra</i>
Swamp tupelo	<i>Nyssa biflora</i>
Black gum	<i>Nyssa sylvatica</i>
Slash pine	<i>Pinus elliotii</i>
Loblolly pine	<i>Pinus taeda</i>
Longleaf pine	<i>Pinus palustris</i>
Pond pine	<i>Pinus serotina</i>
American sycamore	<i>Platanus occidentalis</i>
Cherry laurel	<i>Prunus caroliniana</i>
Black cherry	<i>Prunus serotina</i>
Sand live oak	<i>Quercus geminata</i>
Darlington oak	<i>Quercus hemisphaerica</i>
Laurel oak/ Diamond-leaf oak	<i>Quercus laurifolia</i>
Swamp chestnut oak	<i>Quercus michauxii</i>
Water oak	<i>Quercus nigra</i>
Live oak	<i>Quercus virginiana</i>
Coastal plain willow	<i>Salix caroliniana</i>
Cabbage palm	<i>Sabal palmetto</i>
Buckthorn	<i>Sideroxylon tenax</i>
Bald cypress	<i>Taxodium distichum</i>
American elm	<i>Ulmus americana</i>
Toothache tree	<i>Zanthoxylum clava-herculis</i>

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## Section 20: Suitable Landscaping Plantings

### A. Ornamental non-native trees:

Common Name	Scientific Name
Deodar cedar	<i>Cedrus deodora</i>
Sour (Seville) orange	<i>Citrus aurantium</i>
Lemon tree	<i>Citrus lemon</i>
Orange tree (except Trifoliate Orange)	<i>Citrus sp.</i>
Italian cypress	<i>Cupressus sempervirens</i>
Loquat	<i>Eriobotrya japonica</i>
Nagami kumquat	<i>Fortunella japonica</i>
Crepe myrtle	<i>Lagerstroemia indica</i>
Saucer magnolia	<i>Magnolia soulangiana</i>
Olive tree	<i>Olea europaea</i>
Canary Island date palm	<i>Phoenix canariensis</i>
Common peach	<i>Prunus persica</i>
Pomegranate	<i>Punica granatum</i>
Common pear	<i>Pyrus communis</i>
Chinese elm	<i>Ulmus parvifolia</i> 'Drake'

2973

### B. Native shrubs:

Common Name	Scientific Name
Bottlebrush buckeye	<i>Aesculus parviflora</i>
Red buckeye	<i>Aesculus pavia</i>
Devil's walking stick	<i>Aralia spinosa</i>
Giant cane bamboo	<i>Arundinaria gigantea</i>
Bamboo cane	<i>Arundinaria tecta</i>
Paw paw / Dog apple	<i>Asimina reticulata</i>
Eastern baccharis	<i>Baccharis halimifolia</i>
American beautyberry	<i>Callicarpa americana</i>
Sweetshrub	<i>Calycanthus floridus</i>
Button bush	<i>Cephalanthus occidentalis</i>
Summer sweet	<i>Clethra alnifolia</i>
Florida privet	<i>Forestiera segregata</i>
Oakleaf hydrangea	<i>Hydrangea quercifolia</i>
Inkberry	<i>Ilex glabra</i>
Yaupon holly	<i>Ilex vomitoria</i>
Florida anise	<i>Illicium floridanum</i>
Marsh elder	<i>Iva imbricata</i>
Fetterbush	<i>Lyonia lucida</i>
Wax myrtle	<i>Morella cerifera</i>
Chickasaw plum	<i>Prunus angustifolia</i>
Needle palm	<i>Rhapidophyllum hystrix</i>



Common Name	Scientific Name
Orange azalea	<i>Rhododendron austrinum</i>
Piedmont azalea	<i>Rhododendron canescens</i>
Saw palmetto	<i>Serenoa repens</i>
Sparkleberry	<i>Vaccinium arboreum</i>
Walter's viburnum	<i>Viburnum obovatum</i>
Spanish bayonet	<i>Yucca aloifolia</i>
Moundlily yucca	<i>Yucca gloriosa</i>
Coontie palm	<i>Zamia pumila</i>

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C. Ornamental non-native shrubs:

Common Name	Scientific Name
Century plant	<i>Agave americana</i>
Formosa azalea	<i>Azalea indica</i>
Kurume azalea	<i>Azalea obtuse japonica</i>
Japanese boxwood	<i>Buxus microphyllus japonica</i>
Camellia	<i>Camellia japonica</i>
Flowering quince	<i>Chaenomeles japonica</i>
Fragrant wintersweet	<i>Chimonanthus praecox</i>
Sago palm	<i>Cycas revoluta</i>
Forsythia	<i>Forsythia suspensa</i>
Bigleaf hydrangea	<i>Hydrangea macrophylla</i>

Common Name	Scientific Name
Primrose jasmine	<i>Jasminum mesnyi</i>
Pfitzer juniper	<i>Juniperus chinensis</i>
Winter honeysuckle	<i>Lonicera fragrantissima</i>
Oleander	<i>Nerium oleander</i>
Tobira Pittosporum	<i>Pittosporum tobira</i>
Yew plum pine	<i>Podocarpus macrophyllus</i>
Formosa firethorn	<i>Pyracantha koidzumi</i>
India hawthorn	<i>Raphiolepis indica</i>
Double reeves spiraea	<i>Spiraea cantoniensis</i>
Bridalwreath spiraea	<i>Spiraea prunifolia</i>
Vanhoutte spiraea	<i>Spiraea x vanhouttei</i>
Sweet viburnum	<i>Viburnum odoratissimum</i>
Sandankwa viburnum	<i>Viburnum suspensum</i>
Laurustinus viburnum	<i>Viburnum tinus</i>

2976

2977 D. Native vines:

Common Name	Scientific Name
Pepper vine	<i>Ampelopsis arborea</i>
Cross vine	<i>Bignonia capreolata</i>
Trumpet vine	<i>Campsis radicans</i>
Satin curls	<i>Clematis virginiana</i>

Common Name	Scientific Name
Carolina coralbead	<i>Cocculus carolinus</i>
Yellow jessamine	<i>Gelsemium semperviens</i>
Railroad vine	<i>Ipomoea pes-caprae</i>
Coral honeysuckle	<i>Lonicera semperviens</i>
Virginia creeper	<i>Parthenocissus quinquefolia</i>
Greenbrier	<i>Smilax laurifolia</i>
Muscadine	<i>Vitis rotundifolia</i>
American native wisteria	<i>Wisteria frutescens</i>

2978

2979 E. Ornamental non-native vines:

Common Name	Scientific Name
Cross vine	<i>Anisostichus capreolata</i>
Bougainvillea	<i>Bougainvillea sp.</i>
Climbing fig	<i>Ficus pumila</i>
Lady Bank's rose	<i>Rosa banksiae</i>
Chinese star jasmine	<i>Trachelospermum jasminoides</i>

2980

2981 F. Herbaceous Plants

Common Name	Scientific Name
Pink milkweed	<i>Asclepias incarnata</i>
Butterflyweed	<i>Asclepias tuberosa</i>
False indigo	<i>Baptista alba</i>

Common Name	Scientific Name
Yellow canna	<i>Canna flaccida</i>
Beach croton	<i>Croton punctatus</i>
Blanket flower	<i>Gaillardia pulchella</i>
Dune sunflower	<i>Helianthus debilis</i>
Swamp rosemallow	<i>Hibiscus grandifloras</i>
Crimson-eyed mallow	<i>Hibiscus moscheutos</i>
Florida spiderlily	<i>Hymenocallis floridana</i>
St. John's wort	<i>Hypericum cistifolium</i>
St. Peter's wort	<i>Hypericum hypericoides</i>
Dixie iris	<i>Iris hexagona</i>
Southern blue flag	<i>Iris virginica</i>
Seashore mallow	<i>Kosteletzkya virginica</i>
Blazing star	<i>Liatris spicata</i>
Powderpuff	<i>Mimosa strigillosa</i>
Evening primrose	<i>Oenothera humifusa</i>
Passion flower	<i>Passiflora incarnata</i>
Phlox	<i>Phlox sp.</i>
Saltmarsh flea-bane	<i>Pluchea odorata</i>
Pickernelweed	<i>Pontederia cordata</i>
Meadow beauty	<i>Rhexia alifanus</i>
Black-eyed susan	<i>Rudbeckia hirta</i>

Common Name	Scientific Name
Marsh gentian	<i>Sabatia stellaris</i>
Arrowhead	<i>Sagittaria lancifolia</i>
Golden horn	<i>Sarracenia flava</i>
Lizards tail	<i>Saururus cernuus</i>
Ladies tresses	<i>Spiranthes praecox</i>
Wood-sage	<i>Teucrium canadense</i>
Thalia	<i>Thalia dealbata</i>
Fire flag	<i>Thalia geniculata</i>
Spiderwort	<i>Tradescantia virginiana</i>
Atamasco lily	<i>Zephyranthes atamasca</i>

2982

2983

G. Grasses

Common Name	Scientific Name
Chalky bluestem	<i>Andropogon capillipes</i>
Saltgrass	<i>Distichlis spicata</i>
Gulf Coast spikerush	<i>Eleocharis cellulosa</i>
Love grass	<i>Eragrostis sp.</i>
Centipede grass	<i>Eremochloa ophiurides</i>
Yellow star grass	<i>Hypoxis juncea</i>
Rush	<i>Juncus bufonius</i>
Soft rush	<i>Juncus effusus</i>
Needlegrass rush	<i>Juncus roemerianus</i>

Common Name	Scientific Name
Sweet grass	<i>Muhlenbergia capillaris</i>
Panic grass	<i>Panicum sp.</i>
Seashore paspalum	<i>Paspalum vaginatum</i>
Fountain grass	<i>Pennisetum setaceum</i>
Starrush	<i>Rhynchospora colorata</i>
Beaksedge	<i>Rhynchospora decurrens</i>
Little bluestem	<i>Schizachyrium scoparium</i>
Sand cordgrass	<i>Spartina bakeri</i>
Salt meadow cordgrass	<i>Spartina patens</i>
Seashore drop seed	<i>Sporobolus virginicus</i>
St. Augustine grass	<i>Stenotaphrum secundatum</i>
Fakahatchee grass	<i>Tripsacum dactyloides</i>
Sea oats	<i>Uniola paniculata</i>
Spike grass	<i>Uniola sessiliflora</i>

2984

2985 H. Ferns

Common Name	Scientific Name
Southern woodfern	<i>Dryopteris ludoviciana</i>
Cinnamon fern	<i>Osmunda cinnamomea</i>
Roughhair maiden fern	<i>Thelypteris hispidula</i>
Southern shield fern	<i>Thelypteris kunthii</i>
Eastern marsh fern	<i>Thelypteris palustris</i>

Chain fern	<i>Woodwardia virginica</i>
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2986

2987 I. Groundcovers

Common Name	Scientific Name
Cast-iron plant	<i>Aspidistra elatior</i>
Bermuda grass	<i>Cynodon dactylon</i>
Lantana	<i>Lantana camara</i> *
Cape leadwort	<i>Plumbago capensis</i>
* JIA recommends only the use of sterile varieties of Lantana	

2988

2989 J. Annuals, Perennials, and Bulbs

Common Name	Scientific Name
Agastache	<i>Agastache mexicana</i>
Ageratum	<i>Ageratum houstonianum</i>
Joseph's coat	<i>Alternanthera</i> sp.
Angelonia	<i>Angelonia angustifolia</i>
Common snapdragon	<i>Antirrhinum majus</i>
Angel wing begonia	<i>Begonia cocinea</i>
Fibrous begonia	<i>Begonia x spemperflorens-cultorum</i>
Swiss chard 'Ruby'	<i>Beta vulgaris</i>
Flowering cabbage & kale	<i>Brassica oleracea</i>
Potmarigold calendula	<i>Calendula officinalis</i>
Canna	<i>Canna x generalis</i>

Common Name	Scientific Name
Annual vinca	<i>Catharanthus roseus</i>
Coleus	<i>Coleus x hybridus</i>
Cyclamen	<i>Cyclamen persicum</i>
Dianthus	<i>Dianthus sp.</i>
Diascia	<i>Diascia barberae</i>
Babysbreath	<i>Gypsophila elegans</i>
Impatiens	<i>Impatiens sp.</i>
Sweet potato vine	<i>Ipomea batatas</i>
Sweet pea	<i>Lathyrus odoratus</i>
Linaria	<i>Linaria maroccana</i>
Sweet alyssum	<i>Lobularia maritima</i>
Annual stock	<i>Mathiola incana annua</i>
Daffodil	<i>Narcissus poeticus</i>
Nemesia	<i>Nemesia strumosa</i>
Nicotiana	<i>Nicotiana alata</i>
Penta	<i>Penta lanceolata</i>
Petunia	<i>Petunia grandiflora</i>
Annual phlox	<i>Phlox drummundi</i>
Portulaca	<i>Portulaca grandiflora</i>
Purslane	<i>Portulaca oleracea</i>
Blue salvia	<i>Salvia Victoria</i>



Common Name	Scientific Name
Persian shield	<i>Strobilanthus dyerianus</i>
Marigold	<i>Tagetes sp.</i>
Torenia	<i>Torenia fournieri</i>
Verbena	<i>Verbena hybrida</i>
Viola	<i>Viola cornuta</i>
Garden pansy	<i>Viola tricolor hortensis</i>
Narrow leaved zinnia	<i>Zinnia angustifolia</i>

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2991

### Section 23: Prohibited Invasive Exotics

Common Name	Scientific Name
Tree of heaven	<i>Ailanthus altissima</i>
Pindo palm	<i>Butia capitata</i>
Camphor tree	<i>Cinnamomum camphora</i>
Trifoliolate Orange	<i>Citrus trifoliata</i>
Chinaberry tree	<i>Melina azedarach</i>
Callery ("Bradford") pear	<i>Pyrus calleryana</i>
Brazilian pepper tree	<i>Schinus molle</i>
French tamarisk	<i>Tamarix gallica</i>
Chinese tallow tree	<i>Triadica sebifera</i>
Tung oil tree	<i>Vernicia fordii</i>

2992

Common Name	Scientific Name
Mimosa	<i>Albizia julibrissin</i>
Coral ardisia	<i>Ardisia crenata</i>
Mexican milkweed 'Bloodflower'	<i>Asclepia curassavica</i>
Asparagus fern	<i>Asparagus aethiopicus</i>
Sweet autumn clematis	<i>Clematis terniflora</i>
Jimson weed	<i>Datura stramonium</i>
Air yam	<i>Discorea bulbifera</i>
Chinese yam	<i>Discorea oppositifolia</i>
English ivy	<i>Hedera helix</i>
Cogongrass 'Japanese blood grass'	<i>Imperata cylindrica</i>
Lantana (seed bearing varieties)	<i>Lantana camara</i>
Non-native lespedeza	<i>Lespedeza cuneata</i>
Chinese privet	<i>Ligustrum sinense</i>
Glossy privet	<i>L. lucidum</i>
Japanese privet	<i>L. japonicum</i>
Japanese honeysuckle	<i>Lonicera japonica</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Old world climbing fern	<i>Lygodium microphyllum</i>
White mulberry	<i>Morus alba</i>
Sword fern	<i>Nephrolepis</i>
Princess tree	<i>Paulownia tomentosa</i>

Common Name	Scientific Name
Common reed	<i>Phragmites australis</i>
Golden bamboo	<i>Phyllostachys aurea</i>
Sawtooth oak	<i>Quercus acutissima</i>
Kudzu	<i>Pueraria montana</i>
Mexican petunia	<i>Ruellia brittoniana</i>
Russian thistle	<i>Salsola kali</i>
Rattlebox	<i>Sesbania punicea</i>
Brazilian vervain	<i>Verbena incompta</i>
Beach vitex	<i>Vitex rotundifolia</i>
Japanese / Chinese wisteria	<i>Wisteria japonica / Wisteria sinensis</i>

2993

## 2994 Article II: Flood Protection

### 2995 Sub Article I: In General

#### 2996 Section 1: Statement of purpose.

2997 A. It is the purpose of this chapter to promote the public health, safety and general  
 2998 welfare and to minimize public and private losses due to flood conditions in  
 2999 specific areas by provisions designed to:

- 3000 1. Require that uses vulnerable to floods, including facilities, which serve such  
 3001 uses, be protected against flood damage at the time of initial construction;
- 3002 2. Restrict or prohibit uses which are dangerous to health, safety and property  
 3003 due to water or erosion hazards, or which increase flood heights, velocities or  
 3004 erosion;
- 3005 3. Control filling, grading, dredging and other development which may increase  
 3006 flood damage or erosion;
- 3007 4. Prevent or regulate the construction of flood barriers which will unnaturally  
 3008 divert floodwaters or which may increase flood hazards to other lands; and
- 3009 5. Control the alteration of natural floodplains, stream channels, and natural

3010 protective barriers, which are involved in the accommodation of floodwaters.

3011 **Section 2: Findings of fact.**

3012 A. The flood hazard areas of the island are subject to periodic inundation which  
3013 results in loss of life and property, health and safety hazards, disruption of  
3014 commerce and governmental services, extraordinary public expenditures for  
3015 flood relief and protection, and impairment of the tax base, all of which adversely  
3016 affect the public health, safety and general welfare.

3017 B. These flood losses are caused by the occupancy in flood hazard areas of uses  
3018 vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise  
3019 unprotected from flood damages, and by the cumulative effect of obstructions in  
3020 floodplains causing increases in flood heights and velocities.

3021 **Section 3: Objectives.**

3022 A. The objectives of this chapter are:

- 3023 1. To protect human life and health;
- 3024 2. To minimize damage to public facilities and utilities such as water and gas  
3025 mains, electric, telephone and sewer lines, streets and bridges located in  
3026 floodplains;
- 3027 3. To help maintain a stable tax base by providing for the sound use and  
3028 development of flood prone areas in such a manner as to minimize flood blight  
3029 areas;
- 3030 4. To minimize expenditure of public money for costly flood control projects;
- 3031 5. To minimize the need for rescue and relief efforts associated with flooding and  
3032 generally undertaken at the expense of the general public;
- 3033 6. To minimize prolonged business interruptions; and
- 3034 7. To ensure that potential homebuyers are notified that property is in a flood  
3035 area.

3036 **Section 4: Applicability.**

3037 A. This chapter shall apply to all areas of special flood hazard within the jurisdiction  
3038 of Jekyll Island, Georgia.

3039 **Section 5: Definitions.**

3040 A. The following words, terms and phrases, when used in this chapter, shall have the  
3041 meanings ascribed to them in this section, except where the context clearly  
3042 indicates a different meaning:

- 3043 1. *Accessory structure* means a structure having minimal value and used for  
3044 parking, storage and other non-habitable uses, such as garages, carports,

- 3045 storage sheds, and the like.
- 3046 2. *Addition (to an existing building)* means any walled and roofed expansion to  
3047 the perimeter of a building in which the addition is connected by a common  
3048 loadbearing wall other than a firewall. Any walled and roofed addition, which  
3049 is connected by a firewall or is separated by an independent perimeter  
3050 loadbearing wall, shall be considered new construction.
- 3051 3. *Appeal* means a request for a review of the floodplain managers'  
3052 interpretation of any provision of this chapter.
- 3053 4. *Area of shallow flooding* means a designated AO or AH zone on a community's  
3054 flood insurance rate map (FIRM) with base flood depths from one to three  
3055 feet, and/or where a clearly defined channel does not exist, where the path of  
3056 flooding is unpredictable and indeterminate, and where velocity flow may be  
3057 evident.
- 3058 5. *Area of special flood hazard* means the land in the floodplain within a  
3059 community subject to a one percent or greater chance of flooding in any given  
3060 year. In the absence of official designation by the Federal Emergency  
3061 Management Agency, areas of special flood hazard shall be those designated  
3062 by the local community and referenced in Section 7.
- 3063 6. *Base flood* means the flood having a one percent chance of being equaled or  
3064 exceeded in any given year.
- 3065 7. *Base flood elevation (BFE)* means the elevation shown on the flood insurance  
3066 rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH,  
3067 AR/AO, V1-V30, and VE that indicates the water surface elevation resulting  
3068 from a flood that has a one percent chance of equaling or exceeding that level  
3069 in any given year.
- 3070 8. *Basement* means that portion of a building having its floor sub grade (below  
3071 ground level) on all sides.
- 3072 9. *Building* means any structure built for support, shelter, or enclosure for any  
3073 occupancy or storage.
- 3074 10. *Critical facility* means any public or private facility, which, if flooded, would  
3075 create an added dimension to the disaster or would increase the hazard to life  
3076 and health. The term "critical facility" includes the following:
- 3077 a. Structures or facilities that produce, use, or store highly volatile, flammable,  
3078 explosive, toxic or water-reactive materials;
- 3079 b. Hospitals and nursing homes, which are likely to contain occupants who  
3080 may not be sufficiently mobile to avoid the loss of life or injury during flood  
3081 and storm events;

- 3082 c. Emergency operation centers or data storage centers which contain  
3083 records or services that may become lost or inoperative during flood and  
3084 storm events;
- 3085 d. Generating plants and other principal points of utility lines.
- 3086 11. *Development* means any manmade change to improved or unimproved real  
3087 estate, including, but not limited to, buildings or other structures, mining,  
3088 dredging, filling, grading, paving, excavating, drilling operations, and storage  
3089 of materials or equipment.
- 3090 12. *Elevated building* means a non-basement building built to have the lowest  
3091 floor of the lowest enclosed area elevated above the ground level by means of  
3092 fill, solid foundation perimeter walls, pilings, columns, piers or shear walls  
3093 adequately anchored so as not to impair the structural integrity of the  
3094 building during a base flood event.
- 3095 13. *Existing construction* means for the purposes of determining rates, structures  
3096 for which the start of construction commenced before June 1, 1984.
- 3097 14. *Existing manufactured home park or subdivision* means a manufactured home  
3098 park or subdivision for which the construction of facilities for servicing the lots  
3099 on which the manufactured homes are to be affixed (including at a minimum  
3100 the installation of utilities, the construction of streets, and final site grading or  
3101 the pouring of concrete pads) is completed before June 1, 1984.
- 3102 15. *Expansion to an existing manufactured home park or subdivision* means the  
3103 preparation of additional sites by the construction of facilities for servicing the  
3104 lots on which the manufactured homes are to be affixed, including the  
3105 installation of utilities, the construction of streets, and either final site grading  
3106 or the pouring of concrete pads.
- 3107 16. *Flood or flooding* means a general and temporary condition of partial or  
3108 complete inundation of normally dry land areas from:
- 3109 a. The overflow of inland or tidal waters; or
- 3110 b. The unusual and rapid accumulation or runoff of surface waters from any  
3111 source.
- 3112 17. *Flood hazard boundary map (FHBM)* means an official map of a community,  
3113 issued by the Federal Insurance Administration, where the boundaries of  
3114 areas of special flood hazard have been defined as zone A.
- 3115 18. *Flood insurance rate map (FIRM)* means an official map of a community,  
3116 issued by the Federal Insurance Administration, delineating the areas of  
3117 special flood hazard and/or risk premium zones applicable to the community.

- 3118 19. *Flood insurance study* means the official report by the Federal Insurance  
3119 Administration evaluating flood hazards and containing flood profiles and  
3120 water surface elevations of the base flood.
- 3121 20. *Floodplain* means any land area susceptible to flooding.
- 3122 21. *Floodproofing* means any combination of structural and nonstructural  
3123 additions, changes, or adjustments to structures, which reduce or eliminate  
3124 flood damage to real estate or improved real property, water and sanitary  
3125 facilities, structures and their contents.
- 3126 22. *Floodway* means the channel of a river or other watercourse and the adjacent  
3127 land areas that must be reserved in order to discharge the base flood without  
3128 cumulatively increasing the water surface elevation more than a designated  
3129 height.
- 3130 23. *Freeboard* means a factor of safety usually expressed in feet above a flood  
3131 level for purposes of floodplain management. Freeboard tends to compensate  
3132 for the many unknown factors that could contribute to flood heights greater  
3133 than the height calculated for a selected size flood and floodway conditions,  
3134 such as wave action, bridge openings and the hydrological effect of  
3135 urbanization of the watershed.
- 3136 24. *Highest adjacent grade* means the highest natural elevation of the ground  
3137 surface, prior to construction, adjacent to the proposed foundation of a  
3138 building.
- 3139 25. *Historic structure* means any structure that is:
- 3140 a. Listed individually in the National Register of Historic Places (a listing  
3141 maintained by the U.S. Department of Interior) or preliminarily determined  
3142 by the Secretary of the Interior as meeting the requirements for individual  
3143 listing on the National Register;
- 3144 b. Certified or preliminarily determined by the Secretary of the Interior as  
3145 contributing to the historical significance of a registered historic district or  
3146 a district preliminarily determined by the Secretary to qualify as a registered  
3147 historic district;
- 3148 c. Individually listed on a state inventory of historic places and determined as  
3149 eligible by states with historic preservation programs which have been  
3150 approved by the Secretary of the Interior; or
- 3151 d. Individually listed on a local inventory of historic places and determined as  
3152 eligible by communities with historic preservation programs that have been  
3153 certified either:
- 3154 i. By an approved state program as determined by the Secretary of the

3155 Interior, or

3156 ii. Directly by the Secretary of the Interior in states without approved

3157 programs.

3158 26. *Limited detail study means* a method of calculating the 1% annual chance

3159 flood elevations and delineating the resulting floodplain along rivers and

3160 streams.

3161 27. *Lowest floor* means the lowest floor of the lowest enclosed area, including

3162 basement. An unfinished or flood resistant enclosure, used solely for parking

3163 of vehicles, building access, or storage, in an area other than a basement, is

3164 not considered a building's lowest floor, provided that such enclosure is not

3165 built so as to render the structure in violation of other provisions of this Code.

3166 28. *Manufactured home* means a building, transportable in one or more sections,

3167 built on a permanent chassis and designed to be used with or without a

3168 permanent foundation when connected to the required utilities. The term

3169 "manufactured home" also includes park trailers, travel trailers and similar

3170 transportable structures placed on a site for 180 consecutive days or longer

3171 and intended to be improved property.

3172 29. *Manufactured home park or subdivision* means a parcel (or contiguous

3173 parcels) of land divided into two or more manufactured home lots for rent or

3174 sale.

3175 30. *Mean sea level* means the average height of the sea for all stages of the tide.

3176 It is used as a reference for establishing various elevations within the

3177 floodplain. For purposes of the National Flood Insurance Program, the

3178 National Geodetic Vertical Datum (NGVD) of 1929, the North American

3179 Vertical Datum (NAVD) of 1988, or other datum, to which base flood

3180 elevations shown on the Flood Insurance Rate Map are referenced.

3181 31. *National Geodetic Vertical Datum (NGVD) and North American Vertical Datum*

3182 *(NAVD)*, mean a vertical control used as a reference for establishing varying

3183 elevations within the floodplain.

3184 32. *New construction* means, for the purposes of determining insurance rates,

3185 structures for which the start of construction commenced after June 1, 1984,

3186 and includes any subsequent improvements to such structures. For floodplain

3187 management purposes, the term "new construction" means structures for

3188 which the start of construction commenced after June 1, 1984, and includes

3189 any subsequent improvements to such structures.

3190 33. *New manufactured home park or subdivision* means a manufactured home

3191 park or subdivision for which the construction of facilities for servicing the lots

3192 on which the manufactured homes are to be affixed (including at a minimum,



3193 the installation of utilities, the construction of streets, and either final site  
 3194 grading or the pouring of concrete pads) is completed on or after June 1,  
 3195 1984.

3196 34. *North American Vertical Datum (NAVD)* has replaced the National Geodetic  
 3197 Vertical Datum of 1929 in existing and future FEMA flood modernization  
 3198 maps.

3199 35. *Recreational vehicle* means a vehicle which is:

3200 a. Built on a single chassis;

3201 b. 400 square feet or less when measured at the largest horizontal projection;

3202 c. Designed to be self-propelled or permanently towable by a light-duty truck;  
 3203 and

3204 d. Designed primarily not for use as a permanent dwelling but as temporary  
 3205 living quarters for recreational, camping, travel or seasonal use.

3206 36. *Start of construction* means the date the development permit was issued,  
 3207 provided the actual start of construction, repair, reconstruction or  
 3208 improvement was within 180 days of the permit date. The actual start means  
 3209 the first placement of permanent construction of the structure such as the  
 3210 pouring of slabs or footings, installation of piles, construction of columns, or  
 3211 any work beyond the stage of excavation, and includes the placement of a  
 3212 manufactured home on a foundation. Permanent construction does not  
 3213 include initial land preparation, such as clearing, grading and filling; nor does it  
 3214 include the installation of streets and/or walkways; nor does it include  
 3215 excavation for a basement, footings, piers or foundations or the erection of  
 3216 temporary forms; nor does it include the installation on the property of  
 3217 buildings appurtenant to the permitted structure, such as garages or sheds  
 3218 not occupied as dwelling units or part of the main structure. (Note: accessory  
 3219 structures are not exempt from any chapter requirements.) For a substantial  
 3220 improvement, the actual start of construction means the first alteration of any  
 3221 wall, ceiling, floor, or other structural part of a building, whether or not that  
 3222 alteration affects the external dimensions of the building.

3223 37. *Structure* means a walled and roofed building that is principally above ground,  
 3224 a manufactured home, a gas or liquid storage tank.

3225 38. *Subdivision* means the division of a single lot into two or more lots for the  
 3226 purpose of sale or development.

3227 39. *Substantial damage* means damage of any origin sustained by a structure  
 3228 whereby the cost of restoring the structure to its before damaged condition  
 3229 would equal or exceed fifty percent (50%) of the market value of the structure

3230 before the damage occurred.

3231 40. *Substantial improvement.*

3232 a. The term "substantial improvement" means any combination of repairs,  
 3233 reconstruction, alteration, or improvements to a structure, taking place  
 3234 during a five-year period, in which the cumulative cost equals or exceeds  
 3235 fifty percent (50%) of the market value of the structure before the start of  
 3236 construction of the improvement. The market value of the structure should  
 3237 be:

3238 i. The appraised value of the structure prior to the start of the initial repair  
 3239 or improvement; or

3240 ii. In the case of damage, the value of the structure prior to the damage  
 3241 occurring.

3242 b. The term "substantial improvement" includes structures, which have incurred  
 3243 substantial damage, regardless of the actual amount of repair work  
 3244 performed. For the purposes of this definition, substantial improvement is  
 3245 considered to occur when the first alteration of any wall, ceiling, floor or other  
 3246 structural part of the structure commences, whether or not that alteration  
 3247 affects the external dimensions of the structure.

3248 c. The term "substantial improvement" does not, however, include either:

3249 i. Any project for improvement of a structure to correct existing violations of  
 3250 state or local health, sanitary, or safety code specifications which have been  
 3251 identified by the local code enforcement official and which are the  
 3252 minimum necessary to ensure safe living conditions; or

3253 ii. Any alteration of an historic structure provided that the alteration will not  
 3254 preclude the structure's continued designation as an historic structure.

3255 41. *Substantially improved existing manufactured home parks or subdivisions*  
 3256 means where the repair, reconstruction, rehabilitation or improvement of the  
 3257 streets, utilities and pads equals or exceeds 50 percent of the value of the  
 3258 streets, utilities and pads before the repair, reconstruction or improvement  
 3259 commenced.

3260 42. *Variance* means a grant of relief from the requirements of this chapter, which  
 3261 permits construction in a manner otherwise prohibited by this chapter.

3262 43. *Violation* means the failure of a structure or other development to be fully  
 3263 compliant with the community's floodplain management regulations. A  
 3264 structure or other development without the elevation certificate, or other  
 3265 certifications, or other evidence of compliance required by this chapter is  
 3266 presumed to be in violation until such time as that documentation is provided.

3267           **Section 6: Violations, Penalties and Enforcement.**

3268           A. It shall be unlawful for any person to fail to comply with the provisions of this  
3269           chapter or with the terms of any written directive or variance issued or  
3270           established by the Authority pursuant to this Chapter.

3271           B. Any person found in violation of any provision of this Article shall be guilty of a  
3272           misdemeanor, and upon conviction thereof, shall be punished by a fine not to  
3273           exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by  
3274           both fine and imprisonment, to be imposed at the discretion of the judge or as  
3275           provided and stipulated by law. Each day such violation continues shall be  
3276           considered a separate offense.

3277           C. Nothing herein contained shall prevent the Authority from taking such other  
3278           lawful actions as is necessary or prudent as determined by the Authority in its  
3279           discretion to prevent or remedy any violation or threatened violation.

3280           **Section 7:     Basis for area of special flood hazard.**

3281           A. The areas of special flood hazard identified by the Federal Emergency  
3282           Management Agency (FEMA) in its flood insurance study (FIS), dated January 5,  
3283           2018, with accompanying maps and other supporting data and any revision  
3284           thereto, are adopted by reference and declared a part of this chapter. For those  
3285           land areas acquired by a municipality through annexation, the current effective  
3286           FIS, supporting data and any revision thereto, for the county dated January 5,  
3287           2018, are hereby adopted by reference.

3288           B. Areas of special flood hazard may also include those areas known to have flooded  
3289           historically or defined through standard engineering analysis by governmental  
3290           agencies or private parties but not yet incorporated in a FIS.

3291           C. The repository for public inspection of the flood insurance study (FIS),  
3292           accompanying maps and other supporting data is located at the Jekyll Island Fire  
3293           Department.

3294           **Section 8: Establishment of building permit.**

3295           A. A building permit shall only be issued by Glynn County if the application is found  
3296           to be in conformance with the provisions of this chapter prior to the  
3297           commencement of any development activities.

3298           **Section 9: Compliance.**

3299           A. No structure or land shall hereafter be located, extended, converted or altered  
3300           without full compliance with the terms of this chapter and other applicable  
3301           regulations.

3302           **Section 10: Abrogation and greater restrictions.**

- 3303 A. This chapter is not intended to repeal, abrogate or impair any existing ordinance,  
3304 easements, covenants or deed restrictions.
- 3305 B. However, where this chapter and another conflict or overlap, whichever imposes  
3306 the more stringent restrictions shall prevail.

3307 **Section 11: Interpretation.**

- 3308 A. In the interpretation and application of this chapter all provisions shall be:
- 3309 1. Considered as minimum requirements;
- 3310 2. Liberally construed in favor of the governing body; and
- 3311 3. Deemed neither to limit nor repeal any other powers granted under state  
3312 statutes.

3313 **Section 12: Warning and disclaimer of liability.**

- 3314 A. The degree of flood protection required by this chapter is considered reasonable  
3315 for regulatory purposes and is based on scientific and engineering considerations.  
3316 Larger floods can and will occur; flood heights may be increased by manmade or  
3317 natural causes.
- 3318 B. This chapter does not imply that land outside the areas of special flood hazard or  
3319 uses permitted within such areas will be free from flooding or flood damages.
- 3320 C. This chapter shall not create liability on the part of the Authority or by any officer  
3321 or employee thereof for any flood damages that result from reliance on this  
3322 chapter or any administrative decision lawfully made thereunder.

3323 **Sub Article II: Administration**

3324 **Section 13: Designation of chapter administrator.**

- 3325 A. The Executive Director or their designee shall be designated as the floodplain  
3326 manager. The floodplain manager is hereby appointed to administer and  
3327 implement the provisions of this chapter.

3328 **Section 14: Application approval procedures.**

- 3329 A. Application for approval shall be made to the floodplain manager and approved by  
3330 the Design Review Group (DRG), prior to submittal to Glynn County for building  
3331 permit approval, and prior to any development activities. The application may  
3332 include, but not be limited to the following: plans in duplicate drawn to scale  
3333 showing the elevations of the area in question and the nature, location,  
3334 dimensions, of existing or proposed structures, earthen fill placement, storage of  
3335 materials or equipment, and drainage facilities.
- 3336 B. Specifically, the following information is required:
- 3337 1. Application stage.

- 3338 a. Elevation in relation to mean sea level (or highest adjacent grade) of the  
3339 lowest floor, including basement, of all proposed structures;
- 3340 b. Elevation in relation to mean sea level to which any nonresidential  
3341 structure will be floodproofed;
- 3342 c. Design certification from a registered professional engineer or architect  
3343 that any proposed nonresidential floodproofed structure will meet the  
3344 floodproofing criteria of this ordinance;
- 3345 d. Design certification from a registered professional engineer or architect  
3346 that any new construction or substantial improvement placed in a coastal  
3347 high hazard area will meet the criteria ordinance; and
- 3348 e. Description of the extent to which any watercourse will be altered or  
3349 relocated as a result of a proposed development;
- 3350 f. Drainage plan with a description of onsite drainage facilities.
- 3351 2. Construction stage.
- 3352 a. For all new construction and substantial improvements, the permit holder  
3353 shall provide to the floodplain manager an as-built certification of the  
3354 regulatory floor elevation or floodproofing level immediately after the  
3355 lowest floor or floodproofing is completed.
- 3356 b. Where a structure is subject to the provisions applicable to coastal high  
3357 hazards areas, after placement of the lowest horizontal structural  
3358 members.
- 3359 c. Any regulatory floor certification made relative to mean sea level shall be  
3360 prepared by or under the direct supervision of a registered land surveyor or  
3361 professional engineer and certified by same.
- 3362 d. When floodproofing is utilized for nonresidential structures, said  
3363 certification shall be prepared by or under the direct supervision of a  
3364 professional engineer or architect and certified by same.
- 3365 e. Any work undertaken prior to submission of these certifications shall be at  
3366 the permit holder's risk.
- 3367 C. The floodplain manager shall review the submitted certification data set forth in  
3368 subsection B of this section.
- 3369 1. Deficiencies detected by such review shall be corrected by the permit holder  
3370 immediately and prior to further progressive work being allowed to proceed.
- 3371 2. Failure to submit certification or failure to make said corrections required  
3372 hereby, shall be cause to issue a stop work order for the project.

**Section 15: Duties and responsibilities of the floodplain manager.**

A. Duties of the floodplain manager shall include, but shall not be limited to:

1. Review all applications to ensure that the permit requirements of this chapter have been satisfied.
2. Review proposed development to ensure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, amendments of 1972, 33 USC 1334. Require that copies of such permits be provided and maintained on file.
3. Review all applications to determine whether proposed building sites will be reasonably safe from flooding.
4. When base flood elevation data or floodway data have not been provided, then the floodplain manager shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other sources in order to administer the provisions of article III of this chapter.
5. Provide relevant information related to compliance with this ordinance to the DRG for development applications.
6. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor, including basement, of all new or substantially improved structures in accordance with Section 14(B)2.
7. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed.
8. When floodproofing is utilized for a structure, the floodplain manager shall require certification of design criteria from a registered professional engineer or architect in accordance with 14(B)(1)c and Section 17(A)3 or 18(B).
9. Obtain design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a coastal high hazard area will meet the criteria of Section 21.
10. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
11. Notify adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
12. For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Ensure flood-carrying capacity of

- 3409 any altered or relocated watercourse is maintained.
- 3410 13. Where interpretation is needed as to the exact location of boundaries of the
- 3411 areas of special flood hazard (for example, where there appears to be a conflict
- 3412 between a mapped boundary and actual field conditions) the floodplain
- 3413 manager shall make the necessary interpretation. Any person contesting the
- 3414 location of the boundary shall be given a reasonable opportunity to appeal the
- 3415 interpretation as provided in this chapter.
- 3416 14. All records pertaining to the provisions of this chapter shall be maintained in
- 3417 the office of the floodplain manager and shall be open for public inspection.
- 3418 15. If a portion of the structure is located in a area of special flood hazard, the entire
- 3419 structure shall comply with the requirements of this ordinance.
- 3420 16. If a structure is located in multiple flood zones and/or BFEs, the entire structure
- 3421 shall comply with the most restrictive requirements of this ordinance.

3422 **Sub Article III: Provisions for Flood Hazard Reduction**

3423 **Section 16: General standards.**

- 3424 A. In all areas of special flood hazard the following provisions are required:
- 3425 1. New construction and substantial improvements of existing structures shall be
- 3426 anchored to prevent flotation, collapse or lateral movement of the structure;
- 3427 2. New construction and substantial improvements of existing structures shall be
- 3428 constructed with materials and utility equipment resistant to flood damage;
- 3429 3. New construction or substantial improvements of existing structures shall be
- 3430 constructed by methods and practices that minimize flood damage; according
- 3431 to principles of construction for coastal areas (FEMA 55) with no adverse impact
- 3432 upon the community;
- 3433 4. Elevated buildings. All new construction or substantial improvements of
- 3434 existing structures that include any fully enclosed area located below the lowest
- 3435 floor formed by foundation and other exterior walls shall be designed so as to
- 3436 be an unfinished or flood resistant enclosure. The enclosure shall be designed
- 3437 to equalize hydrostatic flood forces on exterior walls by allowing for the
- 3438 automatic entry and exit of floodwater (not applicable in coastal high hazard
- 3439 areas):
- 3440 a. Designs for complying with this requirement must either be certified by a
- 3441 professional engineer or architect or meet the following minimum criteria:
- 3442 i. Provide a minimum of two (2) openings having a total net area of not
- 3443 less than one (1) square inch for every one (1) square foot of enclosed
- 3444 area subject to flooding;

- 3445                   ii. The bottom of all openings shall be no higher than one (1) foot above  
3446                   grade; and
- 3447                   iii. Openings may be equipped with screens, louvers, valves or other  
3448                   coverings or devices provided they permit the automatic flow of  
3449                   floodwater in both directions.
- 3450                   b. So as not to violate the lowest floor criteria of this chapter, the unfinished  
3451                   or flood resistant enclosure shall only be used for parking of vehicles,  
3452                   limited storage of maintenance equipment used in connection with the  
3453                   premises, or entry to the elevated area; and
- 3454                   c. The interior portion of such enclosed area shall not be partitioned or  
3455                   finished into separate rooms;
- 3456                   5. All heating and air conditioning equipment and components (including  
3457                   ductwork), all electrical, ventilation, plumbing and other service facilities shall  
3458                   be elevated to one (1) foot above freeboard and designed and/or located so as  
3459                   to prevent water from entering or accumulating within the components during  
3460                   conditions of flooding;
- 3461                   6. Manufactured homes shall be anchored to prevent flotation, collapse or lateral  
3462                   movement. Methods of anchoring may include, but are not limited to, use of  
3463                   over-the-top or frame ties to ground anchors. This standard shall be in addition  
3464                   to and consistent with applicable state requirements for resisting wind forces;
- 3465                   7. New and replacement water supply systems shall be designed to minimize or  
3466                   eliminate infiltration of floodwaters into the system;
- 3467                   8. New and replacement sanitary sewage systems shall be designed to minimize  
3468                   or eliminate infiltration of floodwaters into the systems and discharges from  
3469                   the systems into floodwaters;
- 3470                   9. On-site waste disposal systems shall be located and constructed to avoid  
3471                   impairment to them or contamination from them during flooding; and
- 3472                   10. Any alteration, repair, reconstruction or improvement to a structure, which is  
3473                   not compliant with the provisions of this chapter, shall be undertaken only if  
3474                   the nonconformity is not furthered, extended or replaced.

3475                   **Section 17: Specific standards.**

- 3476                   A. In all areas of special flood hazard designated as A1—30, AE, AH and A (with  
3477                   estimated BFE) zones, the following provisions are required:
- 3478                   1. **New construction and/or substantial improvements.** Where base flood  
3479                   elevation data are available, new construction and/or substantial improvement  
3480                   of any structure or manufactured home shall have the lowest floor, including



3481 basement, elevated no lower than one (1) foot above the base flood elevation.  
 3482 Should solid foundation perimeter walls be used to elevate a structure,  
 3483 openings sufficient to facilitate the unimpeded movements of floodwaters shall  
 3484 be provided in accordance with standards of Section 16(A)4.a, elevated  
 3485 buildings. All heating and air conditioning equipment and components  
 3486 (including ductwork), all electrical, ventilation, plumbing and other service  
 3487 facilities shall be elevated, at or above, one (1) foot above the base flood  
 3488 elevation.

3489 2. The addition of fill shall not result in an increase in stormwater runoff volume  
 3490 or velocity on to neighboring properties. This must be certified by a licensed  
 3491 engineer in the drainage plan.

3492 3. **Nonresidential construction.** New construction and/or the substantial  
 3493 improvement of any structure located in A1—30, AE or AH zones, may be  
 3494 floodproofed in lieu of elevation. The structure, together with attendant utility  
 3495 and sanitary facilities, must be designed to be watertight to one (1) foot above  
 3496 the base flood elevation, with walls substantially impermeable to the passage  
 3497 of water, and structural components having the capability of resisting  
 3498 hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered  
 3499 professional engineer or architect shall certify that the design and methods of  
 3500 construction are in accordance with accepted standards of practice for meeting  
 3501 the provisions of this ordinance and shall provide such certification to the  
 3502 floodplain manager as set forth in this subsection and in Section 15(A)8.

3503 4. **Manufactured homes and recreational vehicles.** Standards for manufactured  
 3504 homes and recreational vehicles where base flood elevation data are available:

3505 a. All manufactured homes placed and/or substantially improved on:

3506 i. Individual lots or parcels;

3507 ii. In new and/or substantially improved manufactured home parks or  
 3508 subdivisions;

3509 iii. In expansions to existing manufactured home parks or subdivisions; or

3510 iv. On a site in an existing manufactured home parks or subdivision where  
 3511 a manufactured home has incurred substantial damage as the result of  
 3512 a flood; must have the lowest floor including basement, elevated no  
 3513 lower than one (1) foot above the base flood elevation.

3514 b. Manufactured homes placed and/or substantially improved in an either  
 3515 existing manufactured home park or subdivision may be elevated so that:

3516 i. The lowest floor of the manufactured home is elevated no lower than  
 3517 one (1) foot above the level of the base flood elevation; and

- 3518                   ii. The manufactured home chassis is elevated and supported by  
3519                   reinforced piers (or other foundation elements of at least an equivalent  
3520                   strength) of no less than 36 inches in height above grade, plus one foot.
- 3521                   c. All manufactured homes must be securely anchored to an adequately  
3522                   anchored foundation system to resist flotation, collapse and lateral  
3523                   movement. (Reference Section 16(A)6.)
- 3524                   d. All recreational vehicles placed on sites must be on the site for fewer than  
3525                   180 consecutive days; fully licensed and ready for highway use, (a  
3526                   recreational vehicle is ready for highway use if it is licensed, on its wheels  
3527                   or jacking system, attached to the site only by quick disconnect type utilities  
3528                   and security devices, and has no permanently attached structures or  
3529                   additions).
- 3530                   5. **Floodway.** Located within areas of special flood hazard established in Section 7,  
3531                   are areas designated as floodway. A floodway may be an extremely hazardous  
3532                   area due to velocity floodwaters, debris or erosion potential. In addition, the  
3533                   area must remain free of encroachment in order to allow for the discharge of  
3534                   the base flood without increased flood heights. Therefore, the following  
3535                   provisions shall apply:
- 3536                   a. Encroachments are prohibited, including earthen fill, new construction,  
3537                   substantial improvements or other development within the regulatory  
3538                   floodway. Development may be permitted however, provided it is  
3539                   demonstrated through hydrologic and hydraulic analyses performed in  
3540                   accordance with standard engineering practice that the encroachment shall  
3541                   not result in any increase in flood levels or floodway widths during a base  
3542                   flood discharge. A registered professional engineer must provide  
3543                   supporting technical data and certification thereof.
- 3544                   b. Only if subsection 5.a. of this section is satisfied, then any new construction  
3545                   or substantial improvement shall comply with all other applicable flood  
3546                   hazard reduction provisions of this article.

3547                   **Section 18: Building standards for streams without established base flood elevations**  
3548                   **and/or floodway (A zones).**

- 3549                   A. Located within the areas of special flood hazard established in Section 7, where  
3550                   streams exist but no base flood data have been provided (A zones), or where base  
3551                   flood data have been provided but a floodway has not been delineated, the  
3552                   following provisions apply:
- 3553                   1. When base flood elevation data or floodway data have not been provided, then  
3554                   the floodplain manager shall obtain, review, and reasonably utilize any scientific  
3555                   or historic base flood elevation and floodway data available from a federal,

3556 state or other source, in order to administer the provisions of this article. Only  
3557 if data are not available from these sources, then the provisions of subsections  
3558 (2) and (3) of this section shall apply.

3559 2. No encroachments, including structures or fill material, shall be located within  
3560 an area equal to the width of the stream or 25 feet, whichever is greater,  
3561 measured from the top of the stream bank, unless certification by a registered  
3562 professional engineer is provided demonstrating that such encroachment shall  
3563 not result in more than a one (1) foot increase in flood levels during the  
3564 occurrence of the base flood discharge.

3565 3. In special flood hazard areas without base flood elevation data, new  
3566 construction and substantial improvements of existing structures shall have the  
3567 lowest floor of the lowest enclosed area (including basement) elevated no less  
3568 than one (1) foot above the highest adjacent grade at the building site. (Note:  
3569 Require the lowest floor to be elevated one (1) foot above the estimated base  
3570 flood elevation in A zone areas where a limited detail study has been  
3571 completed.) Openings sufficient to facilitate the unimpeded movements of  
3572 floodwaters shall be provided in accordance with standards of Section 16(D),  
3573 elevated buildings. All heating and air conditioning equipment and components  
3574 (including ductwork), all electrical, ventilation, plumbing, and other service  
3575 facilities shall be elevated no less than one foot (1) above the highest adjacent  
3576 grade at the building site.

3577 B. The floodplain manager shall require certification of the lowest floor elevation level  
3578 and the record shall become a permanent part of the permit file.

3579 **Section 19: Standards for areas of special flood hazard (AE zones) with established base**  
3580 **flood elevations without designated floodways.**

3581 A. Located within the areas of special flood hazard established in Section 7, where  
3582 streams with base flood elevations are provided but no floodways have been  
3583 designated, (AE zones) the following provisions apply:

3584 1. No encroachments, including fill material, new structures or substantial  
3585 improvements shall be located within areas of special flood hazard, unless  
3586 certification by a registered professional engineer is provided demonstrating  
3587 that the cumulative effect of the proposed development, when combined with  
3588 all other existing and anticipated development, will not increase the water  
3589 surface elevation of the base flood more than one foot at any point within the  
3590 community. The engineering certification should be supported by technical  
3591 data that conforms to standard hydraulic engineering principles.

3592 2. New construction or substantial improvements of buildings shall be elevated or  
3593 floodproofed to elevations established in accordance with Section 16 and 17.

3594           **Section 20: Standards for areas of shallow flooding (AO zones).**

3595           A. Areas of special flood hazard established in Section 7, may include designated AO  
3596           zones, shallow flooding areas. These areas have base flood depths of one to three  
3597           feet above ground, with no clearly defined channel. The following provisions  
3598           apply:

3599           1. All new construction and substantial improvements of residential and  
3600           nonresidential structures shall have the lowest floor, including basement,  
3601           elevated to one (1) foot above the flood depth number specified on the flood  
3602           insurance rate map (FIRM), above the highest adjacent grade. If no flood depth  
3603           number is specified, the lowest floor, including basement, shall be elevated at  
3604           least one (1) foot above the highest adjacent grade. Openings sufficient to  
3605           facilitate the unimpeded movements of floodwaters shall be provided in  
3606           accordance with standards of Section 16(4), elevated buildings. The floodplain  
3607           manager shall require certification of the lowest floor elevation level and the  
3608           record shall become a permanent part of the permit file. The floodplain  
3609           manager shall certify the lowest floor elevation level and the record shall  
3610           become a permanent part of the permit file.

3611           2. New construction or the substantial improvement of a nonresidential structure  
3612           may be floodproofed in lieu of elevation. The structure, together with  
3613           attendant utility and sanitary facilities, must be designed to be watertight to  
3614           the specified FIRM flood level plus one (1) foot above highest adjacent grade,  
3615           with walls substantially impermeable to the passage of water, and structural  
3616           components having the capability of resisting hydrostatic and hydrodynamic  
3617           loads and the effect of buoyancy. A registered professional engineer or  
3618           architect shall certify that the design and methods of construction are in  
3619           accordance with accepted standards of practice for meeting the provisions in  
3620           this section and shall provide such certification to the official as set forth in this  
3621           subsection and as required in Section 14.

3622           3. Drainage paths shall be provided to guide floodwater around and away from  
3623           any proposed structure.

3624           **Section 21: Coastal high hazard areas (V zones).**

3625           A. Located within the areas of special flood hazard established in Section 7, are areas  
3626           designated as coastal high hazard areas (V zones). These areas have special flood  
3627           hazards associated with wave action and storm surge; therefore, the following  
3628           provisions shall apply:

3629           1. All new construction and substantial improvements of existing structures shall  
3630           be located 200 feet landward of the reach of mean-high tide;

3631           2. All new construction and substantial improvements of existing structures shall

3632 be elevated on piles, columns, or shear walls parallel to the flow of water so  
3633 that the bottom of the lowest supporting horizontal structural member  
3634 (excluding pilings or columns) is located no lower than one (1) foot above the  
3635 base flood elevation level. All space below the lowest supporting member shall  
3636 remain free of obstruction or constructed with non-supporting breakaway  
3637 walls. Open wood lattice work or decorative screening may be permitted for  
3638 aesthetic purposes only and must be designed to wash away in the event of  
3639 abnormal wave action and in accordance with subsection (6) of this section;

3640 3. All new construction and substantial improvements of existing structures shall  
3641 be securely anchored on pilings, columns or shear walls;

3642 4. All pile and column foundations and the structures attached thereto shall be  
3643 anchored to resist flotation, collapse, and lateral movement due to the  
3644 combined effects of wind and water loads acting simultaneously on all building  
3645 components, both (nonstructural and structural). Water-loading values shall  
3646 equal or exceed those of the base flood. Wind loading values shall be in  
3647 accordance with the technical codes adopted by the Authority;

3648 5. A registered professional engineer or architect shall certify, utilizing a V Zone  
3649 Certificate and Elevation Certificate, that the design, specifications and plans  
3650 for construction are in compliance with the provisions contained in this Section;

3651 6. All space below the lowest horizontal supporting member must remain free of  
3652 obstruction. Open wood lattice work or decorative screening may be permitted  
3653 for aesthetic purposes only and must be designed to wash away in the event of  
3654 abnormal wave action without causing structural damage to the supporting  
3655 foundation or elevated portion of the structure. The following design  
3656 specifications are allowed:

3657 a. No solid walls shall be allowed;

3658 b. Material shall consist of open wood lattice or mesh screening only; and

3659 c. If aesthetic open wood lattice work or screening is utilized, any enclosed  
3660 space shall not be used for human habitation, but shall be designed to be  
3661 used only for parking of vehicles, building access, or limited storage of  
3662 maintenance equipment used in connection with the premises.

3663 d. The enclosure must not exceed 299 square feet.

3664 7. Prior to construction, plans for any structures having open wood latticework or  
3665 decorative screening must be submitted to the authority board for approval;

3666 8. Any alteration, repair, reconstruction or improvement to any structure shall not  
3667 enclose the space below the lowest floor except with open wood latticework  
3668 or decorative screening, as provided in this section;

- 3669 9. There shall be no fill used as structural support. Noncompacted fill may be used  
3670 around the perimeter of a building for landscaping/aesthetic purposes  
3671 provided the fill will wash out from storm surge, (thereby rendering the building  
3672 free of obstruction) prior to generating excessive loading forces, ramping  
3673 effects, or wave deflection. The authority landscape superintendent shall  
3674 approve design plans for landscaping/aesthetic fill only after the applicant has  
3675 provided an analysis by an engineer, architect and/or soil scientist, which  
3676 demonstrates that the following factors have been fully considered:
- 3677 a. Particle composition of fill material does not have a tendency for excessive  
3678 natural compaction;
- 3679 b. Volume and distribution of fill will not cause wave defection to adjacent  
3680 properties; and
- 3681 c. Slope of fill will not cause wave run-up or ramping;
- 3682 10. There shall be no alteration of sand dunes or vegetated wetlands, which would  
3683 increase potential flood damage; and
- 3684 11. Prohibit the placement of manufactured homes (mobile homes), except in an  
3685 existing manufactured homes park or subdivision. A replacement  
3686 manufactured home may be placed on a lot in an existing manufactured home  
3687 park or subdivision provided the anchoring standards of Section 17(a)4 are met.

3688 **Section 22: Standards for subdivisions.**

- 3689 A. Standards for subdivisions are as follows:
- 3690 1. All subdivision and/or development proposals shall be consistent with the need  
3691 to minimize flood damage;
- 3692 2. All subdivision and/or development proposals shall have public utilities and  
3693 facilities such as sewer, gas, electrical and water systems located and  
3694 constructed to minimize flood damage;
- 3695 3. All subdivision and/or development proposals shall have adequate drainage  
3696 provided to reduce exposure to flood hazards; and
- 3697 3. For subdivisions and/or developments, base flood elevation data shall be  
3698 provided for subdivision and all other proposed development, including  
3699 manufactured home parks and subdivisions.
- 3700 4. New construction or substantial improvements of buildings located in  
3701 subdivisions shall be elevated or floodproofed in accordance with Section 16  
3702 and 17.
- 3703 B. Any changes or revisions to the flood data adopted herein and shown on the FIRM  
3704 shall be submitted to FEMA for review as a conditional letter of map revision

3705 (CLOMR) or conditional letter of map amendment (CLOMA), whichever is  
3706 applicable. Upon completion of the project, the developer is responsible for  
3707 submitting the as-built data to FEMA in order to obtain the final LOMR.

3708 **Section 23: Standards for critical facilities.**

- 3709 A. Critical facilities shall not be located in the 100-year or 500-year floodplains,  
3710 whenever practicable.
- 3711 B. Tide levels shall be considered when planning for new construction or substantial  
3712 improvement of critical facilities.
- 3713 C. At minimum, new construction or substantial improvement of critical facilities shall  
3714 be elevated or floodproofed in accordance with Section 16 and 17.
- 3715 D. Hazardous materials shall not be stored in the area of special flood hazard. The  
3716 following materials are prohibited in the area of special flood hazard: Acetone,  
3717 ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine,  
3718 hydrochloric acid, prussic, magnesium, nitric acid, oxides of nitrogen, phosphorus,  
3719 potassium, sodium, and sulfur.

3720 **Sub Article IV: Variances**

3721 **Section 24: Procedures.**

- 3722 A. The Authority board shall hear and decide requests for appeals or variance from  
3723 the requirements of this chapter.
- 3724 B. The board shall hear and decide appeals when it is alleged an error in any  
3725 requirement, decision, or determination is made by the floodplain manager in the  
3726 enforcement or administration of this ordinance
- 3727 C. Any person aggrieved by the decision of the authority board may appeal such  
3728 decision to the Superior Court as provided in the Official Code of Georgia  
3729 Annotated (O.C.G.A.).
- 3730 D. Any applicant to whom a variance is granted shall be given written notice specifying  
3731 the difference between the base flood elevation and the elevation of the proposed  
3732 lowest floor and stating that the cost of flood insurance will be commensurate with  
3733 the increased risk to life and property resulting from the reduced lowest floor  
3734 elevation.
- 3735 E. In reviewing such requests, the authority board shall consider all technical  
3736 evaluations, relevant factors, and all standards specified in this and other sections  
3737 of this chapter.
- 3738 F. Upon consideration of the factors listed in this section and the purposes of this  
3739 chapter, the authority board may attach such conditions to the granting of  
3740 variances as it deems necessary to further the purposes of this chapter.

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- G. Any person aggrieved by the decision of the authority board may appeal such decision to Superior Court as provided in the Official Code of Georgia Annotated (O.C.G.A.).
- H. The floodplain manager shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- I. Upon consideration of the factors listed above and the purposes of this ordinance, the Authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

**Section 25: Conditions for Variances**

- A. The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. A variance shall be issued only when there is:
  - 1. A finding of good and sufficient cause;
  - 2. A determination that failure to grant the variance would result in exceptional hardship;
  - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- B. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- C. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Article III: Stormwater Management**  
Division I: General Provisions



**Section 1: Purpose.**

- A. The purpose of this article is to establish:
  - 1. this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation; and
  - 2. minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction.
- B. This article seeks to meet those purposes through regulation of activities that can improve and maintain those water resources that lie within Jekyll Island.

**Section 2: Findings of fact**

- A. It is hereby determined that:
  - 1. Land development projects and associated changes in the landscape alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;
  - 2. This stormwater runoff contributes to increased quantities of water-borne pollutants;
  - 3. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from existing and future development sites; and
  - 4. The regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

**Section 3: Compatibility with other permit and ordinance requirements.**

- A. This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law.
- B. The requirements of this ordinance should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

**Section 4: Responsibility for administration.**

- A. Unless otherwise stated, the Executive Director of the Authority or their designee shall administer, implement, and enforce the provisions of this article.

3811 B. Any powers granted or duties imposed upon the Executive Director of the Authority  
3812 or their designee may be delegated in writing to persons or entities acting in the  
3813 beneficial interest of or in the employ of the Authority.

3814 **Section 5: Ultimate responsibility.**

3815 A. The standards set forth herein and promulgated pursuant to this article unless  
3816 otherwise noted are minimum standards; therefore, this ordinance does not intend  
3817 nor imply that compliance by any person will ensure that there will be no  
3818 contamination, pollution, nor unauthorized discharge of pollutants.

3819 **Section 6: Definitions.**

3820 A. The following definitions shall apply in the interpretation and enforcement of this  
3821 article, unless otherwise specifically stated:

- 3822 1. *Authority*. Jekyll Island Authority, its Board of Directors and staff.
- 3823 2. *As-built drawings*. Amended site plans specifying the locations, dimensions,  
3824 elevations, capacities and operational capabilities of road and drainage  
3825 structures and facilities as they have been constructed.
- 3826 3. *Best management practices (BMPs)*. Structural devices to store or treat  
3827 stormwater runoff or non- structural programs or practices both of which are  
3828 designed to prevent or reduce the pollution of the waters of the State of  
3829 Georgia and provide other amenities.
- 3830 4. *Buffer*. An area along the course of any state waters to be maintained in an  
3831 undisturbed and natural condition.
- 3832 5. *Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management*  
3833 *Manual (GSMM)*. The latest edition of all volumes of the CSS, a technical design  
3834 supplement to the GSMM that was developed for coastal Georgia. The CSS  
3835 addresses stormwater management practices and BMPs that are specific and  
3836 applicable to coastal stormwater quantity and quality issues.
- 3837 6. *Construction*. Any alteration of land for the purpose of achieving its  
3838 development of changing use, including particularly any preparation for,  
3839 building of, or erection of a structure.
- 3840 7. *Cut*. A portion of land surface or area from which earth has been removed or  
3841 will be removed by excavation; the depth below original ground surface to  
3842 excavated surface. Also known as excavation.
- 3843 8. *Design Review Group*. The Jekyll Island Design Review Group is established to  
3844 review all proposed projects on Jekyll Island. In its review process, the group  
3845 may at its discretion solicit additional technical assistance from other  
3846 governmental agencies and or consultants for help in the review of each  
3847 project.
- 3848 9. *Design storm*. The rainfall event of such size and frequency as described in the  
3849 Georgia Stormwater Management Manual or Glynn County local design

3850 manual, which is used for the design of stormwater facilities.

3851 10. *Developer*. Any person who acts in his own behalf or as the agent of any lessee

3852 and engages in alteration of land or vegetation in preparation for construction

3853 activity.

3854 11. *Development*. Any action in preparation for construction activities which result

3855 in alteration of either land or vegetation other than such minor land disturbing

3856 activities as home gardens and individual home landscaping repairs or

3857 maintenance work which result in minor soil disturbance.

3858 12. *Discharge*. A general term applied to the removal of surface or subsurface water

3859 from a given area either by gravity or by pumping, commonly applied herein to

3860 surface water.

3861 13. *Drainage*. A general term applied to the removal of surface or subsurface water

3862 from a given area either by gravity or by pumping, commonly applied herein to

3863 surface water.

3864 14. *Drainage structure*. Any stormwater conveyance structure as defined below,

3865 and any piping or ditching for stormwater management purposes.

3866 15. *Drainage system*. The surface and subsurface system for the removal of water

3867 from the land, including both the natural elements of streams, marshes, and

3868 ponds, whether of an intermittent or continuous nature, and the manmade

3869 element which includes culverts, ditches, channels, retention facilities and the

3870 storm sewer system.

3871 16. *Erosion*. The process by which land surface is worn away by the action of wind,

3872 water, ice or gravity.

3873 17. *Fill*. A portion of land surface to which soil or other solid material has been

3874 added; the depth above the original ground.

3875 18. *Flood*. A temporary rise in the level of rivers, streams, lakes, marshes,

3876 groundwater, and ocean, which results in inundation of areas not ordinarily

3877 covered by water.

3878 19. *Floodplain*. Any land area susceptible to being inundated by flood waters from

3879 any source.

3880 20. *Georgia Stormwater Management Manual (GSMM)*. The latest edition of all

3881 volumes of the GSMM, a technical guidance document governing stormwater

3882 management design, construction and long-term maintenance activities in

3883 Georgia.

3884 21. *Grading*. Altering ground surfaces to specified elevations, dimensions, and/or

3885 slopes; this includes stripping, cutting, filling, stockpiling and shaping or any

3886 combination thereof and shall include the land in its cut or filled condition.

3887 22. *Hazardous materials*. Any material, including any substance, waste, or

3888 combination thereof, which because of its quantity, concentration, or physical,

3889 chemical, or infectious characteristics may cause, or significantly contribute to,

3890 a substantial present or potential hazard to human health, safety, property, or

- the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
23. *Hotspot*. An area where the land use or activities generate or have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
24. *Illicit discharge*. Any discharge as defined in 40 CFR Part 122.26(b)(2) to a stormwater drainage system that is not entirely composed of stormwater, except those discharges authorized under a NPDES permit (other than the NPDES permit for discharges from the stormwater drainage system) and discharges resulting from firefighting activities.
25. *Illicit connections*. Any manmade conveyance connecting a discharge directly to a stormwater drainage system.
26. *Impervious surface*. A manmade structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Structures or surfaces which are constructed so as to only minimally affect the infiltration of stormwater are not considered impervious surfaces.
27. *Infiltration*. The process of percolating stormwater runoff into the underlying native soils.
28. *Land disturbing activity*. Any activity which results in changes in the volume or flow rates of rainfall runoff, soil erosion from water or wind; or the movement of sediments into state waters or onto land within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land.
29. *Live retention*. That quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.
30. *Lot*. A tract, portion or parcel of land separated from other tracts, portions or parcels by description on a subdivision plat of record or survey map or described by metes and bounds, and intended to be used to facilitate transfer of ownership or for building development. For the purposes of this chapter, the term does not include any portion of a dedicated right-of-way.
31. *Maintenance of stormwater facility*. Preserving the enclosing walls or impounding embankment of the retention facility in good condition; ensuring structural soundness, functional adequacy and freedom from sediment; and rectifying any unforeseen erosion problems.
32. *Separate storm sewer system (stormwater drainage system)*. A conveyance or system of conveyances including roads with public drainage systems, streets, catch basins, curbs, gutters, ditches, swales, manmade channels or storm drains, owned or operated by the Authority, designed or used for collecting or conveying storm water runoff and is not a combined sewer or part of a publicly owned treatment works.
33. *National pollutant discharge elimination system (NPDES) stormwater discharge*

- 3932                    *permit*. A permit issued by the U.S. Environmental Protection Agency (or by the  
3933                    State of Georgia under authority delegated pursuant to 33 USC § 1342(b) that  
3934                    authorizes the discharge of pollutants to waters of the United States, whether  
3935                    the permit is applicable on an individual, group, or general area-wide basis.
- 3936                    34. *Natural ground surface*. The ground surface in its original state before any  
3937                    grading, excavation or filling.
- 3938                    35. *Nephelometric turbidity units (NTU)*. Numerical units of measure based upon  
3939                    photometric analytical techniques for measuring the light scattered by finely  
3940                    divided particles of a substance in suspension. This technique is used to  
3941                    estimate the extent of turbidity in water in which colloiddally dispersed particles  
3942                    are present.
- 3943                    36. *Non-stormwater discharge*. Any discharge to the storm drain system that is not  
3944                    composed entirely of stormwater.
- 3945                    37. *Permit*. The authorization necessary to conduct a land-disturbing activity under  
3946                    the provisions of this article.
- 3947                    38. *Person*. Any individual, partnership, firm, association, joint venture, public or  
3948                    private corporation, trust, estate, commission, board, public or private  
3949                    institution, utility, cooperative, state agency, municipality, or other political  
3950                    subdivision of this state, any interstate body or any other legal entity.
- 3951                    39. *Pollution*. The contamination or other significant alteration of any water's  
3952                    physical, chemical or biological properties, including, but not limited to, a  
3953                    change in temperature, taste, color, turbidity, or odor of such waters or the  
3954                    discharge of any liquid, gaseous, solid, radioactive, or other substance into any  
3955                    such waters as will or is likely to render such waters harmful, detrimental or  
3956                    injurious to the public health, safety or welfare or to domestic, commercial,  
3957                    industrial, agricultural, recreational, or other legitimate beneficial uses, or to  
3958                    livestock, wild animals, birds, fish or other aquatic life.
- 3959                    40. *Pollutant*. Any impurity or waste material that degrades the physical, chemical,  
3960                    biological or radiological integrity of surface or subsurface waters.
- 3961                    41. *Pretreatment*. The onsite reduction of the amount of pollutants, the elimination  
3962                    of pollutants, or the alteration of the nature of pollutant properties in  
3963                    stormwater prior to or in lieu of discharging or otherwise introducing such  
3964                    pollutants into the publicly owned drainage system.
- 3965                    42. *Project*. The entire proposed development project regardless of the size of the  
3966                    area of land to be disturbed.
- 3967                    43. *Redevelopment*. A land development project on a previously developed site,  
3968                    but excludes ordinance maintenance activities, remodeling of existing  
3969                    buildings, resurfacing of paved areas, and exterior changes or improvements  
3970                    which do not materially increase or concentrate stormwater runoff, or cause  
3971                    additional nonpoint source pollution.
- 3972                    44. *Right-of-way*. "Right-of-way" shall mean a strip or parcel of land occupied by or

3973 intended to be occupied by a street, crosswalk, pedestrian path, cart path,  
 3974 utility system, water main, sanitary sewer or storm drain sewer main, drainage  
 3975 ditches and watercourses or any other valid public use. The usage of the term  
 3976 "right-of-way" for land platting purposes shall mean that every right-of-way  
 3977 hereafter established and shown on a record or final plat is to be separate and  
 3978 distinct from the lots or parcels adjoining such right-of-way, and not included  
 3979 within the dimensions or areas of such other lots or parcels. Rights-of-way  
 3980 intended for streets, crosswalks, water mains, sanitary sewers, storm drains or  
 3981 other use involving maintenance by a public [agency, shall be dedicated or  
 3982 deeded to public] use by the maker of the plat on which such right-of-way is  
 3983 established.  
 3984 45. *Sediment*. Solid material, both organic and inorganic, that is in suspension, is  
 3985 being transported, or has been moved from its site of origin by air, water, ice,  
 3986 or gravity as a product of erosion.  
 3987 46. *Sedimentation*. The action or process of forming or depositing sediment.  
 3988 47. *Stormwater*. Any surface flow, runoff, and drainage consisting entirely of water  
 3989 from any form of natural precipitation, and resulting from such precipitation  
 3990 48. *Stormwater facility*. A facility which provides for storage of stormwater runoff  
 3991 and controlled release of this runoff during and after a flood storm.  
 3992 49. *Stormwater runoff*. The portion of a precipitation on the land which reaches the  
 3993 drainage system.  
 3994 50. *Stream*. Natural, running water flowing continuously or intermittently in a  
 3995 channel on or below the surface of the ground.  
 3996 51. *Structure*. Anything constructed or erected, the use of which requires a location  
 3997 on the ground, or attached to something having a location on the ground,  
 3998 including, but not limited to, tennis courts, fences, swimming pools, and  
 3999 buildings.  
 4000 52. *Subdivision*. Subdivision includes all divisions of a tract or parcel of land into two  
 4001 or more lots, building sites, or other divisions for the purposes, whether  
 4002 immediate or future, of sale, gift, or building development and includes all  
 4003 divisions or development of land involving a new street or a change in an  
 4004 existing street. It shall also include re-subdivision, the process of subdividing  
 4005 and the land or area subdivided; provided, however, divisions of land into  
 4006 parcels of five acres or more where no new street is involved are not included  
 4007 in this definition.  
 4008 53. *Watercourse*. Any natural or man-made conveyance channel, stream, river,  
 4009 creek, channel, ditch, swale, canal, conduit, culvert, drain, waterway, gully,  
 4010 ravine, or wash in which stormwater flows either continuously or intermittently  
 4011 and which has a definite channel, bed and banks, and including any areas  
 4012 adjacent thereto subject to inundation by reason of overflow or floodwater.

**Section 7: Severability.**

- A. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

**Division II: Illicit Discharge Prohibition**

**Section 8: Purpose.**

- A. The purpose of this division is to provide for the health, safety, and general welfare of the residents and visitors of Jekyll Island through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable. The objectives of this division are:
1. To regulate the contribution of pollutants to the stormwater drainage system by stormwater discharges by any user.
  2. To prohibit illicit connections and discharges to the stormwater drainage system
  3. To establish legal authority to carry out all inspection; surveillance and monitoring; and enforcement procedures as necessary to ensure compliance with this article.

**Section 9: Applicability.**

- A. This division shall apply to all non-stormwater discharges entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by the Authority.

**Section 10: Prohibition of illegal discharges.**

- A. No person shall discharge or cause to be discharged into the stormwater drainage system or any watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- B. The commencement, conduct or continuance of any non-stormwater discharge to the storm drain system is prohibited except as described as follows:
1. The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.

2. Discharges specified in writing by the Georgia Department of Natural Resources, Environmental Protection Division, as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge but requires a verbal notification to the Authority prior to the time of the test followed by written notice within ten days of the test.
4. Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that approval has been granted for any discharge to the storm drain system.
5. Any stormwater discharge regulated under an NPDES stormwater discharge permit for industrial activities provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be required in a form acceptable to the Executive Director or their designee prior to the allowing of discharges to the stormwater drainage system.
6. Any stormwater discharge regulated under an NPDES stormwater discharge permit for construction activities or other local land disturbance permit provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be required in a form acceptable to the Executive Director or their designee prior to the allowing of discharges to the stormwater drainage system.

#### **Section 11: Prohibition of illicit connections.**

- A. The construction, use, maintenance or continued existence of illicit connections to the stormwater drainage system or watercourses is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this article if a person connects a line conveying any material to the stormwater drainage system, allows such a connection to continue without a permit from the Authority, or alters the existing flow of any watercourse.

#### **Section 12: Suspension due to illicit discharges in emergency situations.**

- A. The Authority may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened illicit discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system, or waters of the United States.



- 4090 B. If the violator fails to comply with a suspension order issued in an emergency, the  
4091 Executive Director or their designee may take such steps as deemed necessary to  
4092 prevent or minimize damage to the drainage system or waters of the State of  
4093 Georgia or of the United States, or to minimize danger to persons.

4094 **Section 13: Suspension due to the detection of illicit discharge.**

- 4095 A. Any person discharging to the stormwater drainage system or watercourses in  
4096 violation of this article may have their stormwater drainage system access  
4097 terminated if such termination would abate or reduce an illicit discharge.
- 4098 B. The Authority will notify a violator of the proposed termination of its stormwater  
4099 drainage system access.
- 4100 C. A person commits an offense if the person reinstates stormwater drainage system  
4101 access to premises terminated pursuant to this section, without the prior approval  
4102 of the Authority's designated representative.

4103 **Section 14: Access to facilities.**

- 4104 A. This section applies to all facilities that have stormwater discharges associated with  
4105 industrial activity, including construction activity.
- 4106 1. The Authority's designated representatives shall be permitted to enter and  
4107 inspect facilities subject to regulation under this article as often as may be  
4108 necessary to determine compliance with this article. If a discharger has security  
4109 measures in force, which require proper identification and clearance before  
4110 entry into its premises, the discharger shall make the necessary arrangements  
4111 to allow access to representatives of the Authority.
- 4112 2. Facility operators shall allow Authority personnel ready access to all parts of the  
4113 premises for the purposes of inspection, sampling, examination and copying of  
4114 records that must be kept under the conditions of an NPDES permit to  
4115 discharge stormwater, and the performance of any additional duties as defined  
4116 by state and federal law.
- 4117 3. The Authority's designated representatives shall have the right to set up on any  
4118 permitted facility such devices as are necessary in the opinion of the Executive  
4119 Director or their designee to conduct monitoring and/or sampling of the  
4120 facility's stormwater discharge.
- 4121 4. The Authority's designated representatives have the right to require the  
4122 discharger to install monitoring equipment as necessary. The facility's sampling  
4123 and monitoring equipment shall be maintained at all times in a safe and proper  
4124 operating condition by the discharger at its own expense. All devices used to  
4125 measure stormwater flow and quality shall be calibrated to ensure their  
4126 accuracy.
- 4127 5. Any temporary or permanent obstruction to safe and easy access to the facility  
4128 to be inspected and/or sampled shall be promptly removed by the operator at

the written or oral request of the Executive Director or their designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing The Authority's designated representatives access to a permitted facility are a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits a violation if the person denies Authority personnel reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

7. If Authority personnel are refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Executive Director or their designee may seek issuance of a search warrant from any court of competent jurisdiction.

#### **Section 15: Specification of best management practices (BMPs)**

A. The Authority may adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the stormwater drainage system or watercourses, or waters of the United States.

#### **Section 16: Pollution prevention in new facilities.**

A. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the stormwater drainage system or watercourses through the use of these structural and non-structural BMPs.

#### **Section 17: Pollution prevention in existing facilities.**

A. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non- structural BMPs to prevent the further discharge of pollutants to the stormwater drainage system or watercourses.

#### **Section 18: Discharge permits from regulatory agencies other than the Authority.**

A. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this article.

B. BMPs designated for compliance with the NPDES permit or BMPs implemented as

a result of action taken in compliance of this article shall be included in a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

**Section 19: Watercourse protection.**

- A. Every person or persons leasing property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
- B. In addition, the lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- C. Those persons leasing property on either side (abutting) of a watercourse, are responsible from their property line to the center of the watercourse and are subject to the same rules and regulations applicable to those persons having a watercourse flow through their leased property.

**Section 20: Notification of spills.**

- A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the stormwater drainage system or watercourses, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- B. In the event of a release of non-hazardous materials, said person shall notify the Authority in person, by phone, facsimile or email no later than the next business day.
- C. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authority within three business days of the verbal notice.
- D. The notification of the discharge of materials to the Authority shall be in addition to notification of other applicable agencies, regional, state and federal authorities.
- E. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

**Section 21: Enforcement.**

- A. Whenever the Authority's designated representative finds that a person has

4206 violated a prohibition or failed to meet a requirement of this article, the Authority's  
4207 designated representative may order compliance by written notice of violation to  
4208 the responsible person. Such notice may require without limitation:

- 4209 1. The performance of monitoring, analyses, and reporting;
- 4210 2. The elimination of illicit connections or discharges;
- 4211 3. That violating discharges, practices, or operations shall cease and desist;
- 4212 4. The abatement or remediation of stormwater pollution or contamination
- 4213 hazards and the restoration of any affected property;
- 4214 5. Payment of a fee to cover administrative and remediation costs; and
- 4215 6. The implementation of source control or treatment BMPs.

4216 B. If abatement of a violation and/or restoration of affected property is required, the  
4217 notice shall set forth a deadline within which such remediation or restoration must  
4218 be completed. Said notice shall further advise that, should the violator fail to  
4219 remediate or restore within the established deadline, the work may be done by a  
4220 designated governmental agency or a contractor and the expense thereof shall be  
4221 charged to the violator.

4222 C. Any person receiving a notice of violation may appeal the determination of the  
4223 Authority's designated representative. The notice of appeal must be received  
4224 within ten days from the date of the notice of violation. Hearing on the appeal  
4225 before the Executive Director of the Jekyll Island Authority shall take place within  
4226 15 days from the date of receipt of the notice of appeal. The decision of the  
4227 Executive Director shall be final.

4228 D. If the violation has not been corrected pursuant to the requirements set forth in  
4229 the notice of violation, or, in the event of an appeal, within ten days of the decision  
4230 of the Executive Director upholding the decision of the Authority's designated  
4231 representatives, then representatives of the Authority shall enter upon the subject  
4232 lease and are authorized to take any and all measures necessary to abate the  
4233 violation and/or restore the property. It shall be unlawful for any person, owner,  
4234 agent or person in possession of any premises to refuse to allow Authority  
4235 personnel or designated contractor to enter upon the premises for the purposes  
4236 set forth above.

4237 E. Within thirty (30) days after abatement of the violation by the Authority, the  
4238 responsible person will be notified of the cost of abatement, including  
4239 administrative costs. The responsible person may file a written protest objecting to  
4240 the amount of the assessment within thirty (30) days. If the amount due is not paid  
4241 within a timely manner as determined by the decision of the reviewing authority or  
4242 by the expiration of the time in which to file an appeal, the charges shall become a  
4243 special assessment against the property and shall be charged to the leaseholder in

a manner available and convenient to the Authority.

- F. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the Authority's designated representatives may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- G. In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the Authority may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- H. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- I. Any person that has violated or continues to violate this article shall be liable to criminal prosecution to the fullest extent of the law ; each day a violation continues shall constitute a separate offense. The Authority may recover all attorneys' fees court costs and other expenses associated with enforcement of this article, including abatement, sampling and monitoring expenses.
- J. The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

### **Division III. – Post Construction Stormwater Runoff**

#### **Section 22: Purpose.**

- A. The purpose of this division is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This article seeks to meet that purpose through the following objectives:
  - 1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, and streambank erosion and maintain the integrity of stream and drainage channels;
  - 2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
  - 3. Minimize the total annual volume of surface water runoff which flows from

4282 any specific site during and following development to not exceed the pre-  
4283 development hydrologic regime to the maximum extent practicable; and  
4284 4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint  
4285 source pollution, wherever possible, through stormwater management  
4286 controls and to ensure that these management controls are properly  
4287 maintained and pose no threat to public safety.

4288 **Section 23: Applicability.**

4289 A. This article shall be applicable to all subdivision or site plan applications, unless  
4290 eligible for an exemption or granted a waiver by the Executive Director or their  
4291 designee. This article also applies to land development activities that are smaller  
4292 than the minimum applicability criteria if such activities are part of a larger common  
4293 plan of development that meets the following applicability criteria, even though  
4294 multiple separate and distinct land development activities may take place at  
4295 different times on different schedules.

- 4296 1. New development that involves the creation of 5,000 square feet or more of  
4297 impervious cover, or that disturbs one acre or more of land;  
4298 2. Redevelopment that includes the creation, addition or replacement of 5,000  
4299 square feet or more of impervious cover, or that involves other land  
4300 development activity of one acre or more;  
4301 3. Any new development or redevelopment, regardless of size, that is defined by  
4302 the Authority to be a hotspot land use; or,  
4303 4. Land development activities that are smaller than the minimum applicability  
4304 criteria set forth in items 1 and 2 above if such activities are part of a larger  
4305 common plan of development, even though multiple, separate and distinct land  
4306 development activities may take place at different times on different schedules.

4307 **Section 24: Exempt activities.**

- 4308 A. The following activities are exempt from this article:  
4309 1. Individual single-family or duplex residential lots that are not part of a  
4310 subdivision or phased development project;  
4311 2. Additions or modifications to existing single-family or duplex residential  
4312 structures;  
4313 3. Land management activities as approved by the Authority; and,  
4314 4. Repairs to any stormwater management facility or practice deemed necessary  
4315 by the Authority

**Section 25: Stormwater design manual.**

- A. The Authority will utilize the information presented in the latest edition of the Georgia Stormwater Management Manual (GSMM), the Coastal Stormwater Supplement (CSS), and the Glynn County Local Design Manual to assist the implementation of this ordinance.
- B. The Authority may also furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this chapter and may provide such information in the form of a Jekyll Island Local Stormwater Design Manual (LDM). If such a LDM is developed, the requirements outlined within the LDM shall take precedence.

**Section 26: Permit required.**

- A. No lessee or land operator shall receive a Land Disturbance Activity Permit or a Building Permit from Glynn County, without first meeting the requirements of this article, and receiving approval by the Design Review Group (DRG), prior to commencing the proposed activity.

**Section 27: Application requirements.**

- A. Unless specifically excluded by this article, any landowner or operator desiring a Permit for a Land Disturbance Activity from Glynn County shall first submit to the Authority the stormwater management plan as outlined in Section X for approval by the DRG.
- B. Unless otherwise excepted by this article, the stormwater management plan must include the minimum requirements as defined in this article or local stormwater design manual in order for the stormwater management plan to be considered for approval by the DRG.

**Section 28: Application review fees.**

- A. The Authority may require the submittal of a review fee for review of the stormwater management plan.
- B. This review fee shall be based on the cost to the Authority to review plans, and the fee structure shall be established by the Authority.
- C. All of the monetary contributions shall be made prior to the issuance of any building permit for the development.

**Section 29: Stormwater management plan required for all developments.**

- A. No application for development will be approved by the DRG unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

- B. The stormwater management plan(s) may be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE). No development related permits shall be issued by Glynn County until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the DRG after determining that the plan or waiver is consistent with the requirements of this article.
1. Permit Application Requirements. Unless otherwise exempted by this ordinance, the following items shall accompany a permit application: (1) Stormwater management concept plan; (2) Record of a consultation meeting; (3) Stormwater management design plan; (4) Stormwater management system inspection and maintenance agreement and plan; (5) Permit application and plan review fees; and, (6) Performance bond.
  2. Stormwater Management Concept Plan. Prior to the preparation and submittal of a stormwater management design plan, the applicant or developer shall submit to the Authority for review and approval by the DRG, a stormwater management concept plan illustrating the layout of the proposed development project and showing, in general, how post-construction stormwater runoff will be managed on the development site. The stormwater management concept plan shall include the following information:
    - a. *Project Narrative*: The project narrative shall include a vicinity map, the common address of the development site and a legal description of the development site.
    - b. *Site Fingerprint*: The site fingerprint shall identify and map the natural resources found on the development site, as they exist prior to the start of any land disturbing activities.
    - c. *Existing Conditions Map*: The existing conditions map shall include all of the information shown on the site fingerprint and shall illustrate:
      - i. Existing roads, buildings, parking areas and other impervious surfaces;
      - ii. Existing utilities (e.g., water, sewer, gas, electric) and utility easements;
      - iii. Existing primary and secondary conservation areas;
      - iv. Existing low impact development and stormwater management practices;
      - v. Existing storm drain infrastructure (e.g., inlets, manholes, storm drains); and,
      - vi. Existing channel modifications (e.g., bridge or culvert installations).



- d. *Proposed Conditions Map*: The proposed conditions map shall illustrate:
- i. Proposed topography (minimum one-foot contours recommended);
  - ii. Proposed drainage divides and patterns;
  - iii. Proposed roads, buildings, parking areas and other impervious surfaces;
  - iv. Proposed utilities (e.g., water, sewer, gas, electric) and utility easements;
  - v. Proposed limits of clearing and grading;
  - vi. Proposed primary and secondary conservation areas;
  - vii. Proposed low impact development and stormwater management practices;
  - viii. Proposed storm drain infrastructure (e.g., inlets, manholes, storm drains); and,
  - ix. Proposed channel modifications (e.g., bridge or culvert installations).
- e. *Post-Construction Stormwater Management System Narrative*: The post-construction stormwater management system narrative shall include information about how postconstruction stormwater runoff will be managed on the development site, including a list of the low impact development and stormwater management practices that will be used. It shall also include calculations showing how initial estimates of the postconstruction stormwater management criteria that apply to the development project were obtained, including information about the existing and proposed conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics).
- f. *Green Infrastructure Practices* Green infrastructure practices (i.e., better site planning techniques, better site design techniques, low impact development practices) shall be used to the maximum extent practicable during the creation of a stormwater management concept plan. Green infrastructure practices include, but are not limited to, pervious paving, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building footprints, soil restoration, site reforestation/ revegetation, infiltration practices, green roofs, cisterns, vegetated filter strips and bioswales or rain gardens.
3. Consultation Meeting. All applicants are encouraged to hold a consultation meeting with the Authority to discuss the proposed development project, the stormwater management concept plan and the approach that was used to

4425 satisfy the post-construction stormwater management and site planning and  
4426 design criteria that apply to the development site. This consultation meeting  
4427 shall take place on-site after submittal, but prior to approval, of the stormwater  
4428 management concept plan, for the purposes of verifying site conditions and the  
4429 feasibility of the stormwater management concept plan.

4430 4. Stormwater Management Design Plan. Subsequent to approval of the  
4431 stormwater management concept plan, the owner or developer shall submit to  
4432 the Authority for review and approval by the DRG, a stormwater management  
4433 design plan that how the proposed development project will meet the post-  
4434 construction stormwater management and site planning and design criteria  
4435 that apply to the development site. The stormwater management design plan  
4436 shall include all of the information contained in the stormwater management  
4437 concept plan, plus:

4438 a. *Existing Conditions Hydrologic Analysis*: The existing conditions hydrologic  
4439 analysis shall include:

4440 i. Existing conditions map;

4441 ii. Information about the existing conditions of each of the drainage areas  
4442 found on the development site (e.g., size, soil types, land cover  
4443 characteristics);

4444 iii. Information about the existing conditions of any off-site drainage areas  
4445 that contribute stormwater runoff to the development site (e.g., size,  
4446 soil types, land cover characteristics);

4447 iv. Information about the stormwater runoff rates and volumes generated,  
4448 under existing conditions, in each of the drainage areas found on the  
4449 development site;

4450 v. Information about the stormwater runoff rates and volumes generated,  
4451 under existing conditions, in each of the off-site drainage areas that  
4452 contribute stormwater runoff to the development site; and

4453 vi. Documentation (e.g., model diagram) and calculations showing how the  
4454 existing conditions hydrologic analysis was completed.

4455 b. *Proposed Conditions Hydrologic Analysis*: The proposed conditions  
4456 hydrologic analysis shall include:

4457 i. Proposed conditions map;

4458 ii. Information about the proposed conditions of each of the drainage  
4459 areas found on the development site (e.g., size, soil types, land cover  
4460 characteristics);

- 4461                   iii. Information about the proposed conditions of any off-site drainage  
4462                   areas that contribute stormwater runoff to the development site (e.g.,  
4463                   size, soil types, land cover characteristics);
- 4464                   iv. Information about the stormwater runoff rates and volumes generated,  
4465                   under proposed conditions, in each of the drainage areas found on the  
4466                   development site;
- 4467                   v. Information about the stormwater runoff rates and volumes generated,  
4468                   under proposed conditions, in each of the off-site drainage areas that  
4469                   contribute stormwater runoff to the development site; and
- 4470                   vi. Documentation (e.g., model diagram) and calculations showing how the  
4471                   proposed conditions hydrologic analysis was completed.
- 4472                   c. *Post-Construction Stormwater Management System Plan*: The post-  
4473                   construction stormwater management system plan shall illustrate:
- 4474                   i. Proposed topography;
- 4475                   ii. Proposed drainage divides and patterns;
- 4476                   iii. Existing and proposed roads, buildings, parking areas and other  
4477                   impervious surfaces;
- 4478                   iv. Existing and proposed primary and secondary conservation areas;
- 4479                   v. Plan view of existing and proposed low impact development and  
4480                   stormwater management practices;
- 4481                   vi. Cross-section and profile views of existing and proposed low impact  
4482                   development and stormwater management practices, including  
4483                   information about water surface elevations, storage volumes and inlet  
4484                   and outlet structures (e.g., orifice sizes);
- 4485                   vii. Plan view of existing and proposed storm drain infrastructure (e.g.,  
4486                   inlets, manholes, storm drains);
- 4487                   viii. Cross-section and profile views of existing and proposed storm drain  
4488                   infrastructure (e.g., inlets, manholes, storm drains), including  
4489                   information about invert and water surface elevations; and
- 4490                   ix. Existing and proposed channel modifications (e.g., bridge or culvert  
4491                   installations).
- 4492                   d. *Post-Construction Stormwater Management System Narrative*: The post-  
4493                   construction stormwater management system narrative shall include  
4494                   information about how postconstruction stormwater runoff will be  
4495                   managed on the development site, including a list of the low impact  
4496                   development and stormwater management practices that will be used. It

shall also include documentation and calculations that demonstrate how the selected low impact development and stormwater management practices satisfy the post-construction stormwater management criteria that apply to the development site, including information about the existing and proposed conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics).

e. Certification by Plan Preparer: The stormwater management design plan shall be prepared by a certified design professional, such as a landscape architect, professional surveyor or professional engineer, who must certify that the design of the stormwater management system meets the requirements of this ordinance and the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, and any relevant local addenda.

f. Certification by Applicant. The Applicant shall certify that all land disturbing and development activities will be completed in accordance with the approved stormwater management design plan. A copy of the stormwater management concept plan shall be included with the submittal of the stormwater management design plan. The stormwater management design plan should be consistent with the stormwater management concept plan. If any significant changes were made to the plan of development, the administrator may ask for a written statement providing rationale for any of the changes that were made.

### **Section 30: Performance bond/security.**

A. The Authority may, at its discretion, require the submittal of a performance security or bond prior to commencement of land disturbing activities in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus twenty-five percent (25%) as agreed to by the applicant and the Authority. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

B. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this article. The Authority will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this article. Provisions for a partial pro-rata release of the performance security based on the completion of various

development stages can be done at the discretion of the Authority.

**Section 31: Waivers for providing stormwater management.**

A. Every applicant shall provide for stormwater management as required by this article, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the Authority for approval by the DRG, prior to submittal to Glynn County for their approval. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this article.
2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Authority and local ordinance or legal developer agreement.
3. The Authority finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
4. Non-structural practices may be used on the site that reduce: a) the generation of stormwater from the site, b) the size and cost of stormwater storage; and c) the pollutants generated at the site. These non-structural practices shall be explained in detail in the LDM, GSMM or CSS and the amount of credit available for using such practices shall be determined by the Authority.

**Section 32: Conditions of waiver.**

A. In instances where one of the conditions above applies, the DRG may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the DRG that the waiver will not result in the following impacts to downstream waterways:

1. Deterioration of existing culverts, bridges, dams, and other structures;
2. Degradation of water quality, biological functions or habitat;
3. Accelerated streambank or streambed erosion or siltation; and
4. Increased threat of flood damage to public health, life, or property.

**Section 33: Mitigation requirements for waivers.**

A. Where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the

mitigation measures selected by the DRG. Mitigation measures may include, but are not limited to, the following:

1. The creation of a stormwater management facility or other drainage improvements on previously developed properties that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this article; and
2. Monetary contributions (fee-in-lieu) to fund stormwater management activities such as installation of stormwater BMPs, research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of stormwater management practices, etc.).

#### **Section 34: Fee in lieu of stormwater management practices.**

- A. Where the DRG waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant may be required to pay a fee in an amount as determined by the Authority.
- B. When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the Authority agree on a greater alternate contribution) established by the Authority. All of the monetary contributions shall be made by the developer prior to the issuance of any permit for the development.

#### **Section 35: Performance criteria.**

- A. Unless judged by the Authority to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites.
  1. **Peak runoff rate control.** The applicant shall control all stormwater discharges from the proposed project such that post development peak runoff rates do not exceed pre-development peak runoff rates for the two-year, five- year, ten-year, 25-year, and 50-year frequency storms, unless otherwise specified or the Authority grants the applicant a waiver or the applicant is exempt from such requirements. The applicant shall also provide safe passage of the 100-year storm. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Authority reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
    - a. An emergency overflow device (which does not include the throttling device) for a detention pond shall be designed to pass the 100-year peak

4610 developed inflow without overtopping the dam.

4611 b. The steepest fill slopes shall be 3:1 and cut slopes shall be no steeper than  
4612 2:1.

4613 2. **Stormwater Runoff Reduction.** The stormwater runoff volume generated by the  
4614 first 1.2" of rainfall is called the runoff reduction storm event (RRv), in the latest  
4615 edition of the CSS to the GSMM. The RRv shall be captured on-site or reduced  
4616 on-site to the maximum extent practicable in order to help maintain pre-  
4617 development site hydrology and help protect local aquatic resources from  
4618 several indirect impacts of the land development process, including decreased  
4619 groundwater recharge, decreased baseflow and degraded water quality.

4620 a. In general, a stormwater management system is presumed to comply with  
4621 these criteria if:

4622 i. It includes green infrastructure practices that provide for the  
4623 interception, evapotranspiration, infiltration or capture and reuse of  
4624 stormwater runoff, that have been selected, designed, constructed  
4625 and maintained in accordance with the information presented in the  
4626 latest edition of the GSMM and CSS; and

4627 ii. It is designed to provide the amount of stormwater runoff reduction  
4628 specified in the latest edition of the GSMM and CSS.

4629 b. The Authority may vary the amount of stormwater runoff reduction needed  
4630 to satisfy these criteria on development sites that are considered to be  
4631 stormwater hotspots or that have site characteristics or constraints, such  
4632 as high groundwater, impermeable soils, contaminated soils or confined  
4633 groundwater aquifer recharge areas, that prevent the use of green  
4634 infrastructure practices that provide for the interception,  
4635 evapotranspiration, infiltration or capture and reuse of stormwater runoff.

4636 c. When seeking a variance in the amount of stormwater runoff reduction that  
4637 needs to be provided in order to satisfy these criteria, applicants must  
4638 provide adequate documentation to the Authority to show that no  
4639 additional runoff reducing green infrastructure practices can be used on the  
4640 development site and that the reduction provided is all that can be provided  
4641 in a practical manner.

4642 3. **Water quality control.** In order to protect local aquatic resources from water  
4643 quality degradation, post- construction stormwater runoff shall be adequately  
4644 treated before it is discharged from a development site. Applicants can satisfy  
4645 this criterion by satisfying the stormwater runoff reduction criteria. However, if  
4646 any of the stormwater runoff volume generated by the RRv, as defined in the  
4647 latest edition of the CSS to the GSMM, cannot be reduced on the development

site, due to site characteristics or constraints, it shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids loads and that reduce nitrogen and bacteria loads to the maximum extent practical.

a. When seeking to satisfy this criterion through the use of one or more stormwater management practices, applicants shall:

i. Intercept and treat stormwater runoff in stormwater management practices that have been selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the GSMM and CSS; and,

ii. Provide adequate documentation to the Authority or their designee to show that total suspended solids, nitrogen and bacteria removal were considered during the selection of the stormwater management practices that will be used to intercept and treat stormwater runoff on the development site.

b. It is presumed that a BMP complies with this performance standard if it is:

i. Sized to capture the RRV that cannot otherwise be infiltrated on site.

ii. Designed according to the specific performance criteria applied to the treatment practice.

iii. Constructed properly and maintained regularly.

c. All stormwater runoff generated from new development shall not be discharged untreated directly into a wetland or local water body without adequate treatment.

d. Stormwater management practices for a site shall be chosen based on the physical conditions of the site.

e. Additionally, stormwater management practices that utilize vegetation as part of the functional treatment process, such as constructed wetlands, must submit a separate landscaping plan detailing what vegetation is to be installed and how it will be maintained.

4. **Redevelopment Criteria.** Development activities that are considered to be redevelopment activities shall meet at least one of the following criteria to meet the runoff reduction volume and the Stormwater Quality Protection criteria:

a. **Reduce Impervious Cover:** Reduce existing site impervious cover by at least 20%, unless otherwise approved by the Authority.

b. **Provide Stormwater Management:** Manage the stormwater runoff from the site's existing impervious cover and any new impervious cover in



4685 accordance with the post-construction stormwater management criteria  
4686 outlined in the applicable sections of this ordinance. The green  
4687 infrastructure and stormwater management practices used to comply with  
4688 these criteria shall be selected, designed, constructed and maintained in  
4689 accordance with the latest version of the GSMM and the CSS.

4690 c. Combination of Measures: Any combination of (a) through (c) above that  
4691 is acceptable to the Authority.

4692 5. **Channel protection.** To protect stream channels from degradation, a specific  
4693 channel protection criterion shall be provided. The channel protection criteria  
4694 may be waived by the Authority for sites that discharge directly into larger  
4695 streams, rivers, wetlands, lakes, estuaries, or tidal waters where the reduction  
4696 in smaller flows will not have an impact on stream bank or channel integrity.

4697 a. Channel protection shall be provided through 24-hour extended detention  
4698 of the one-year 24-hour rainfall event, unless the Authority grants the  
4699 applicant a waiver or the applicant is exempt from such requirements.

4700 b. Velocity control and energy dissipation measures shall be installed at all  
4701 stormwater outfalls in accordance with the criteria and guidance provided  
4702 in the applicable sections of the latest versions of the CSS and GSMM.

4703 6. **Extreme flood protection.** All stormwater management systems shall be  
4704 designed, constructed, and maintained to control the peak discharge  
4705 generated by the extreme flood protection storm event, as defined in the latest  
4706 edition of the CSS and GSMM, to prevent an increase in the duration, frequency  
4707 and magnitude of downstream extreme flooding and protect public health and  
4708 safety. Development sites shall be designed, constructed, and maintained such  
4709 that all stormwater management practices that impound stormwater runoff  
4710 can safely pass the 100-year storm without overtopping or creating damaging  
4711 or dangerous downstream conditions.

4712 a. Demonstration of safe passage of the 100-year, 24-hour storm shall include  
4713 a stage-storage analysis of the system, an inflow/outflow comparison of the  
4714 system, and construction of a table showing peak stage elevations in  
4715 comparison to safe freeboards to structures of the system and adjacent  
4716 buildings/structures/infrastructure.

4717 b. The Authority may modify or waive this criterion on development sites  
4718 where both the on-site and downstream stormwater conveyance systems  
4719 are designed to safely convey the peak discharge generated by the extreme  
4720 flood protection storm event to a receiving stream, tidal creek or other  
4721 aquatic resource without causing additional downstream flooding or other  
4722 environmental impacts, such as stream channel enlargement or  
4723 degradation of habitat.

4724 7. **Conveyance issues.** All conveyances including pipes and open channels except  
4725 those associated with detention facilities shall be designed for the 25-year  
4726 frequency storm. Inlets for conveyances shall be designed for an equal  
4727 frequency storm (for example, 25-year storm design pipe system shall have all  
4728 inlets sized for the 25-year storm). The Authority reserves the right to increase  
4729 the requirements outlined herein where deemed necessary. All pipes that are  
4730 to be maintained by the Authority shall be reinforced concrete pipe (RCP) or  
4731 HDPE.

4732 8. **Sensitive resources.** Stormwater discharges to critical areas with sensitive  
4733 resources (i.e., fisheries, shellfish beds, swimming beaches, recharge areas,  
4734 etc.) may be subject to additional performance criteria, or may need to utilize  
4735 or restrict certain stormwater management practices.

4736 9. **Hot spots.** Stormwater discharges from land uses or activities with higher  
4737 potential pollutant loadings, known as "hotspots", may require the use of  
4738 specific BMPs and pollution prevention practices.

4739 **Section 36: Notice of construction commencement.**

4740 A. The applicant must notify the Authority in advance before the commencement of  
4741 construction so as to provide for scheduling of inspections. If any violations are  
4742 found, the property owner shall be notified in writing of the nature of the violation  
4743 and the required corrective actions.

4744 B. The Authority may issue a "stop work order" if the Authority determines that the  
4745 corrective actions will need to be made prior to continuance of other development  
4746 activities on the site to ensure compliance with this article. In these cases, no added  
4747 work shall proceed until any violations are corrected and all work previously  
4748 completed has received approval by the Authority.

4749 **Section 37: As built plans.**

4750 A. All applicants are required to submit electronic, geo-referenced "as built" plans for  
4751 any stormwater management practices located on-site after final construction is  
4752 completed in a format specified by the Authority. The plan must show the final  
4753 design specifications for all stormwater management facilities and must be  
4754 certified by a professional engineer. A final inspection by the Authority is required  
4755 before the release of any performance securities can occur.

4756 **Section 38: Maintenance covenants.**

4757 A. Maintenance of all stormwater management facilities shall be ensured through the  
4758 creation of a formal maintenance covenant that must be approved by the Authority  
4759 and recorded into the land record prior to final plan approval.

4760 B. As part of the covenant, a schedule shall be developed for when and how often  
4761 maintenance will occur to ensure proper function of the stormwater management

facility.

- C. Stormwater management facilities may be required to undergo annual inspections to document maintenance and repair needs and ensure compliance with the requirements of this article and accomplishment of its purposes.
- D. Any maintenance needs found must be addressed in a timely manner and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility. The requirement for such inspections shall be outlined in the maintenance covenant.
- E. The Authority, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

#### **Section 39: Records of installation and maintenance activities.**

- A. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least three (3) years. These records shall be made available to the Authority during inspection of the facility and at other reasonable times upon request.

#### **Section 40: Failure to maintain practices.**

- A. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Authority after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.
- B. In the event that the stormwater management facility becomes a danger to public safety or public health, the Authority shall notify the party responsible for maintenance of the stormwater management facility in writing.
- C. Upon receipt of that notice, the responsible person shall affect maintenance and repair of the facility in an approved manner and within the established deadline.
- D. After proper notice, the Authority may recover the cost for the cost of repair work and any penalties from the owner(s) of the facility.

#### **Sub-Article IV: Violations, Penalties and Enforcement**

#### **Section 41: Unlawful conduct.**

- A. It shall be unlawful for any person to commence or conduct any development activity contrary to this Chapter.

#### **Section 42: Notice of violation.**

- A. When the Authority determines that an activity constitutes a violation of this Chapter, the Authority shall issue a written notice of violation to the owner of the

4800 property. The notice of violation shall contain:

4801 1. The name and address of the owner or applicant

4802 2. The address when available or a description of the building, structure or land

4803 upon which the violation is occurring

4804 3. A statement specifying the nature of the violation

4805 4. A description of potential remedial measures necessary to bring the

4806 development activity into compliance with this article and a time schedule for

4807 the completion of such remedial action

4808 5. A statement of the penalty or penalties that shall or may be assessed against

4809 the person to whom the notice of violation is directed

4810 6. A statement that the determination of violation may be appealed to the

4811 Authority by filing a written notice of appeal within fifteen days of service of

4812 notice of violation

4813 **Section 43: Stop work orders.**

4814 A. Persons receiving a notice of violation may be required to halt all construction

4815 activities. This "stop work order" will be in effect until the Authority confirms that

4816 the development activity is in compliance and the violation has been satisfactorily

4817 addressed.

4818 B. Failure to address a notice of violation in a timely manner can result in civil, criminal,

4819 or monetary penalties in accordance with the enforcement measures authorized in

4820 this article.

4821 **Section 44: Civil and criminal penalties.**

4822 A. In addition to or as an alternative to any penalty provided herein or by law, any

4823 person found in violation of any provision of this Chapter shall be guilty of a

4824 misdemeanor, and upon conviction thereof, shall be punished by a fine not to

4825 exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both

4826 fine and imprisonment, to be imposed at the discretion of the judge or as provided

4827 and stipulated by law. Each day such violation continues shall be considered a

4828 separate offense.

4829 **Section 45: Restoration of lands.**

4830 A. Any violator may be required to restore land to its undisturbed condition.

4831 B. In the event that restoration is not undertaken within a reasonable time after

4832 notice, the Authority may take necessary corrective action, the cost of which shall

4833 be recovered from the violator.

4834

[Article IV: Reserved]

## Article V: Beach and Resource Protection

### Section 1: Jekyll Island State Park Rules and Regulations.

- A. All persons entering into Jekyll Island State Park (the “Park”) shall comply with the following rules and regulations, and failure to do so shall constitute a violation of this article. Unless otherwise stated, Park rules and regulations in this Section also apply to the use of state-owned public beaches associated with the Park in addition to the rules and regulations specific to beaches and dunes as stated in Section 2.
1. *Closed Areas.* It is prohibited for any person to enter into any area of the Park that has been marked by an Agency or Authority of the State of Georgia as an area designated for the conservation or protection of natural resources or wildlife, including nesting sea turtles and shorebirds. Nothing in this section shall supersede the existing regulations and jurisdiction of the Georgia Department of Natural Resources.
  2. *Fireworks.* It is prohibited for any person to use or ignite any consumer fireworks or fireworks, as defined under state law, in the Park.
  3. *Camping.* No person shall camp or sleep on the streets, beaches, dunes, parks, parking lots or other public areas, whether in automobiles, trucks, campers, recreational vehicles or other vehicle, or in equipment designed and intended for the purpose of camping, between the hours of 2:30 a.m. and 6:00 a.m. Such activity may be permitted in public areas specifically set aside and designated for camping by the Authority.
  4. *Use of Public Boat Ramps and Boat Docks.* It is prohibited for any person to tie up to or otherwise moor a vessel alongside any public floating dock or platform (i.e., a service dock), adjacent to or servicing a boat ramp, for longer than one hour.
  5. *Firearms and projectiles.* It is prohibited for any person to discharge any firearm, air gun, BB gun or any other weapon projecting any lead, missile or projectile; provided, however, that this restriction shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor any citizen from discharging a firearm when lawfully defending persons or property.
  6. *Vandalism.* It is prohibited for any person to intentionally mark, deface, damage, displace, remove or tamper with any site, building, facility, bridge, table, bench, fireplace, railing, paving or paving material, water line or other utility, permanent or temporary sign, placard or notice, monument, stake, post, boundary marker, or other site structure, equipment, or property.
  7. *Nudity.* Public nudity is prohibited. Nudity shall mean exposure of genitals or anus or exposure of the areola or nipple of her breast, if female, or any lewd

- appearance in a state of partial or complete nudity. Nudity does not include breast-feeding by a mother.
8. *Historic Resources*. It is prohibited for any person to intentionally damage, disturb or deface, including by walking or climbing on, any historic or archaeological resource or part thereof.
  9. *Collecting*. It is prohibited for any person to possess, catch, destroy, injure, deface, remove, relocate, dig, disturb, buy, sell, give to another, or accept as a gift in or from any site within the Park:
    - a. Plants or the parts or products thereof, except for non-commercially collected foodstuffs otherwise in compliance with law.
    - b. Historical or archaeological artifacts, structures, and traces, or parts thereof.
    - c. Paleontological resources, specimens, or features except for casual collecting.
      - i. Casual collecting means a reasonable amount of common paleontological resources for non-commercial personal use by surface collection.
  10. Fishing in lakes and ponds. It shall be unlawful to fish at any time on any lake or pond that is on or directly adjacent to a golf course fairway. It also shall be unlawful to fish on any other lake or pond which is not marked by a sign which states that such fishing is permitted. The executive director, within his discretion, may authorize, in writing, fishing on any lake or pond on which fishing is otherwise not permitted.
  11. *Exotic species introduction*. It is prohibited for any person to introduce into any natural area or public space any non-native plant or animal species by intentional abandonment, negligence, or for any other reason.
  12. *Recreational "drone" flying*. It is prohibited for any person to fly Unmanned Aerial Vehicles, also known as UAVs and commonly referred to as "drones", unless operating in a professional capacity with permission from the Authority and in accordance with FAA licensing requirements.
  13. *Off Lease disturbance*. It is prohibited for any person to cut or otherwise trim trees or shrubs, living or dead, maintain landscaping, disturb soil, or otherwise cause disturbance to Authority or state property.
  14. *Non-smoking areas*. No person shall smoke in areas posted by the Authority as non-smoking areas.
  15. *Pest control on leased property*. When necessary to maintain safe and sanitary and conditions for lessees, their employees, and their guests, removal of pest species not identified in the Jekyll Island Conservation Plan as Wildlife Priority Species may be conducted by legal, safe and humane methods provided that such methods are not known to cause risk of injury or death to wildlife other than that pest species being targeted for removal.

- 4915 a. Anticoagulant rodenticides are known to be injurious or fatal to Wildlife  
4916 Priority Species identified in the Jekyll Island Conservation Plan and are  
4917 specifically prohibited from use within the Park.
- 4918 16. *Metal/mineral detecting*. Use of a mineral or metal detector, magnetometer,  
4919 side scan sonar, sub-bottom profiler, magnet, or any other device for the  
4920 detection of metals, minerals, artifacts, or lost articles or for treasure hunting  
4921 is prohibited. This paragraph does not apply to:
- 4922 a. A device broken down and stored or packed to prevent its use while in site  
4923 areas.
- 4924 b. Electronic equipment used only for the navigation and safe operation of  
4925 boats or the detection of fish.
- 4926 c. Equipment used for authorized scientific or administrative activities. Pest  
4927 control on leased property. When necessary to maintain safe and sanitary  
4928 and conditions for lessees, their employees, and their guests, removal of  
4929 pest or nuisance species not identified in the Jekyll Island Conservation Plan  
4930 as Wildlife Priority Species may be conducted by legal, safe and humane  
4931 methods provided that such methods are not known to cause risk of injury  
4932 or death to non-target wildlife.

4933 **Section 2: State beaches, rules and regulations.**

- 4934 A. All persons entering upon the public beaches, dunes, or structures erected  
4935 thereon, within Jekyll Island shall comply with the following rules and regulations,  
4936 and failure to do so shall constitute a violation of this article:
- 4937 1. *Placement of litter*. It is prohibited to throw, place, deposit, sweep or scatter,  
4938 or cause to be thrown, placed, deposited, swept, or scattered, any paper, food,  
4939 cigarette butts, bottles, cans, trash, fruit peelings or other refuse upon the  
4940 beaches or structures erected thereon. Beach goers must have all of their trash  
4941 securely contained at all times.
- 4942 2. *Glass or fragile containers*. It is prohibited for any person to take or carry upon  
4943 the beaches or structures erected thereon any glass or fragile containers.
- 4944 3. *Internal combustion engines*. It is prohibited for any person to possess or  
4945 operate any generator, tool, or device that utilizes an internal combustion  
4946 engine upon the beaches, dunes, or structures erected thereon except for  
4947 authorized activities conducted by or for a state or local government entity
- 4948 4. *Disturbing dune vegetation*. It is prohibited for any person to pick, gather,  
4949 remove, or otherwise disturb the vegetation present on sand dunes, including  
4950 sea oats, or walk in the dunes.
- 4951 5. *Pets*.
- 4952 a. It is prohibited for pets to be off leash or running free on the beaches and  
4953 dunes of Jekyll Island at any time. To protect nesting sea turtles and  
4954 shorebirds, it is further prohibited for a pet to be on the beaches or in the

dunes of Jekyll Island from the boardwalk at the south dunes picnic area (latitude 31.030564, longitude -81.415367) south and around the southern tip of the island north to a point (latitude 31.015594, longitude -81.433926) or equivalent to 2,000 feet south of the St. Andrews picnic area. This shall not apply to services animals trained to do work or perform tasks for an individual with a disability.

- b. It shall also be a violation of this chapter for the owner of any dog or other animal to fail to immediately remove the fecal matter of such dog or animal from any portion of the beaches or dunes.

6. *Motor vehicles.* It is prohibited to take any motor vehicle, as defined by state law, on to the beaches or structures erected thereon. This includes automobiles, trucks, motorcycles, golf carts, all-terrain vehicles (ATVs), and similar motor driven vehicles and craft. This does not include properly marked emergency vehicles while in the course of an emergency operation, other vehicles in the employ of the Authority or similar governmental entity or authorized by the Authority and engaged in a legitimate operation.
7. *Wind-powered crafts.* To protect nesting sea turtles and shorebirds, it is prohibited for any person to use or operate a kite buggy, beach-capable wind surfer, or any other wind-powered transport on the beaches of Jekyll Island from the boardwalk at the south dunes picnic area ( latitude 31.030564, longitude -81.415367) south and around the southern tip of the island north to a point (latitude 31.015594, longitude -81.433926) or equivalent to 2,000 feet south of the St. Andrews picnic area. Such craft are prohibited from use in the dunes at all times in all locations along the beaches.
8. *Fires.* Building or maintaining any type of open fire on the beach, including any type of charcoal or gas fire, is prohibited, whether or not confined to a grill or similar container.
9. *Beer kegs.* Such containers and similar devices for dispensing of large quantities of alcoholic beverages are prohibited on the beach.
10. *Jumping or diving from pier or public structure.* Jumping or diving from any pier or public structure is prohibited, except those that might be specifically built for that purpose and as may be specifically authorized in connection with a properly authorized special event.
11. *Walking or climbing on rocks.* Walking or climbing upon rock revetments, sea walls, or other constructed shoreline protection features on or adjacent to the beach is prohibited, except those that are designed and built expressly for the purpose of accommodating such use.
12. *Lanterns and flashlights.* To protect nesting turtles and shorebirds, and in accordance with Jekyll Island Authority Ordinance, Chapter E, Article IV Beach Lighting, the use of lanterns or flashlights on the nesting beaches is limited to



4995 lanterns and flashlights that produce light not less than 560 nanometers  
4996 wavelength from May 1<sup>st</sup> to October 31<sup>st</sup> of each year.

4997 13. *Unattended and Abandoned Property*. No personal property of any kind shall  
4998 be abandoned or left unattended on the beaches or dunes. Unattended  
4999 personal property shall be presumed to be abandoned after a period of 12  
5000 hours, or at any time after dark.

5001 **Section 3: Wildlife protected.**

5002 A. It shall be unlawful to intentionally feed, trap, shoot, capture, take, or attempt to  
5003 feed, trap, shoot, capture, take, harass, or molest in any manner any wildlife within  
5004 public areas inside the boundaries of the Park under the ownership, custody or  
5005 control of the Authority that would result in injury or destruction of said wildlife, or  
5006 to intentionally damage the habitat or the nest of any such wildlife species;  
5007 provided, this Section (3)(A) will not operate to prohibit the collection of fiddler  
5008 crabs, mud minnows and similar bait species for recreational fishing purposes  
5009 provided such collection is carried out in accordance with applicable federal, state,  
5010 and local law.

5011 B. It shall be unlawful to relocate or transport any living keyhole urchins (commonly  
5012 known as “sand dollars”), butterflies, or fireflies, within the boundaries of the Park  
5013 or to remove such animals from the Park.

5014 C. For purposes of this Article, the term “wildlife” shall have the same meaning as  
5015 provided in O.C.G.A. Section 27-1-2.

5016 **Section 4: Exceptions to rules.**

5017 A. Notwithstanding the prohibitions of Sections 3(A) and 3(B) of this Article, the  
5018 Authority may authorize a holder of a valid license, permit, or stamp issued by the  
5019 Department of Natural Resources pursuant to Title 27 of the Official Code of  
5020 Georgia Annotated or a permit issued pursuant to Section 10 of the Endangered  
5021 Species Act to conduct scientific or conservation-related activities authorized under  
5022 such license, permit or stamp where the Authority determines such activities are  
5023 in accordance with the objectives of the Authority’s Conservation Plan.

5024 B. The restrictions in this Article do not apply to contractors, concessionaires,  
5025 permittees, or employees of the Authority or of other government entities  
5026 authorized to conduct scientific or conservation-related activities in accordance  
5027 with the objectives of the Authority’s Conservation Plan or other temporary  
5028 activities or impacts pursuant to the Authority’s permission; provided the impacted  
5029 areas are restored to at least the pre-impact conditions following the completion  
5030 of such permitted activities or impacts . Nor shall these restrictions be construed  
5031 to prevent emergency personnel or other duly authorized officials from responding  
5032 promptly and effectively to threats to life, limb, or public health.

5033 C. Nothing contained in this Article shall be construed as prohibiting recreational or  
5034 commercial fishing, shrimping, crabbing, shellfish harvesting, or the limited  
5035 capturing of “passage” peregrine falcons as regulated and permitted by the  
5036 Department of Natural Resources pursuant to Title 27 of the Official Code of  
5037 Georgia Annotated.

5038 **Section 6: Enforcement.**

5039 A. The members of the Uniform Division of the Department of Public Safety and the  
5040 duly authorized agents of the Authority shall have the authority to enforce the  
5041 provisions of this Article.

5042 B. It shall be unlawful for any person to violate the provisions of this Article or to  
5043 refuse the lawful orders of any person authorized to enforce the provisions of this  
5044 Article.

5045 **Section 7: Penalty for violation.**

5046 A. Penalty Generally. Any person found in violation of any provision of this Article shall  
5047 be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a  
5048 fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days,  
5049 or by both fine and imprisonment, to be imposed at the discretion of the judge or  
5050 as provided and stipulated by law; provided:

5051 1. Where the basis for a violation is the disturbance of land or the removal of  
5052 vegetation occurring on Authority property that is identified as Conservation  
5053 Priority Area in the Authority’s Conservation Plan, the fine per violation will not  
5054 exceed \$1000.00;

5055 2. Where the basis for a violation is the disturbance of land or the removal of  
5056 vegetation occurring on all other areas of Authority property, the fine per  
5057 violation will not exceed \$500.00 per violation;

5058 3. The fine for a violation of Section 2 (A) 5 of this Article pertaining to Pets shall  
5059 not exceed \$200.00 for the first offense within a 12-month period and \$400.00  
5060 for each subsequent offense occurring within a 12-month period of a preceding  
5061 offense;

5062 4. The fine for violating Section 2 (A) 1 shall not exceed \$300.00 for a first offense,  
5063 \$600.00 for a second offense, and \$1000.00 for a third or subsequent offense.  
5064 Each instance of littering shall constitute a separate offense.

5065 B. In addition to the enforcement of this Chapter by citation or accusation, the  
5066 Authority may take any action not prohibited by law to prevent or remediate a  
5067 violation or threatened violation of this Chapter, including without limitation,  
5068 rescinding any issued permit, issuing a stop work order, or commencing legal  
5069 proceedings to prevent, correct, or abate such violation or threatened violation or  
5070 to recover any monetary damages, or both.

5071 C. Nothing herein contained shall prevent the Authority from taking such other lawful  
5072 actions as is necessary or prudent as determined by the Authority in its discretion  
5073 to prevent or remedy any violation or threatened violation of this Article.

## 5074 Article VI: Beach Lighting

### 5075 Section 1: Definitions

- 5076 B. The following words, terms and phrases, when used in this article, shall have the  
5077 meanings ascribed to them in this section, except where the context clearly  
5078 indicates a different meaning:
- 5079 1. *Artificial light* or *artificial lighting* means the light emanating from any  
5080 manufactured device.
  - 5081 2. *Beach* means the zone of sand from the low water mark of the ocean to the  
5082 landward toe of the frontal dune. In cases with no identifiable frontal dune,  
5083 beach means the zone of sand from the low-water mark of the ocean to the  
5084 landward extent of sparsely vegetated sand.
  - 5085 3. *Cumulatively illuminated* means illuminated by more than one artificial light  
5086 sources that collectively illuminate any portion of the beach.
  - 5087 4. *Directly illuminated* means an area illuminated as a result of glowing  
5088 elements, lamps, globes or reflectors of an artificial light source, which is  
5089 visible to an observer on the beach.
  - 5090 5. *DNR* means the Georgia Department of Natural Resources - Wildlife Resources  
5091 Division which is responsible for conserving and protecting wildlife species,  
5092 including sea turtles.
  - 5093 6. *Dune* means a natural or manmade mound or bluff of sand deposited along a  
5094 coastline by wind action, which mounds are often covered with sparse,  
5095 pioneer vegetation and are located landward of the ordinary high-water mark  
5096 and may extend to the tree line.
  - 5097 7. *Frontal dune* means the seaward-most dune on the nesting beach and which  
5098 has sufficient vegetation, height, continuity, and configuration to offer  
5099 significant protective value of landward areas.
  - 5100 8. *Ground-level barrier* means any vegetation, natural feature or artificial  
5101 structure rising from the ground, which obstructs beachfront lighting from  
5102 illuminating the beach-dune system.
  - 5103 9. *Hatchling* means any species of marine turtle, within or outside of a nest that  
5104 has recently hatched from an egg.

- 5105 10. *Indirectly illuminated* means an area illuminated as a result of the glowing  
5106 elements, tamps, globes or reflectors of an artificial light source, which is not  
5107 visible to an observer on the beach.
- 5108 11. *Landward toe* means the lowest elevation of the landward side of the frontal  
5109 dune.
- 5110 12. *Nest* means an area where sea turtle eggs have been naturally deposited or  
5111 subsequently relocated.
- 5112 13. *Nesting beach* means any beach capable of supporting sea turtle nests as  
5113 determined by available data or any beach location where natural changes or  
5114 engineered and permitted activities have created the potential for sea turtle  
5115 nesting as determined by DNR. The authority may post a map of each year's  
5116 nesting beaches on its website in advance of nesting season to identify the  
5117 location of nesting beaches for that year's nesting season in consultation with  
5118 DNR.
- 5119 14. *Nesting season* means the period of time between May 1st and October 31st  
5120 of each year. The authority, in consultation with DNR, may declare an end to  
5121 the period of local regulation prior to October 31st of each year after the last  
5122 remaining nest on Jekyll Island has been inventoried pursuant to DNR's  
5123 nesting protocols. Such a declaration would only apply to the beaches of Jekyll  
5124 Island and pertain to this ordinance specifically.
- 5125 15. *Nighttime* means the locally effective time period between sunset and  
5126 sunrise.
- 5127 16. *Nonnesting beach* means any beach that is not a nesting beach.
- 5128 17. *Person* means any individual, firm, association, joint venture, partnership,  
5129 estate, trust, syndicate, fiduciary, corporation, or other legal entity, and all  
5130 other groups or combinations thereof.
- 5131 18. *Private balcony* means a balcony or porch that is not considered a point of  
5132 ingress and egress in local building code.
- 5133 19. *Sea turtle (marine)* means any marine-dwelling reptile of the families  
5134 Cheloniidae or Dermochelyidae found in state waters or using the beach as a  
5135 nesting habitat, including the following species: *Caretta caretta* (loggerhead),  
5136 *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys*  
5137 *imbricata* (hawksbill), and *Lepidochelys kempii* (Kemp's Ridley). For purposes  
5138 of this ordinance, sea turtle is synonymous with marine turtle.
- 5139 20. *Tinted glass* means any glass treated to achieve an industry-specified, inside-  
5140 to-outside light transmittance value of 45 percent or less. Such transmittance

5141 is limited to the visible spectrum (400 to 700 nanometers) and is measured as  
5142 the percentage of light that is transmitted through the glass.

5143 **Section 2: Purpose and intent.**

5144 A. This article is intended to protect sea turtles on nesting beaches by averting  
5145 adverse effects of artificial lighting during nesting season. Furthermore, this  
5146 article is intended to avoid degradation in sea turtle nesting habitat due to light  
5147 pollution and promote successful nesting activity and production of hatchlings.

5148 **Section 3: Section 3. Prohibition of beachfront artificial lighting.**

5149 A. It shall be unlawful for a person to allow artificial light to directly, indirectly, or  
5150 cumulatively illuminate the nesting beaches of Jekyll Island, including frontal  
5151 dunes, during nighttime throughout the sea turtle nesting season, unless such  
5152 lighting complies with the standards set forth in Sections 4 and 5.

5153 **Section 4: Standards for permitted beachfront lighting on nesting beaches.**

5154 A. Beachfront artificial lighting is permitted on nesting beaches during the sea turtle  
5155 nesting season at nighttime only under the following conditions:

5156 1. All artificial light fixtures, whether exterior or interior, shall be designed and  
5157 positioned so that:

5158 a. The point source of light, such as the bulb, fluorescent tube, or diode, or  
5159 any mirrored reflective surface of the light fixture is not directly visible from  
5160 the beach;

5161 b. The beach is not directly or indirectly illuminated; and

5162 c. The beach is not cumulatively illuminated.

5163 2. One or more of the following measures could be used as necessary to eliminate  
5164 direct, indirect and cumulative beach illumination resulting from the interior  
5165 light emanating from doors and windows that can be seen by an observer on  
5166 the beach:

5167 a. Position lamps and other moveable light fixtures away from windows;

5168 b. Use window treatments to shield interior lights from the beach and, during  
5169 the nesting season, draw operable coverings each night; or;

5170 c. Turn off unnecessary lights.

5171 3. Exterior artificial light fixtures that can be seen by an observer on the beach  
5172 shall be designed and oriented such that:

5173 a. The point source of light, such as the bulb, fluorescent tube, or diode, or  
5174 any mirrored reflective surface of the light fixture is not directly visible  
5175 from the beach;

- 5176 b. Fixtures are completely shielded by an opaque material blocking direct  
5177 view of bulbs or diodes from the beach;
- 5178 c. Fixtures project light in a downward direction only.
- 5179 4. Exterior artificial light fixtures which are prohibited from producing light that  
5180 can be seen by an observer on the beach include the following:
- 5181 a. Lighting that is decorative in purpose and intent.
- 5182 b. Any light fixture that projects light in an upward direction.
- 5183 c. Any light fixture that directly illuminates vegetation, buildings, trees, or  
5184 other objects that can be seen by an observer on the beach.
- 5185 d. Dune crossover lights.
- 5186 e. Tree mounted lights placed higher than fifteen (15) feet above the ground  
5187 surface.
- 5188 5. The only lamps/tubes/bulbs/diodes or other light sources that may be used in  
5189 exterior light fixtures producing light that can be seen by an observer on the  
5190 beach include:
- 5191 a. Low-pressure sodium (LPS, 18 watts, 35 watts).
- 5192 b. Amber or red LEDs producing light wavelengths not less than 560  
5193 nanometers).
- 5194 c. Any lamp/bulb authorized by the DNR.
- 5195 d. True red neon.
- 5196 e. Other lighting sources that produce light wavelengths not less than 560nm.
- 5197 6. Exterior lights used expressly for safety or security purposes shall be limited to  
5198 the minimum number and configuration required to achieve their functional  
5199 roles and must comply with conditions set forth in this section. Motion detector  
5200 switches, that keep lights off except when approached and that switch lights on  
5201 for the minimum duration necessary for security and safety, are desirable.
- 5202 7. Private balcony lights may only be low-mounted, not to exceed the height of  
5203 the railing around the balcony, fully-shielded from view from the beach, and  
5204 produce light that does not directly or indirectly illuminate any surfaces, other  
5205 than the associated balcony, that can be seen by an observer on the beach.  
5206 Private balcony lights must comply with the conditions set forth in this section.
- 5207 8. Lamps, bulbs, tubes, or diodes used to illuminate parking areas and roadways  
5208 must comply with conditions set forth in this section when producing light that  
5209 can be seen by an observer on the beach.

- 5210 9. Parking area and roadways, including any paved or unpaved areas upon which  
5211 motorized vehicles will park or operate, shall be designed and located to  
5212 minimize vehicular headlights from directly or indirectly illuminating the beach.
- 5213 10. Vehicular lighting, parking area lighting, and roadway lighting shall be shielded  
5214 from the beach through the use of ground-level barriers. Ground-level barriers  
5215 must not interfere with marine turtle nesting or hatchling emergence.
- 5216 11. Swimming pool and pool deck lights shall be turned off when the pool is closed  
5217 unless required for safety and security. Swimming pool deck lights must comply  
5218 with conditions set forth in this section. Underwater swimming pool lights shall  
5219 be designed and installed so as to avoid illuminating any buildings, trees, or  
5220 other objects that can be seen by an observer on the beach, if avoidance of  
5221 such illumination is not possible, then the wavelengths emitted by the  
5222 underwater pool lights shall not be less than 560nm. Swimming pool owners  
5223 are encouraged to seek a variance from the Glynn County Department of Public  
5224 Health in order to conform to these standards.
- 5225 12. Tinted glass shall be installed on all windows and glass doors of single or  
5226 multistory structures constructed within line-of-sight of the beach.
- 5227 13. Temporary lighting of construction sites that can be seen by an observer on the  
5228 beach during the sea turtle nesting season must comply with conditions set  
5229 forth in this section.
- 5230 14. Prior to beachfront construction or renovation of any beachfront structure or  
5231 facility, the lighting plan for the subject parcel, including during the  
5232 construction phase, must be approved by the authority and the DNR sea turtle  
5233 biologist (primary), state herpetologist (secondary), or other staff as assigned  
5234 by DNR.

5235 **Section 5: Standards for permitted beachfront lighting on nonnesting beaches.**

- 5236 A. Beachfront artificial fighting is permitted on nonnesting beaches during the sea  
5237 turtle nesting season at nighttime, except such lighting is prohibited when it can  
5238 be seen by an observer on any nesting beach.
- 5239 B. When artificial lighting can be seen by an observer on a nesting beach, all such  
5240 artificial lighting must comply with conditions in subsections (1) through (11) of  
5241 the standards set forth in Section 4 above concerning nesting beaches.

5242 **Section 6. Prohibition of certain beach activities utilizing artificial lights and lighting**  
5243 **affecting sea turtles.**

- 5244 A. The following activities involving direct illumination of the beach are prohibited  
5245 on nesting beaches, dunes, and frontal dunes at nighttime during the sea turtle  
5246 nesting season for protection of nesting female sea turtles, nests, and hatchlings:

- 5247 1. The operation of all motorized vehicles or motorized machines, except for  
5248 those vehicles that are necessary for authorized public safety, law  
5249 enforcement, or protected-wildlife related activities. Authorized vehicles  
5250 operating on the beach on a routine, non-emergency, basis must be equipped  
5251 with forward facing lights, sufficiently bright for safe operation, producing light  
5252 wavelengths not less than 560nm.
- 5253 2. Any source of open flame except handheld lighters.
- 5254 3. The use of lanterns, flashlights, or any other portable light source except those  
5255 producing light wavelengths not less than 560nm.
- 5256 4. The use of fireworks unless approved by the Authority and properly permitted  
5257 under state and local law.

5258 **Section 7. Variances.**

- 5259 A. Requests for variances to this article must be presented in writing to the  
5260 Authority. Such requests must state the rationale and must show how failure to  
5261 receive a variance will cause an undue hardship on the requestor.
- 5262 B. The Authority will confer with the DNR regarding any variance requested and shall  
5263 respond in writing to each request subsequent to said consultation within ten (10)  
5264 days, unless DNR or the authority requests additional time for study, in which  
5265 case the requestor shall be notified.

5266 **Section 8. Noncompliance and enforcement.**

- 5267 A. The authority shall have the power to enforce the provisions of this article by all  
5268 legal or administrative means.
- 5269 B. Each violation of any provision of this article shall subject the person committing  
5270 the violation to a fine up to \$500.00 plus costs and any or all penalties to be  
5271 imposed at the discretion of the judge. Each day of any such violation shall  
5272 constitute a separate and distinct offense.
- 5273 C. No permit may be issued by the authority to improve or expand any facility that is  
5274 in violation of this ordinance unless such violation has been corrected.

[Article VII: Reserved]



## Article VIII: Clean Community

### Section 1: Short title.

- A. This Article shall be known and may be cited as the "Clean Community Ordinance."

### Section 2. Purpose.

- A. Jekyll Island possesses unique natural assets and amenities which enhance the value and enjoyment of the community by residents, businesses and visitors. These assets are irreplaceable and must be preserved and protected in order to allow the public's continued enjoyment of these natural resources, enhance property values, prevent nuisances, protect public health and safety, and protect the safety of wildlife.
- B. Thus, this ordinance is intended to provide for the uniform prohibition of any and all littering on public or private property.

### Section 3. Definitions.

- A. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. *Aircraft*: Any contrivance now known but is not limited to or hereafter invented, used or designated for navigation or for flight in the air. The term "aircraft" includes helicopters and lighter-than-air dirigibles, balloons, and unmanned aerial vehicles.
2. *Authorized Receptacle*: A container, not to exceed 95 gallons, of substantial construction, with tight-fitting lid and equipped with handles sufficient for safe and convenient handling. Such receptacles shall be maintained in a serviceable condition at all times.
3. *Commercial Handbill*: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:
  - a. Which advertises for sale any merchandise, product, event, commodity or thing;
  - b. Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof;
  - c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or any event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this Section shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such

5311 meeting, theatrical performance, exhibition, or event of any kind, when it  
5312 is held or given or takes place in connection with the dissemination of  
5313 information. Provided, however, that nothing contained in this Section shall  
5314 be deemed to authorize the holding, giving or taking place of any meeting,  
5315 theatrical performance, exhibition or event of any kind without a license,  
5316 where such license is or may be required by law of this state or under any  
5317 ordinance of Jekyll Island; or

5318 d. Which, while containing reading matter other than advertising matter, is  
5319 predominantly and essentially an advertisement and is distributed or  
5320 circulated for advertising purposes for the private benefit and gain of any  
5321 person so engaged as an advertiser or distributor.

5322 4. *Contagious Disease*: An infectious disease that is transmitted by contact with  
5323 an infected individual or infected bodily discharges or fluids, by contact with a  
5324 contaminated surface or object, or by ingestion of contaminated food or water.

5325 5. *Litter*: All forms of discarded or abandoned materials including but not limited  
5326 to sand, gravel, slag, rubbish, waste material, tin cans, refuse, garbage, trash,  
5327 debris, plastic decorations including artificial flowers or flower petals, animal  
5328 waste, bottles, glass, cans, boxes, containers, unclaimed papers or paper  
5329 products, all tobacco products, tires, appliances, furniture, tree and landscape  
5330 materials, grass trimmings, leaves, mechanical equipment or parts, building or  
5331 construction materials, wooden pallets, tools, machinery, wood, motor vehicles  
5332 and motor vehicle parts or equipment, vessels, aircraft parts equipment, waste  
5333 oil, batteries, antifreeze, sludge, or any other discarded material or substance  
5334 of every kind and description.

5335 6. *Industrial Waste*: All waste, including solids, semisolids, sludge and liquids,  
5336 created by factories, processing plants or other manufacturing concerns.

5337 7. *Discard*: To get rid of as unwanted any physical material, substance or thing  
5338 which has been left, dropped, placed, thrown, dumped or otherwise disposed  
5339 of in a manner or place that does not reasonably suggest an intent to preserve,  
5340 protect or retain the use or possession of that which is left.

5341 8. *Disposal Site*: A location for the final disposal of solid waste, putrescible waste,  
5342 hazardous waste or other waste, except this term shall not be deemed to  
5343 include land or a facility used for the disposal of solid waste or other waste from  
5344 a single-family dwelling by the owner, occupant or lessee thereof.

5345 9. *Garbage*: The by-product of animal or vegetable food resulting from the  
5346 handling, preparation, cooking and consumption of food, or other matter which  
5347 is subject to decomposition, decay, putrefaction or the generation of noxious

5348 or offensive gases or odor, or which during or after decay may serve as breeding  
5349 areas or feeding material for flies, insects or animals.

5350 10. *Jekyll Island*: a political subdivision of the State of Georgia, as defined in  
5351 O.C.G.A. 12-3-241.

5352 11. *Hazardous Refuse*: Materials that are harmful to humans, animals, or  
5353 environmental health, such as poisons, acids, caustics matter or solutions,  
5354 chemicals, infected materials, offal, fecal matter, explosives, sewage sludge,  
5355 radioactive materials and highly flammable substances.

5356 12. *Junked Vehicle*: Any automobile, truck, van, boat, or trailer of any kind or type  
5357 that is abandoned, wrecked, dismantled, partially dismantled, inoperative, or  
5358 without a current and valid vehicle registration tag or otherwise illegal.

5359 13. *Newspaper*: Any newspaper of general circulation as defined by general law,  
5360 any newspaper duly entered with the United States Postal Service in  
5361 accordance with federal statute or regulation, and any newspaper filed and  
5362 recorded with any recording officer as provided by general law; and, in addition  
5363 thereto, includes any periodical or current magazine, regularly published with  
5364 not less than four issues per year and sold to the public.

5365 14. *Noncommercial Handbill*: Any printed or written matter, any sample, device,  
5366 dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or  
5367 any other printed or otherwise reproduced original or copies of any matter of  
5368 literature not included in the aforesaid definitions of a Commercial Handbill or  
5369 newspaper.

5370 15. Nuisance: A nuisance shall mean any condition which tends to the immediate  
5371 annoyance of the public in general, or is manifestly injurious to the public  
5372 health, or safety. A nuisance includes, but is not limited to, the keeping,  
5373 depositing, or scattering on or over the property of dead animals, stagnant  
5374 water, decayed vegetables or fruits, filthy privies, unkept stables, junk, trash,  
5375 litter, or debris, or any dilapidated furniture, appliance, machinery, equipment,  
5376 building material, junked vehicle, boat, or other item which is either in a  
5377 wrecked, junked, dismantled or inoperative condition, and which is not  
5378 completely enclosed within a building or a dwelling, or anything having an  
5379 offensive odor.

5380 16. *Park*: A park, reservation, playground, beach, recreation center or any other  
5381 public area in Jekyll Island, owned or used by Jekyll Island and devoted to active  
5382 or passive recreation.

5383 17. *Person*: An individual, firm, company, partnership, corporation, association,  
5384 institution, or other legal entity.

5385 18. *Public or Private Property*: Means the right-of-way of any road, street, highway,  
5386 alley, or thoroughfare; any body of water or watercourse, including any river,  
5387 channel, ditch, canal, stream, and marshland; any tidal or coastal water or the  
5388 shores or beaches thereof; any park, playground, sidewalk, or public building  
5389 and the grounds thereof; any refuge, conservation, or recreation area; any  
5390 residential, private, or farm properties; any timberlands or forests; any  
5391 dumpsters or litter receptacles; and any other site, place, or location of every  
5392 kind and description.

5393 19. *Vehicle*: Every device in, upon or by which any person or property is or may be  
5394 transported or drawn upon a road, a waterway, or used upon stationary rails or  
5395 tracks.

5396 **Section 4. Littering.**

5397 A. It shall be unlawful for any person or persons to dump, deposit, throw, leave,  
5398 discard, place, discharge, dispose, drop or to cause or permit the dumping,  
5399 depositing, placing, throwing, leaving, discarding, discharging, disposing, or  
5400 dropping of litter on any property on Jekyll Island or the waters of Jekyll Island,  
5401 unless:

5402 1. The property is designated by the Authority or an agency of the State of Georgia  
5403 for the disposal of litter and the person is authorized by the proper public  
5404 authority to use such property; or

5405 2. The litter is placed into a litter receptacle or container installed on the property  
5406 and the person is authorized or permitted to place litter in such litter receptacle  
5407 or container.

5408 B. Whenever litter is thrown, deposited, dropped, discarded, discharged, disposed, or  
5409 dumped from any motor vehicle, boat, aircraft, or other conveyance in violation of  
5410 this Section, or any other section of this Division regarding littering, the trier of fact  
5411 may in its discretion and in consideration of the totality of the circumstances infer  
5412 that the operator of the conveyance has violated subsection (a) of this Section or the  
5413 relevant section regarding littering.

5414 C. Except as provided in subsection (b) of this Section, whenever any litter which is  
5415 dumped, deposited, thrown, left, discarded, placed, discharged, disposed, or  
5416 dropped on public or private property in violation of this Section, or any other section  
5417 of this Division regarding littering, is discovered to contain any article or articles,  
5418 including but not limited to letters, bills, publications, or other writings which display  
5419 the name of a person thereon in such a manner as to indicate that the article belongs  
5420 or belonged to such person, the trier of fact may in its discretion and in consideration  
5421 of the totality of the circumstances infer that such person has violated subsection (a)  
5422 of this Section or the relevant section regarding littering.

- 5423 D. No person shall drive or move any truck or other vehicle within Jekyll Island unless  
5424 such vehicle is so constructed or loaded as to prevent any loads, contents or litter  
5425 from being blown or deposited upon any street, alley or other public place. Nor shall  
5426 any person drive or move any vehicle or truck within Jekyll Island the wheels or tires  
5427 of which carry onto or deposit in any street, alley or other public place mud, concrete,  
5428 liquid wastes, paints, or hazardous substances, litter or foreign matter of any kind.
- 5429 E. No person shall drive or move any loaded truck or other vehicle within or upon any  
5430 Jekyll Island roadway or any other public road within Jekyll Island unless such vehicle  
5431 and the load therein are covered by canvas or other protective material providing  
5432 complete coverage, properly secured, so as to prevent any load, contents or litter  
5433 from becoming loose, detached or blown from the vehicle or from dropping or  
5434 escaping from the vehicle during movement of the vehicle. No person shall drive or  
5435 move a vehicle that is open to air such as truck beds, open-top or open-side sport  
5436 utility vehicles, and convertibles with unsecured trash or litter being open to air, nor  
5437 shall they operate a vessel upon the water within Jekyll Island with unsecured trash  
5438 or litter being open to air.
- 5439 F. Construction site operators must control waste, such as discarded building materials,  
5440 concrete truck washout, chemicals, litter, and sanitary waste, at the construction site.
- 5441 G. It shall be unlawful to throw, place, deposit, sweep or scatter, or cause to be thrown,  
5442 placed, deposited, swept, or scattered, any paper, food, cigarette butts, bottles, cans,  
5443 trash, fruit peelings, plastic flower petals and decorations, balloons, or other refuse  
5444 upon the beaches or structures erected hereon. Beach goers must have their trash  
5445 in a container at all times.
- 5446 H. It shall be unlawful to release balloons, helium or otherwise, and/or heat or flame  
5447 operated devices sometimes referred to as "sky lanterns," "Chinese lanterns," or  
5448 "floating lanterns," to include, with regard to balloons or lanterns, helium, foil, mylar,  
5449 or "bio-degradable" devices or items from any location on Jekyll Island, including the  
5450 beach, structures on the beach and waters adjacent thereto, and such activity shall  
5451 be classified as "littering" and subject to the prohibition herein.

5452 **Section 5. Placement of Litter in Receptacles so as to Prevent Scattering.**

- 5453 A. Persons placing litter in public receptacles or in authorized receptacles shall do so  
5454 in such a manner as to prevent it from being carried or deposited by the elements  
5455 upon any street, sidewalk or other public or private property.
- 5456 B. If a public trash or recycling receptacle is full, persons are responsible for finding  
5457 another lawful place to dispose of litter properly.

5458           **Section 6. Maintenance of General Property.**

- 5459           A. The owner, occupant, or person in control of any private leasehold shall at all times  
5460           maintain the premises free of litter; provided, however, this Section shall not  
5461           prohibit the storage of litter in authorized receptacles for collection.
- 5462           B. No person shall sweep into or deposit on any street, sidewalk, ditch, or gutter or  
5463           into or adjacent to any drainage structure the accumulation of litter from any  
5464           building or property.
- 5465           C. No persons shall sweep, blow or dump litter, leaves or other yard waste unto  
5466           ditches, gutters, streets, sidewalks, roadsides, parks, or unto others' leaseholds.
- 5467           D. No person leasing or occupying a place of business shall sweep into or deposit in  
5468           any gutter, street, ditch, or other public place within Jekyll Island the accumulation  
5469           of litter from any building or lot or from any public or private road, sidewalk or  
5470           driveway.
- 5471           E. Persons owning or occupying places of business within Jekyll Island shall keep their  
5472           business premises free of litter.
- 5473           F. Merchants are required to use their own trash receptacles, unless otherwise  
5474           arranged by written agreement with the Authority.
- 5475           G. Beach Village Merchants shall not use trash disposal, compactor, or recycling  
5476           facilities at or adjacent to Beach Village for the disposal of trash or refuse generated  
5477           outside of their Beach Village premises.
- 5478           H. Trash must be collected from the location it is generated and shall not be moved  
5479           from one location to another if trash collection is available at the location where  
5480           the trash is generated.

5481           **Section 7. Special Refuse Disposal.**

- 5482           A. *Contagious Disease Refuse.* The removal of clothing, bedding or other refuse from  
5483           places where highly infectious diseases have prevailed shall not be placed in  
5484           receptacles or bulk containers for regular collection. The producers of pathological  
5485           wastes, or the owners of premises upon which pathological waste is produced shall  
5486           arrange for disposal of such waste adhering to all federal, state and local laws.
- 5487           B. *Disposal of Needles or Hypodermic Instruments.* Any person who uses, disposes of,  
5488           or discards any hypodermic syringes, hypodermic needles, or devices for making  
5489           hypodermic injections shall be required to dispose of these instruments into  
5490           containers that are puncture resistant, leak proof on the bottom and sides,  
5491           sealable, labeled and color coded as biohazardous materials. Any person who uses  
5492           disposable needles shall be required to dispose of these in containers that are rigid,  
5493           puncture resistant and leak proof, and which are taped closed or tightly lidded to

5494 completely contain the contents therein and prevent any spillage. Said containers  
5495 shall be disposed of in a manner that adheres to all federal, state and local laws.

5496 **Section 8. Property Management.**

5497 Within Jekyll Island State Park:

5498 A. It shall be unlawful for any person having an ownership or leasehold interest in  
5499 property, having a contractual obligation to manage property, or occupying  
5500 property for any purpose, including vacant lots or land, in such a way as to allow  
5501 trash, garbage, litter, or miscellaneous refuse to accumulate or otherwise go  
5502 uncollected.

5503 B. It shall be unlawful for any person having a leasehold interest in property, having a  
5504 contractual obligation to manage property, or occupying property, to create,  
5505 commit, conduct, promote, facilitate, permit, fail to prevent, let happen, or to allow  
5506 to remain any nuisance in or on such property.

5507 C. Restaurants and other food establishments, including convenience stores, shall  
5508 maintain at all times on their premises sufficient receptacles for the disposal and  
5509 containment of trash, garbage, and miscellaneous refuse. It shall be the  
5510 responsibility of these establishments to also ensure that the disposal and  
5511 containment area(s), including all back-of-house areas, such as compactor  
5512 enclosures, remain free from litter at all times.

5513 D. Dispersed litter, garbage, and miscellaneous refuse occurring anywhere on leased  
5514 property or originating on leased property shall be the responsibility of the lease  
5515 holder or occupant to promptly collect regardless of the means of dispersal,  
5516 whether that be littering by clients or guests, wind, water, wildlife, or other causes.

5517 **Section 9. Abandoned Motor Vehicles.**

5518 A. It shall be unlawful to abandon any motor vehicle as provided in O.C.G.A. § 40-11-1.

5519 **Section 10. Commercial and Non-Commercial Hand Bills Placement and Disposal**

5520 A. No person shall throw or deposit any commercial or noncommercial handbill in or  
5521 upon any sidewalk, street or other public place within Jekyll Island.

5522 B. No person shall throw or deposit any commercial or noncommercial handbill in or  
5523 upon any vehicle.

5524 C. It shall be unlawful for any person to direct, order or instigate the placing of  
5525 commercial or noncommercial Handbills in violation of the Section. Furthermore,  
5526 in the prosecution for the violation of these sections, the fact that a person, a  
5527 product or a place of business is advertised on a commercial or noncommercial  
5528 handbill shall be prima facie evidence that the person advertised, or the proprietor  
5529 of the product advertised, or the proprietor of the place of business advertised, as

the case may be, was the person directing the placing, distributing or throwing away the advertising matter in question.

D. No person shall throw or deposit any commercial or noncommercial handbill or any newspaper in or upon any private premises which are vacant.

E. No person shall throw, deposit or distribute any commercial or noncommercial handbill or any newspaper upon any private premises if requested by any person thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Vendors," "No advertisement," or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed or to have any such handbills left upon such premises.

F. Any commercial or noncommercial handbill, flyer, doorhanger, or newspaper that is deposited on a private premises in accordance with this Section, shall be properly secured or affixed to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

G. The provisions of this Section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein), except that, newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

#### **Section 11. Posting Notices Prohibited.**

A. No person shall post or affix any notice, poster, handbills or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or tree, sign or upon any public structure or building, except as may be authorized by the Authority or required by law.

#### **Section 12. Clearing Litter from Leaseholds by Jekyll Island Authority.**

A. *Notice to Remove.* The Jekyll Island Authority Code Enforcement Officer or their designee is hereby authorized and empowered to notify the lease holder or the agent of any leasehold within Jekyll Island that the conditions of such owner's property constitute a danger to the public health, safety or welfare. Such notice shall be handed directly to the leaseholder or agent or sent registered or certified mail, addressed to such owner at his last-known address.

B. *Action Upon Noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within thirty (30) days after receipt of written notice or if the same is returned to the post office because of its inability to make delivery thereof, provided the same was properly addressed to the last-known address of such



owner or agent, the Authority is authorized and empowered to remove the litter, to pay for its removal or to take any other action as provided under this Article.

C. *Charge for Removal.* When the Authority has borne the cost of litter removal due to noncompliance of the responsible party, the actual cost, plus accrued interest (at the rate of six percent per year) from the date of the completion of the work, shall be charged to the owner of such property.

D. In addition to the removal of litter as provided by this Section 12 and the enforcement of this Article by citation or accusation as provided by Section 13 of this Article, the Authority may take any action not prohibited by law to prevent or remediate a violation or threatened violation of this Article, including without limitation, rescinding any issued permit, issuing a stop work order, or commencing legal proceedings to prevent, correct, or abate such violation or threatened violation or to recover any monetary damages, or both.

### **Section 13: Penalties.**

A. Any person who violates the Jekyll Island Clean Community Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

1. The punishment imposed for any violation of this Chapter shall not exceed a fine of \$1,000.00 or sixty (60) days imprisonment or both; however, the minimum fine which will be imposed shall be not less than \$300.00 for a first offense, \$600.00 for a second offense, and \$1000.00 for a third or subsequent offense within a 12-month period. Each occurrence such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

2. The person may be directed to pick up and remove from any public property or private right-of-way, for a distance not to exceed two miles, any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence.

3. The person may be directed to pick up and remove from any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon prior to the date of execution of sentence so long as the legal owner or tenant in lawful possession of such private property has given prior permission.

4. If in the sound discretion of the Judge of the Magistrate Court, removal of the litter by the person would be unsafe, impractical, not feasible, or impossible, the person may be directed to reimburse Jekyll Island for the cost of removal and/or cleanup of the litter that the person deposited on public property.

5. The Judge of the Magistrate Court may publish the names of persons convicted of violating this ordinance.

5605           **Section 14. Solid Waste Collection Practices.**

5606           A. The following practices and procedures shall be employed in order to facilitate the  
5607           collection of solid wastes:

- 5608           1. *Solid Waste Fee.* There is assessed upon every occupied leasehold a fee for  
5609           providing solid waste collection and disposal, recycling, and yard waste  
5610           collection to be charged to each leaseholder in an amount to be set by the Jekyll  
5611           Island Authority each year.
- 5612           2. *"Back-door" service required for rental properties.* Property used for any part of  
5613           the year as a vacation rental must be enrolled in the "back door" service  
5614           program for trash/recycling pickup continuously during the term licensed for  
5615           property rental.
- 5616           3. *Refuse.* All refuse and recycling shall be placed and maintained in containers  
5617           provided by the Authority or their contract hauler. All containers shall be  
5618           maintained at all times with tight-fitting lids or covers.
- 5619           4. *Placement of Cans.* There shall be no placing of garbage cans on the street side  
5620           of real property unless the cans are fully screened from view.
- 5621           5. *Garbage.* All garbage placed in containers for collection shall first be drained of  
5622           all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic  
5623           material.
- 5624           6. *Injurious Trash Items.* All waste material of an injurious nature, such as broken  
5625           glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes  
5626           shall be securely packaged or wrapped for the purpose of preventing injury to  
5627           the collection crews or other third parties.
- 5628           7. *Hazardous Refuse and Building Materials.* No hazardous refuse or building  
5629           materials shall be placed in any household receptacle at any time.
- 5630           8. *Yard Trash.* Other than for scheduled collection, yard debris shall be not be  
5631           allowed to accumulate in a gutter, ditch, or in the street.

5632           **Section 15. Prohibited Activities**

5633           A. The following activities are hereby declared to be unlawful and in violation of this  
5634           Article.

- 5635           1. *Blockage of Drainage.* No person shall place any refuse, trash, refuse  
5636           receptacles, or containers on, over or near any storm drain or drainage ditches,  
5637           or so close thereto as to cause such material to interfere in any way with such  
5638           drainage.
- 5639           2. *Unauthorized Storage.* Any accumulation of refuse or trash items on or  
5640           originating from any lot, property, premises, public streets, alley or other public

or private place not permitted by this Article is hereby declared to be a public nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse shall raise the presumption that such person intended to violate this Article.

3. *Junk*. It shall be unlawful for any person to place or leave outside any building or dwelling except as specified in Section 17 any dilapidated furniture, appliance, machinery, equipment, building material, junked vehicle, or other items which is either in a partially rusted, wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Article, shall be presumed to be abandoned and subject to being removed from the property by the Authority without further notice. The Authority may charge the owner or occupant a fee for the cost of removing said item or items.

- a. The Jekyll Island Vehicle Maintenance Facility is exempt from this provision.

4. *Appliances*. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing them from the lock or door. This Section shall not apply to any appliances, refrigerators or container which has been placed on or adjacent to the rear of the building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof.

5. *Scavenging*. No person other than the owner thereof, or an agent or employee of the Authority, shall disturb or interfere with any container used for the purpose of storing refuse pending its collection, or remove any contents there from or remove such container from its location.

## **Section 16. Special Refuse and Wastes.**

- A. *Hazardous Refuse*. No hazardous refuse shall be placed in any household receptacle used for collection of refuse.
- B. *Building Materials*. The owner will be responsible for the collecting or hauling of building material originating from private property preliminary to, during or subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures. Such material shall be removed by the owner of the property or by the contractor.
- C. *Hazardous or Liquid Waste*. Hazardous or liquid waste or highly combustible industrial waste shall be disposed of in a manner which meets all federal, state and local laws and regulations.

**Section 17. Severability.**

- A. Should any section, subsection, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the ordinance may reasonably be given effect without the invalid or void portion.

**Article IX: Sea Level Rise Resilience**

**Section 1: Title**

- A. This Article, as the same shall be amended from time to time, shall be known as the “Sea Level Rise Resilience Ordinance.”

**Section 2. Findings of Fact.**

- A. Environmental changes are expected to increase global sea levels.
- B. The National Oceanic and Atmospheric Administration (NOAA) published a report on the latest science on sea level rise entitled Global and Regional Sea Level Rise Scenarios for the United States (2017), NOAA Technical Report NOS CO-OPS 083, hereinafter referred to as the “NOAA Global and Regional Sea Level Rise Report” or the “NOAA Report.”
- C. The NOAA Global and Regional Sea Level Rise Report defines six sea level rise scenarios that encapsulate the most likely sea level rise scenarios, described as follows: Low Scenario (0.3 meters by 2100), Intermediate-Low Scenario (0.5 meters by 2100), Intermediate Scenario (1.0 meters by 2100), Intermediate-High Scenario (1.5 meters by 2100), High Scenario (2.0 meters by 2100), and Extreme Scenario (2.5 meters).
- D. Rising sea levels threaten coastal communities across the nation and worldwide, including Jekyll Island. These threats will come in multiple forms including, but not limited to: flooding from regular tidal actions, saltwater and groundwater intrusion into drainage systems that reduces system capacity, higher storm surges, increased coastal erosion, increased groundwater tables and resulting surface inundation and the loss of infiltration capacity, and the degradation of underground infrastructure.
- E. To secure the future safety and prosperity of Jekyll Island State Park, it is necessary to incorporate projections of future sea level rise into the planning and development guidelines and regulations of this community, ensuring that future development, public infrastructure, and conservation projects incorporate projections of sea level rise.
- F. There exists a strong scientific consensus that global climatic changes will result in sea level rise throughout the rest of the century and for centuries to come, but some uncertainty exists as to the rate of this increase in the coming years and timing of specific impacts associated with the increasing tidal heights.

- G. For long-term planning, infrastructure development, land development purposes, and other general purposes, the Georgia Department of Natural Resources – Coastal Resources Division and the University of Georgia Carl Vincent Institute of Government recommend that the Intermediate-High Scenario for increases of GMSL represents a scientifically sound estimate of future sea level rise for which there is a very low probability that it will be exceeded, and that accounts for estimated variability that will be caused by regional variation, and therefore that will allow the Authority to plan for and build a safe and resilient future.
- H. Implementing buffers around tidally influenced areas provides a simple mechanism for increasing the resilience of new buildings and infrastructure to the impacts of future sea level rise.

### Section 3. Statement of Purpose.

- A. To increase long-term community resilience, preserve public safety, and minimize public and private property losses due to flooding and storm damage, and to minimize other negative impacts associated with rising sea levels, this ordinance shall require the use of future sea level rise projections in future plans, regulations, ordinances, policies, public infrastructure and facilities planning and construction, and other public decisions. Specific decisions may require the use of other projections or estimates, particularly for critical infrastructure and facilities that need a higher standard of protection or where the project's design life warrants the use of a different standard.
- B. In addition, this ordinance creates a buffer around all tidally influenced waters to create a minimum level of safety for new buildings as well as public and private infrastructure that would be damaged by future inundation from future tides or flooding events.

### Section 4. Using Sea Level Rise Projection Data.

- A. The sea level rise projections in the Table 5A below shall be used for all policy, planning, design, and regulatory purposes that require the Authority or its staff to consider tide levels. The appropriate sea level rise increment shall be added to the current Mean-Higher-High-Water level (MHHW), as defined by NOAA, which shall establish the relevant tide line for the relevant plan, permit, ordinance, or other purpose. Where appropriate, additional tidal data should also be considered, such as the height of spring tide events in the area. The appropriate increments shall be identified by determining the relevant planning horizon or the design life of the potentially affected project and selecting the relevant decade in which that end-date occurs. These sea level rise increments shall follow the most recently updated GMSL Intermediate-High GMSL Scenario.

Table 5A: Sea Level Rise Projections

Intermediate-High GMSL Scenario	2030	2040	2050	2060	2070	2080	2090	2100
Meters	0.19	0.30	0.44	0.60	0.79	1.0	1.2	1.5

Feet	0.62	0.98	1.44	1.97	2.59	3.28	3.94	4.92
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## Section 5. Enhanced Buffer Requirements.

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A. To limit the exposure of future buildings and infrastructure, including new roads and utilities, all new construction shall take place at least seventy-five (75) feet landward of the mean higher-high water mark along all tidally influenced waters, or, where coastal marshlands exist as described in the State of Georgia's Coastal Marshland Protection Act, all new construction shall take place at least seventy-five (75) feet from the edge of the marsh.

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B. If a proposed construction project is rendered infeasible by the establishment of this buffer, the Authority may grant a variance from the requirements of this ordinance if the applicant for the variance can establish the following:

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1. That this requirement represents an unnecessary hardship.

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2. That a practicable reduction in the scale of the project will not avoid the need for a variance.

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3. The portions of the project to be built in the buffer areas will be designed and constructed to limit the potential impacts of future flooding.

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C. This buffer shall not apply to the following:

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1. The maintenance, repair, or renovation of existing buildings, infrastructure, or historic resources, as approved by the Authority.

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2. The legally permitted construction of buildings or infrastructure approved by the Authority but not yet constructed prior to this ordinance taking effect.

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3. Construction within the footprint of the developed land associated with the Jekyll Island Wastewater Treatment facility as identified in the most current version of the Jekyll Island Master Plan.

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4. Land-management activities, maintenance of public green spaces and associated public facilities and services, and other activities not related to permanent construction.

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5. The construction of parks, trails, boardwalks, and other structures related to outdoor recreation, environmental education, or similar public pursuit.

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6. Temporary construction associated with events, film production, or other legally permitted purpose approved by the Authority.

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D. Applications for a buffer variance shall be presented in writing to the Authority to be reviewed by the Design Review Group and considered for approval by the Executive Director or their designee. Applications must state the rationale for the

5785 variance request and demonstrate how failure to receive a variance will cause  
5786 undue hardship on the applicant.

5787 **Section 6. Severability.**

5788 A. If any section of this code section is declared unconstitutional or otherwise  
5789 invalidated by any court of competent jurisdiction, then it is expressly provided that  
5790 the remaining portions of this section that are not so invalidated are severable and  
5791 shall remain in full force and effect.

5792 **Article X: Water Conservation**

5793 **Section 1: Outdoor water use restrictions.**

5794 A. It shall be unlawful for any owner or occupant to utilize water outdoors inconsistent  
5795 with the mandatory watering schedule stated in the Rules for Outdoor Water Use  
5796 chapter 391-3-30, adopted by the Georgia State Board of Natural Resources.

5797 **Section 2. Water use during Non-Drought Conditions and during Drought Response**  
5798 **Level 1.**

5799 A. Outdoor watering for purposes of planting, growing, managing or maintaining  
5800 ground cover, trees, shrubs or other plants may occur only between the hours of  
5801 4:00 p.m. and 10:00 a.m.  
5802 1. Outdoor watering for the establishment of new plant material for the first  
5803 month and hand watering new trees for one year for the purpose of  
5804 reforestation is exempt from these requirements.

5805 **Section 3. Water Use during Drought Response Level 2.**

5806 A. General outdoor water use, other than exempted activities, shall occur only as  
5807 follows:  
5808 1. Odd-numbered addresses: outdoor water use is allowed on Thursdays and  
5809 Sundays.  
5810 2. Even-numbered and unnumbered addresses: outdoor water use is allowed on  
5811 Wednesdays and Saturdays.  
5812 B. Outdoor watering for purposes of planting, growing, managing or maintaining  
5813 ground cover, trees, shrubs or other plants may occur only between the hours of  
5814 4:00 p.m. and 10:00 a.m.  
5815 1. Outdoor watering for the establishment of new plant material for the first  
5816 month and hand watering new trees for one year for the purpose of  
5817 reforestation is exempt from these requirements.  
5818 C. Specific Categories of Outdoor Water Use. The outdoor water uses listed in  
5819 O.C.G.A. 391-3-30-.03(1)(b) shall be allowed  
5820 D. The following outdoor water uses shall not be allowed, except as provided below:

- 5821 1. Washing hard surfaces such as streets, gutters, sidewalks and driveways, except  
5822 when necessary for public health and safety;  
5823 2. Using water for ornamental purposes, such as fountains, reflecting pools, and  
5824 waterfalls;  
5825 3. Use of fire hydrants, except for the purposes of firefighting, public health,  
5826 safety, or flushing;  
5827 4. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf  
5828 carts;  
5829 5. Non-commercial washing, or pressure washing, of buildings or structures,  
5830 except for immediate fire protection; and  
5831 6. Charity, or non-commercial fund-raiser, car washes.

5832 **Section 4. Water Use During Drought Response Level 3**

- 5833 A. General Outdoor Watering. Outdoor irrigation for purposes of planting, growing,  
5834 managing, or maintaining ground cover, trees, shrubs, or other plants, as described  
5835 in O.C.G.A. 391-3-30-.03(1)(a), is not permitted.
- 5836 B. Specific Categories of Outdoor Water Use allowed. The outdoor water uses listed  
5837 in O.C.G.A. 391-3-30-.03(1)(b) shall be allowed, subject to the following additional  
5838 requirements:
- 5839 1. Irrigation of personal food gardens shall be conducted between the hours of  
5840 4:00 p.m. and 10:00 a.m., unless done using drip irrigation or soaker hoses.  
5841 Irrigation of personal food gardens using drip irrigation or soaker hoses may be  
5842 done at any time;
- 5843 2. Hand watering with a hose with automatic cutoff or handheld container may  
5844 be conducted between the hours of 4:00 p.m. and 10:00 a.m.;
- 5845 3. Irrigation of athletic fields or public turf grass recreational areas may be  
5846 conducted between the hours of 4:00 p.m. and 10:00 a.m., subject to the two  
5847 days a week odd-even schedule described in Drought Response Level 2;
- 5848 4. Irrigation of golf courses shall be conducted in accordance with the "Golf  
5849 Irrigation Prediction and Estimation Worksheet" and only between the hours of  
5850 4:00 p.m. and 10:00 a.m., provided, however, irrigation of golf course greens  
5851 may occur at any time of day;
- 5852 5. Use of reclaimed waste water by a designated user from a system permitted by  
5853 the Division to provide reclaimed waste water shall not be allowed for general  
5854 outdoor watering as described in O.C.G.A. 391-3-30-.03(1)(a). It shall be  
5855 allowed for any use described in O.C.G.A. 391-3-30-.03(1)(b) subject to the  
5856 limitations in O.C.G.A. 391-3-30-.07(4)(b);
- 5857 6. Installation, maintenance, or calibration of irrigation systems is allowed,  
5858 provided that it is done by professional landscapers or golf course  
5859 superintendents.

5860 **Section 5. Violations, Penalties and Enforcement**



- 5861 A. Any person found in violation of any provision of this Article shall be guilty of a  
5862 misdemeanor, and upon conviction thereof, shall be punished by a fine not to  
5863 exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both  
5864 fine and imprisonment, to be imposed at the discretion of the judge or as provided  
5865 and stipulated by law.
- 5866 B. In addition to the enforcement of this Chapter by citation or accusation, the  
5867 Authority may take any action not prohibited by law to prevent or remediate a  
5868 violation or threatened violation of this Chapter, including without limitation,  
5869 rescinding any issued permit, issuing a stop work order, or commencing legal  
5870 proceedings to prevent, correct, or abate such violation or threatened violation or  
5871 to recover any monetary damages, or both.
- 5872
- 5873

ATTACHMENT 5  
(corresponding to Section 5)

Chapter 12: Fire Prevention and Protection

Article I: Generally

Section 1: Purpose.

C. The purpose of this article is to:

1. Prescribe regulations governing conditions that are potentially hazardous to life and property from fire or explosion;
2. Establish fire protection fees to cover the cost of providing fire protection and suppression and other services by or through the Fire Department; and
3. Establish requirements and controls to protect and safeguard the general health, safety, and welfare of the public.

Section 2: Definitions

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

1. *Alarm contractor* means any person who installs, maintains, repairs, alters, monitors or services alarm systems for compensation.
2. *Alarm signal* means the audible sound or a transmission of a signal or a message as the result of the activation of an alarm system or an audible alarm.
3. *Alarm system* means any mechanical or electrical or radio-controlled device which is designed to be used for the detection of smoke or heat or hazardous condition of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include audible, silent, fire and panic alarms and proprietor alarms.
4. *Audible alarm* means a device designed for the detection of fire heat or smoke or hazardous condition or of unauthorized entry on premises which generates an audible sound when it is activated.
5. *Authority* means the Jekyll Island – State Park Authority.
6. *False alarm* means an alarm signal which is responded to by the Georgia Department of Public Safety or Fire Department of Jekyll Island when there is no evidence of a crime, heat, medical emergency, hazardous condition, or other activity which warrants a call for immediate police, firefighting or

5907 emergency medical assistance. A false alarm shall not be deemed to have  
5908 occurred when the responding agency is notified that no response is necessary  
5909 before any act of response is substantially completed. Only those false alarms  
5910 occurring on Jekyll Island are punishable by this chapter.

5911 7. *Fire Chief / Director of Public Safety* means the chief of the Jekyll Island Fire  
5912 Department. This individual reports directly to the Jekyll Island Authority's  
5913 Deputy Executive Director.

5914 8. *Bureau of fire prevention* means the Fire Marshal Office of the Jekyll Island Fire  
5915 Department. This position is responsible for enforcing the Georgia State  
5916 Minimum Fire Safety Standards and performs fire prevention activities.

5917 9. *Corporation counsel* means the legal counsel for the Authority.

5918 10. *Design Professional* means an individual who is registered or licensed to  
5919 practice their respective design profession as defined by the statutory  
5920 requirements of the professional registration laws of the jurisdiction in which  
5921 the project is being constructed, or other professional with qualifications or  
5922 credentials acceptable to the jurisdiction in which the project is to be  
5923 constructed.

5924 11. *False Alarm* means an alarm activated by either environmental conditions,  
5925 malicious tampering / playing, faulty equipment or testing without notification  
5926 of the alarm monitoring company.

5927 12. *Fire Alarm System* means a system or portion of a combination system that  
5928 consists of components and circuits arranged to monitor and annunciate the  
5929 status of fire alarm or supervisory signal-initiating devices and to initiate the  
5930 appropriate response to those signals.

5931 13. *Fire Suppression System* means a fire suppression or control device that  
5932 operates automatically when its heat-activated element is heated to its thermal  
5933 rating or above, allowing water or fire suppression agent to discharge over a  
5934 specified area.

5935 14. *Municipality* means the Jekyll Island Authority

5936 15. *N.F.P.A.* means National Fire Protection Association (National Fire Codes).

5937 16. *Person* means any individual, association, partnership, firm or corporation, or  
5938 any combination of one or more of them, and includes any officer, employee,  
5939 department, agency or instrumentality of the state.

5940 17. *Recreational Fire*. An outdoor fire burning materials other than rubbish where  
5941 the fuel being burned is not contained in an incinerator, outdoor fireplace,  
5942 portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel

5943 area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height  
5944 for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

5945 **Section 3: Adoption of Fire Codes by Reference.**

5946 A. There is hereby adopted by the Jekyll Island Authority for the purpose of prescribing  
5947 regulations governing conditions hazardous to life and property from fire or  
5948 explosion, those certain codes, laws and regulations known as the International Fire  
5949 Code, 2018 edition and all future editions, with any Georgia Amendments as  
5950 adopted by Georgia Department of Community Affairs, Georgia State Fire Marshal's  
5951 Office Rules and Regulations and all current and future National Fire Protection  
5952 Association Codes. Not less than one copy of the fire code has been and is now filed  
5953 in the office of the Fire Marshal's Office or at a location designated by the authority.  
5954 In order to stay current with Code changes the Authority shall immediately adopt  
5955 any changes to the codes as adopted by the Georgia Department of Community  
5956 Affairs, Georgia State Fire Marshal's Office and or The National Fire Protection  
5957 Association. The fire code is adopted and incorporated as fully as if set out at length  
5958 herein, and from the date on which the ordinance from which this article is derived  
5959 shall take effect, the provisions thereof shall be controlling within the limits of Jekyll  
5960 Island.

5961 B. The fire code adopted herein is amended as follows in this article.

5962 **Section 4: Powers of the Jekyll Island Fire Department.**

5963 A. The Jekyll Island Authority at its discretion shall provide and operate a Fire  
5964 Department to be known as the Jekyll Island Fire Department ("Jekyll Island Fire  
5965 Department").

5966 B. The Jekyll Island Fire Department shall have the powers of a Fire Department of a  
5967 county, municipality, or other political subdivision as set forth in chapter 3 of title  
5968 25 of the Official Code of Georgia Annotated ("O.C.G.A."), and such additional  
5969 powers as may from time to time be provided by the authority or by law.

5970 C. The Jekyll Island Fire Department and the Jekyll Island authority and their members,  
5971 officers and employees shall be immune from any and all actions brought as a result  
5972 of damages sustained as a result of any fire or related hazard in accordance with  
5973 O.C.G.A. § 25-2-38.1.

5974 D. The Executive Director of the Authority shall prescribe the duties of the Jekyll Island  
5975 Fire Department and all Fire Department personnel shall be employees of the Jekyll  
5976 Island Authority.

5977 **Article II: Regulations**

5978           **Section 1:   Open Burning**

5979           A. Generally. Except as hereinafter provided in subsection (b) of this section, no person  
5980           shall kindle an open fire in any public or private place outside any building. Fires  
5981           started in violation of this article shall promptly be extinguished by the person  
5982           responsible for same upon notice by the fire chief or his duly designated agent.  
5983           Under no circumstances are open fires of any kind allowed on the beach or dunes.

5984           B. Exceptions. Open burning may be done as follows:

5985               1. With a permit:

5986                   a. Application for burning permits shall be on forms provided by the fire chief.

5987                   b. No permit shall be issued unless the issuing officer is satisfied that:

5988                       i. There is no practical available alternate method for the disposal of the  
5989                       material to be burned;

5990                       ii. No hazardous condition will be created by such burning;

5991                       iii. No salvage operation by open burning will be conducted; and

5992                   c. Any permit issued may be limited by the imposition of conditions to:

5993                       i. Prevent the creation of excessive smoke; or

5994                       ii. Protect property and the health, safety, and comfort of persons from  
5995                       the effects of the burning.

5996                   d. If it becomes apparent at any time to the fire chief that limitations need to  
5997                       be imposed for any of the reasons stated in subsection (B)(1)c of this  
5998                       section, the fire chief or his duly designated agent shall notify the permittee  
5999                       in writing and any limitations so imposed shall be treated as conditions  
6000                       under which the permit is issued.

6001               2. Without a permit:

6002                   a. Jekyll Island Authority performing prescribed burning in order to reduce  
6003                       fuel load for wood / forest fires.

6004                   b. The establishment of a supervised fire is allowed in a fire pit, chiminea, fire  
6005                       circle, or other such places provided or designated for such purposes on  
6006                       Authority property or leased property, provided it is at least 15 feet from  
6007                       any structure.

6008                   c. Open fires may be set in performance of an official duty of any public officer  
6009                       of the Authority, if the fire is necessary for one or more of the following  
6010                       reasons or purposes:

6011                       i. For the prevention of a fire hazard which cannot be abated by other  
6012                       means;

- 6013                               ii. For the instruction of public firefighters or industrial employees under  
6014                               supervision of the fire chief; or
- 6015                               iii. For the protection of public health.
- 6016                               d. Fires in approved devices may be used for the cooking of food, provided no  
6017                               smoke violation or other nuisance is created.
- 6018                               e. Underwriter's Laboratory or Factory Mutual approved devices may be used  
6019                               for heating by construction or other workers, provided no smoke violation  
6020                               or other nuisance is created.
- 6021                               f. Open fires, such as campfires, may be set for recreational purposes in  
6022                               designated locations only, such as the campground, provided no smoke  
6023                               violation or nuisance is created.
- 6024                               g. Charcoal burners and other open-flame cooking devices shall not be  
6025                               operated on combustible balconies or within 10 feet of combustible  
6026                               construction, with the exception of:
- 6027                               i. One-and two-family dwellings.
- 6028                               ii. Where buildings, balconies and decks are protected by an automatic  
6029                               sprinkler system.
- 6030                               iii. LP-gas cooking devices having LP-gas container with a water capacity  
6031                               not greater than 2.5 pounds [nominal 1 pound {0.454 kg} LP-gas  
6032                               capacity].
- 6033                               C. Supervision required. Permitted or allowable fires must be under the continuous  
6034                               care and direction of a responsible person. All fires, matches, and smoldering  
6035                               material must be completely extinguished after use. Unattended fires shall  
6036                               constitute a violation of this ordinance.

6037                               **Section 2:   Emergency Burn Ban**

- 6038                               A. During the existence of an air pollution alert, excessively dry weather, or a drought,  
6039                               as may be declared by the Executive Director or their designee, all exceptions are  
6040                               void and no open fires shall be kindled.
- 6041                               B. During periods of high fire danger, the Authority may close all or a portion of the  
6042                               island to lighting or maintaining fires.

6043                               **Section 3:   Fire protection and suppression services fee.**

- 6044                               A. Persons holding interests in and to real property on the island, wherever found and  
6045                               no matter in whose possession such real property may be, shall be charged and  
6046                               shall be liable for a fire protection fee.

- 6047 B. The fire protection fee so charged shall be derived from a percentage of the  
6048 assessed value, being a percentage of the appraised value, of each parcel of real  
6049 property, which method of derivation is and shall be reasonably related to the cost  
6050 of providing fire protection and suppression and other services by or through the  
6051 Fire Department. The assessed value and appraised value of each parcel of real  
6052 property shall be the same as the respective values for each such parcel of real  
6053 property as shown on the appropriate official records of the county as of the day  
6054 the fire protection fee is established.
- 6055 C. The fire protection fee shall be charged annually on a fiscal-year basis commencing  
6056 on July 1 and ending on June 30.
- 6057 D. For each fiscal year, the executive director of the Jekyll Island authority shall on or  
6058 before the first business day in April of each calendar year:
- 6059 1. Establish the amount of the fire protection fee for each lessee of the Jekyll  
6060 Island authority for the next succeeding fiscal year; and
- 6061 2. Mail or otherwise send notices of the amount of the respective fee to each  
6062 lessee of the authority.
- 6063 3. For each fiscal year, the fire protection fee shall be due and payable on or  
6064 before the first business day in July of each calendar year, except for any fees  
6065 not then established or determined.
- 6066 E. Persons charged and liable for the fire protection fee as of the day on which the fire  
6067 protection fee shall be due and payable, shall be liable for the entire annual fee  
6068 charged irrespective of whether their leasehold interest shall be sold, conveyed,  
6069 aliened or assigned during the fiscal year for which the fee is charged.
- 6070 F. The fire protection fee shall be collected by officers designated by the authority. The  
6071 fire protection fee may be paid in person at or mailed to the Authority  
6072 administration office at 100 James Road Jekyll Island, Georgia 31527, or by phone  
6073 at 912-635-4000, or at any place hereafter designated by the Executive Director.
- 6074 G. Contesting of fee procedure.
- 6075 1. Any person charged a fire protection fee may contest the amount of such fee  
6076 by filing with the executive director a written protest within 45 days next  
6077 succeeding the day that notice of the fire protection fee is mailed or otherwise  
6078 sent by the executive director to such person. If no such written protest,  
6079 including all the required information as hereinafter set forth, is filed by the  
6080 claimant within the prescribed time period, then such claimant shall be deemed  
6081 to have waived any and all rights to contest the amount of the fire protection  
6082 fee, and the amount of such fee shall become final.

- 6083 2. All protests shall be prepared in the form and contain such information as the  
6084 executive director shall reasonably require and shall include a summary  
6085 statement of all the grounds upon which the claimant relies and shall set forth  
6086 with particularity the reasons for contesting the fee and all evidence of the  
6087 claimant contesting the fee so charged. In the event the claimant desires a  
6088 conference or a hearing with the executive director, the fact of such desire  
6089 must be set out in the written protest, or the claimant shall be deemed to have  
6090 waived any and all rights to have a conference or hearing with the executive  
6091 director for the purpose of contesting the amount of the fire protection fee  
6092 charged claimant. When any claimant requests such a conference or hearing,  
6093 the executive director shall appoint a time and place for hearing the claimant's  
6094 objections to the amount of the fire protection fee and shall give notice to such  
6095 claimant no less than five days before the conference or hearing, stating the  
6096 time and place of said conference or hearing.
- 6097 3. The Executive Director shall consider only evidence relevant to the amount of  
6098 the fee, and any other evidence or matter shall be disregarded. The executive  
6099 director may request or permit additional evidence, either orally or in writing,  
6100 which he may determine relevant and appropriate. Upon consideration of the  
6101 evidence presented, the executive director may reduce or increase the amount  
6102 of the fee so charged and shall set forth the reasons wherefore in writing. The  
6103 determination of the executive director shall be the conclusive and final  
6104 administrative determination of the authority.
- 6105 H. Any fire protection fee not paid by holders of leasehold interests on the island when  
6106 due and payable shall become a lien on such leasehold interests from the day when  
6107 such fee becomes due and payable until fully paid. For any fee not paid within 45  
6108 days next succeeding the day the fee becomes due and payable, the executive  
6109 director shall cause by affidavit a notice of a lien upon the leasehold interest  
6110 involved to be filed in the appropriate records of the clerk of the superior court of  
6111 the county. Except as otherwise expressly provided by law, this lien shall be superior  
6112 to all other liens, except liens for state and county taxes and taxes levied for any and  
6113 all school purposes.
- 6114 I. Discharge of lien procedure.
- 6115 1. Upon final payment of the fire protection fee, any and all interest which may  
6116 have accrued, and any and all collection costs and fees incurred by the  
6117 Authority in the connection with the same, such lien shall be discharged and  
6118 the executive director shall cause the notice of the lien filed in the records of  
6119 the clerk of the superior court of the county to be cancelled of record within  
6120 ten days after final payment.
- 6121 2. The cancellation required shall be in the following form:



6122 Clerk, Superior Court of Glynn County

6123 You are authorized and directed to cancel of record the notice of lien rights

6124 which the Jekyll Island-State Park Authority has filed on the leasehold interest

6125 owned by (name of owner) on (give date) and recorded by you in Book \_\_\_\_\_,

6126 Page \_\_\_\_\_, of notices kept by you.

6127 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

6128 J. Enforcement of lien. Where any lessee holding a leasehold interest fails to pay the

6129 amount of the fire protection fee due and payable for such leasehold interest, the

6130 executive director is empowered to enforce such lien in any manner allowed by

6131 Georgia law.

6132 K. All notices regarding any and all matters in this section shall be mailed to each lessee

6133 of the Authority as shown by the records of the Authority, and such lessee shall be

6134 solely responsible for the payment of the fire protection fee unless the records of

6135 the Authority are otherwise corrected; provided, however, the executive director

6136 may mail notices to and accept payment from an agent of any lessee of the Authority

6137 as the executive director shall determine appropriate.

6138 L. The fire protection fee shall be exclusive of and in addition to any and all other fees,

6139 rents and payments made to the Authority or to which the Authority is entitled, and

6140 without limitation of the foregoing, shall be separate from and in addition to any

6141 public safety service fee that is either currently charged or may in the future be

6142 charged.

6143 **Section 4: False Alarms.**

6144 A. The following rules shall govern the use of alarm systems on Jekyll Island.

6145 1. No person shall make, cause to be made or suffer to be made any false alarm

6146 from any location on Jekyll Island.

6147 2. No person shall allow, sound or permit the sounding of any burglar or fire alarm

6148 or any motor vehicle burglar alarm in the city, which is audible outside the

6149 building or vehicle it is installed in unless such alarm is automatically terminated

6150 within 15 minutes of activation.

6151 3. No company or individual shall connect or cause to be connected, by any means

6152 whatsoever any alarm system or alarm that transmits directly into the Glynn-

6153 Brunswick 911 Center or to any telephone line located at the Jekyll Island Fire

6154 Department, or, Georgia State Patrol Dispatch Center. However, it shall not be

6155 a violation of this ordinance for an alarm system to be connected or to transmit,

6156 first directly to any alarm monitoring company, then to the appropriated

6157 dispatch center phone number-maintained Glynn-Brunswick 911 Center or

6158 Georgia State Patrol Dispatch Center for such purpose of receiving alarms.

- 6159 4. No individual or company shall test or cause to be tested any alarm system on  
6160 Jekyll Island without at least 30 minutes prior notification of the test to the  
6161 Glynn-Brunswick 911 Center and the Jekyll Island Fire Department. Failure to  
6162 make such prior notifications will be subject to a \$300.00 fine for each  
6163 occurrence.
- 6164 B. Responsibility for false alarms under this chapter shall be borne by the person or  
6165 persons occupying or having the right to occupy the premises, unless otherwise  
6166 stated herein. Responsibility for false alarms under this chapter that occur at a hotel,  
6167 motel, or short-term rental property shall be borne by the owner of the leased  
6168 property.
- 6169 C. The following penalties will be assessed for each violation within a 12-month period:
- 6170 1. First and second false alarms: Written warning
- 6171 2. Third false alarm: \$150.00
- 6172 3. Fourth false alarm: \$300.00
- 6173 4. Fifth false alarms and thereafter: \$500.00
- 6174 D. Written warnings for first and second false alarms shall be hand delivered or mailed  
6175 to the location of the false alarm. Failure to make, deliver, mail or receive any  
6176 warning shall not affect any subsequent enforcement efforts or the penalty for any  
6177 subsequent false alarm. The fire marshal or his/her designee shall be given the  
6178 power to issue warnings related to false alarms at their discretion upon each  
6179 violation.
- 6180 E. False alarms: Requirements and penalties for alarm contractors.
- 6181 1. Shall provide each alarm customer with a copy of this section and shall obtain  
6182 a written acknowledgment of receipt of a copy of this false alarm ordinance  
6183 signed by the customer.
- 6184 2. Shall retain on file for the duration of each alarm contract a copy of this section  
6185 containing the signed acknowledgment of the customer.
- 6186 F. Each and every time a violation occurs, it shall be deemed a separate offense. No  
6187 provision of this chapter shall be construed to impair any common law or statutory  
6188 cause of action, or legal remedy there from of any person for injury or damage  
6189 arising from any violation of this section or other law.
- 6190 G. Any person charged with a violation of this false alarm ordinance may offer proof at  
6191 any hearing relating to such violation that the false alarm in question was caused by:
- 6192 1. A lightning strike or other act of God;

- 6193 2. The act of some third party whom the person could not control, but which shall  
6194 not include invited guests, licensees, or short-term tenants of hotels, motels,  
6195 or short-term rental properties; or
- 6196 3. Failure of an alarm contractor to repair the alarm system which made the false  
6197 alarm after being employed by the person to make such repair; provided  
6198 however, the person has again made a good faith attempt to have the alarm  
6199 system repaired after the false alarm which is the subject of the charge.

6200 **Section 5: Required Permits and Reports**

6201 A. Fire Alarm System and Fire Suppression System Permits

- 6202 1. Where Fire Alarm and Fire Suppression systems are required to be installed,  
6203 those systems should be installed by a licensed individual or company, and the  
6204 building owner/agent shall obtain a permit from Jekyll Island Fire Marshal's  
6205 Office prior to installation. All work must be performed by a licensed individual  
6206 or company that is licensed by the appropriate authority to install said system.  
6207 Any person or company not obtaining a permit shall be in violation of this  
6208 ordinance.
- 6209 a. The owner/agent must submit an Alarm or Suppression System Permit  
6210 Application with three sets of shop drawings, showing all devices (sensors,  
6211 detectors, manual activation devices, and remote and main control  
6212 panels) locations along with specification sheets on the individual devices  
6213 be used.
- 6214 b. Alarm System permits for Commercial Alarm Systems: Design must comply  
6215 with N.F.P.A. 72.
- 6216 c. Suppression System permits shall comply with N.F.P.A. 13, 13D or 13R and  
6217 Hood Systems shall comply with N.F.P.A. 96.
- 6218 d. An acceptance/certification test will be required after installation is  
6219 completed. Jekyll Island fire marshal shall be present and confirm the  
6220 testing has been completed.
- 6221 e. Other specifics may be required by the appropriate fire code section.

6222 B. Required Reports

- 6223 1. Any Company performing annual or service inspections on fire sprinkler  
6224 systems, fire alarms, or fire suppression systems shall within seven working  
6225 days of completing the service or inspection file a copy of the report with the  
6226 Jekyll Island Fire Marshal's Office.
- 6227 2. Any Company or Individual not meeting this deadline is in violation of this  
6228 ordinance. In addition, a complaint will be filed against the company with either  
6229 the Georgia Fire Marshal's Office or the Georgia Secretary of State's Office for  
6230 failure to comply with local ordinances.

6231           **Section 6:   System and Device Requirements**

6232           A. Schedule for the system and device recertifications:

- 6233           1. Fire Extinguishers shall be checked monthly by building occupants with Annual  
6234           Inspections by a licensed fire extinguisher technician every 12 months. In  
6235           addition, they should be serviced after every use or extinguisher loss of  
6236           pressure. To verify said certification a “tag” indicating the certification shall be  
6237           properly installed per N.F.P.A. 10.
- 6238           2. Fire Sprinkler Systems shall be properly tagged and Serviced / Inspected every  
6239           12 months per N.F.P.A. 13.
- 6240           3. Fire Alarm Systems shall have an annual Inspection / Service every 12 months  
6241           per N.F.P.A. 72.
- 6242           4. Commercial Hood Fire Suppression Systems shall be annual inspection/  
6243           serviced every six (6) months or after every activation per N.F.P.A. 96.

6244           **Section 7:   Installation of Fire Protection Equipment**

6245           A. Fire Hydrants, Fire Department Connection, Standpipes, and Post Indicator Valves:

- 6246           1. All new residential and commercial developments from the date of this  
6247           ordinance shall have fire hydrants every 500 feet apart on at least an 8-inch  
6248           water main or as sized and determined by the Authority Having Jurisdiction.
- 6249           2. A site plan showing the proposed locations of all new and existing fire hydrants,  
6250           post indicator valves, and fire department connections within 1000 feet of a  
6251           commercial building.
- 6252           3. All fire hydrant or fire department connections shall be meet all the fire code  
6253           requirements pertaining to obstructions.
- 6254           4. All new Installs of fire hydrants shall be mapped by Glynn County G.I.S.  
6255           Department before acceptance inspection.
- 6256           5. No Commercial Building shall be allowed to start construction until all fire  
6257           hydrants are installed and operational.
- 6258           6. All fire department connections shall be equipped with locking caps as  
6259           determined by the Fire Marshal to protect against obstructions. The building  
6260           owner is responsible for purchasing and maintaining these devices.

6261           B. Emergency Building Access

- 6262           1. An emergency key box is required for all commercial buildings to enable  
6263           emergency fire department access. The fire department has adopted the use  
6264           of a specific system to be used. The building owner is responsible for

6265 purchasing and maintaining the key boxes. This system expedites the entry to  
6266 the building while minimizing damage otherwise necessary to make entry.

6267 2. The Fire Marshal shall provide guidance to the building owner on the specific  
6268 details necessary to meet the type and installation requirements.

6269 3. The occupant of the building shall provide a copy of the master key for the  
6270 building to be placed in the Knox box by the Fire Department after it is installed.

6271 4. The occupant or building owner shall provide a new master key for the key box  
6272 anytime the locks are changed out.

6273 5. The fire department shall perform maintenance on the key box every six  
6274 months.

6275 **Section 8: Penalties and Enforcement.**

6276 A. Any person found in violation of any provision of this Chapter shall be guilty of a  
6277 misdemeanor, and upon conviction thereof, shall be punished by a fine not to  
6278 exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both  
6279 fine and imprisonment, to be imposed at the discretion of the judge or as provided  
6280 and stipulated by law. Each day such violation continues shall be considered a  
6281 separate offense.

6282 B. In addition to the enforcement of this Chapter by citation or accusation, the  
6283 Authority may take any action not prohibited by law to prevent or remediate a  
6284 violation or threatened violation of this Chapter, including without limitation,  
6285 rescinding any issued permit, issuing a stop work order, or commencing legal  
6286 proceedings to prevent, correct, or abate such violation or threatened violation or  
6287 to recover any monetary damages, or both.

6288 C. The provisions of this article shall be enforced by the Fire Chief or Fire Marshall and  
6289 such subordinate officers of the Fire Department and officers and staff of the  
6290 Authority as are necessary to effectuate the requirements set forth in this article.

6291

6292

ATTACHMENT 7  
(corresponding to Section 7)

Chapter H. Chapter 16: Leased Property

Article I: Leases with Jekyll Island State Park Authority

**Section 1:** All Property Held in Trust.

- A. Each lease of property on the Island is granted and accepted with the express understanding that the Island is held in trust by the Authority for park purposes and that any use of the premises or buildings or any conduct or activity of any occupant of any premises or buildings, which, in the opinion of the Authority, is inconsistent with such trust is strictly prohibited.

**Section 2:** All property subject to Jekyll Island-State Park Authority Act.

- A. Each lease of property on the Island is granted and accepted subject to all the terms and conditions of the Jekyll Island-State Park Authority Act. As provided in the Jekyll Island-State Park Authority Act ("Act"), the leasing activity of the Authority is the business activity of the Authority from which it shall gain revenues to support and maintain and develop and beautify the island and to furnish the people of the state with as much free, nonprofit or subsidized recreation as may be possible.
- B. Under the Act the leasing activity is but an instrumentality through which the public services are to be accomplished and for this reason this activity must always be subservient to the ultimate public service objectives of the Act.
- C. These conditions and limitations of leasing island property, which have not been reduced to restrictions and recorded on the various plats of the leased property, relate to general day to day use of the property by lease occupants and their conduct generally considered in the light of the purposes of the creation of the Authority.
- D. Both the purpose and the scope of these conditions and limitations make it impractical to attempt to set forth in a definite form a specific, separate statement of each act prohibited, but all may be easily understood and encompassed by the following general rules:
1. Occupants of property on the Island shall use and enjoy that property they have the right to occupy and cause all guests and visitors and friends to use and enjoy the same in such a manner as not to conflict with the use of enjoyment of the park areas by the general public and the other several leased areas by the several other occupants in those areas. Every normal and usual recreational and social use may be made of all residential properties and every usual and acceptable and licensed business use may be made of the properties leased specifically for business purposes, but no lewd, licentious or illegal use shall be made of such property.

- 6329 2. It shall be the responsibility of the occupants of any lot or parcel of lease  
6330 property upon the island to preserve and maintain the cleanliness, orderliness  
6331 and good appearance of the property which they occupy.  
6332 a. No unclean, unsightly or unkempt conditions of buildings or grounds which  
6333 shall tend to destroy the beauty of the island as a whole or the specific area  
6334 will be permitted.  
6335 b. Furthermore, no occupant of the lease property upon the island shall  
6336 through his activity destroy or detract from the cleanliness, orderliness or  
6337 beauty of the island or each areas by placing or leaving therein or thereon  
6338 debris or refuse or unsightly objects of any kind, it being understood that  
6339 each occupant has not only the duty of maintaining the cleanliness,  
6340 orderliness and beauty of the lot or parcel he may occupy, but also has the  
6341 further duty of not defacing or in anywise detracting from the beauty of the  
6342 remainder of the island.  
6343 3. Every occupant of the leased property shall be responsible for conducting  
6344 himself in a fashion consonant with the use and purposes of the entire island.  
6345 Furthermore, no occupant shall maintain any plants or animals or keep or  
6346 operate any device or thing of any sort whose normal activities or existence is  
6347 in any wise noxious, dangerous, unsightly, or of a nature as will necessarily  
6348 diminish or destroy the enjoyment of other occupants or the general public at  
6349 any point throughout the island.

6350 **Section 3:** Applicable law.

- 6351 A. All violations of the conditions and limitations set forth in Section 2 above shall be  
6352 dealt with in accordance with the laws of the State of Georgia and the ordinances  
6353 of Glynn County and any and all ordinances of the Authority.

6354 **Section 4:** Applicable restrictions, conditions, limitations, easements, rights, and  
6355 privileges.

- 6356 A. The restrictions, conditions, limitations, easements, rights, privileges, set forth in  
6357 this code of ordinances supersedes that General Notice and Property Restrictions,  
6358 recorded on December 27, 1954, in book 7-Q, page 316, in the Office of the Clerk  
6359 of Superior Court of Glynn County, Georgia.

6360 **Section 5:** Authority Property.

- 6361 A. It shall be unlawful for any person or entity to convert public Authority property to  
6362 private use unless specific written authorization from the Authority has first been  
6363 had and obtained. This prohibition shall include, but not be limited to, easements,  
6364 rights-of-way and Authority land not under lease to an individual.  
6365 B. It shall be unlawful for the occupants of any lot or parcel of leased property to make  
6366 any alteration to any property that is not their leased property. This prohibition

6367 includes property of the Authority as well as property of neighboring leaseholders.  
6368 Alterations include but are not limited to:  
6369 1. Trimming or removal of trees, plants, vegetation, or other natural features; and  
6370 2. Installation of structures, fences, pools, or other objects.  
6371 C. The Authority may enter into a Memorandum of Understanding with leaseholders  
6372 in cases where an encroachment from leased property onto Authority property is  
6373 deemed to be in the best interests of the Authority.

6374 **Section 6: Violations, Penalties and Enforcement**

6375 A. Any person found in violation of any provision of this Article shall be guilty of a  
6376 misdemeanor, and upon conviction thereof, shall be punished by a fine not to  
6377 exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both  
6378 fine and imprisonment, to be imposed at the discretion of the judge or as provided  
6379 and stipulated by law. Each occurrence shall be deemed a separate offense.

6380 B. In addition to any penalty assessed by the judge upon conviction of a violation of  
6381 this Article, the Authority may impose additional penalties or requirements,  
6382 including but not limited to the following:

- 6383 1. Issuing a Cease-and-Desist letter to the leaseholder responsible for the  
6384 violation to prevent further encroachment and damage to Authority property;  
6385 2. Imposing an assessment to the leaseholder responsible for the violation for the  
6386 full cost to the Authority to remediate the damage to Authority property or  
6387 recover any costs to the Authority resulting from such violation;  
6388 3. Assessment of the costs on utility bills invoiced to the leaseholder responsible  
6389 for the violation; and  
6390 4. Placement of a lien on the property of the leaseholder responsible for the  
6391 violation to recover the costs to the Authority.

6392 C. **Liability Disclaimer:** This section is adopted to address the interest of protecting the  
6393 public lands of the Authority. The use of property by a leaseholder of said property  
6394 that is not included in their lease, presents a threat to the open space, environment  
6395 and public interest of the Island. The Authority, by regulating limitations on the  
6396 encroachment upon property that the leaseholder does not have a right to alter or  
6397 occupy is merely trying to protect the public lands of the Authority. The Authority  
6398 has no liability under any theory of liability and the Authority assumes no liability  
6399 for the damage caused by encroachments off of leased property.



## Article II: Property Boundary Survey

### Section 1: Purpose

- G. An accurate public record of the boundaries of all leased property on Jekyll Island provides protection to the leaseholders, residents, other interested parties, including financial institutions, and the Authority.
- H. The purpose of this Article is to establish a procedure for requiring a property boundary survey in specific situations as a strategy to accurately document the boundaries of all leased property.

### Section 2: Survey Required

- A. A property boundary survey shall contain, at a minimum, the following:
  - 1. Legal description;
  - 2. Property boundaries;
  - 3. Land area of the property;
  - 4. Location of existing buildings; and
  - 5. Location of walls, fences, pools.
- B. For certain building permits and site development plans, the Authority may also require that the survey also contain the following additional information:
  - 1. Utilities;
  - 2. Location of trees as required in the Tree Protection Chapter; and
  - 3. Notes indicating whether any portion of the property is within an environmental area regulated by the Authority.
- C. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia.
- D. At the time of submittal to the Authority, a survey shall be accurate and have been conducted and recorded within the last ten (10) years.
- E. A property boundary survey shall be required to be submitted to the Authority in the following situations:
  - 1. At the time of any property sale or transfer;
  - 2. At the time of a lease amendment or renewal;
  - 3. At the time of an application for a building permit, as established in Chapter 6, Section 3, Building Codes, as follows:
    - a. For all Tier 3 building permits; and
    - b. For Tier 2 building permits when required by the Authority.
  - 4. When required for the determination of a finished floor level certification under provision of the Flood Protection Chapter; and
  - 5. Other reasonable and necessary situations required by the Authority.
- F. Exemptions

6437 1. Transfer and sale of individual condominium units shall not require a property  
6438 boundary survey unless the entire condominium association is being  
6439 transferred or sold.  
6440

6441

**ATTACHMENT 9**  
**(corresponding to Section 9)**

6442 Chapter 20: Residential Regulations

6443 Article I: Generally

6444 Section 1: Purpose.

- 6445 A. The Jekyll Island residential development standards and codes have been adopted  
6446 for the purpose of interpreting, applying, supplementing, and implementing  
6447 residential neighborhood design consistent with the history, character and  
6448 architecture of Jekyll Island.
- 6449 B. These residential development standards recognize the importance of promoting  
6450 the public health, safety and general welfare of Jekyll Island:
- 6451 1. To establish rules and responsibilities for the use, construction, repair,  
6452 renovation, of buildings on leased property;
- 6453 2. Providing standards for the review, approval, inspection and enforcement of  
6454 applicable residential development codes and standards;
- 6455 3. Establishing and defining duties and powers with respect to these regulations;
- 6456 4. Providing appeal procedures and remedies; and
- 6457 5. Providing penalties for violations of this article.
- 6458 C. The regulations set forth herein shall apply to all lands, leased or otherwise, within  
6459 the Jekyll Island State Park limits now and in the future.
- 6460 D. These development standards and codes may be amended from time to time by  
6461 the Jekyll Island-State Park Authority Board. A copy of the development standards  
6462 and codes is maintained in the offices of the Jekyll Island-State Park Authority, and  
6463 shall be available for inspection during normal business hours at the address  
6464 provided above or on the Authority website, by the developer, owner, or  
6465 prospective owner, contractor, architect, or agent of any such owner or  
6466 representative of respective owner to inform themselves as to any and all such  
6467 changes in these development standards and code.

6468 Section 2: Applicability.

- 6469 A. New homes constructed within an existing neighborhood shall comply with the  
6470 standards in this chapter.
- 6471 B. Improvements to existing homes with a project cost greater than fifty percent  
6472 (50%) of the home's value, will be subject to the standards for new construction.
- 6473 1. The home's value shall be based on the Glynn County appraised value;
- 6474 2. An applicant may submit an appeal to the Authority to base the home's

- 6475 existing value established by an independent real estate appraiser licensed by  
6476 the State of Georgia, the cost of which shall be borne by the applicant.
- 6477 C. As established in Chapter XX, Section 3, Building Codes, there are three (3)  
6478 classifications of requirements for building permits as described in the following  
6479 Tiers:
- 6480 4. **Tier 1.** No building permit is required for the following work:
- 6481 a. Exterior or interior painting;
- 6482 b. Finish flooring replacement;
- 6483 c. Routine maintenance on roofing, electrical, gas, mechanical and plumbing  
6484 systems;
- 6485 d. Routine landscaping;
- 6486 e. Removal and replacement of appliances; and
- 6487 f. Similar work on existing buildings as determined by the Code Compliance  
6488 Officer.
- 6489 5. **Tier 2.** A building permit is required with a review by the Code Compliance  
6490 Officer for the following work:
- 6491 l. Major alterations of electrical, plumbing and mechanical systems;
- 6492 m. Structural alterations;
- 6493 n. Window replacement, for wind code regulations;
- 6494 o. Residential remodels and additions;
- 6495 p. Commercial remodels and additions;
- 6496 q. Accessory buildings;
- 6497 r. Carports and garages;
- 6498 s. Lot excavation, grading or filling;
- 6499 t. Fence permits;
- 6500 u. Pool permits; and
- 6501 v. Temporary sign and event signs.
- 6502 6. **Tier 3.** A building permit is required with review by the Design Review Group  
6503 (DRG) for the following work:
- 6504 a. New residential construction;
- 6505 b. New commercial construction;
- 6506 c. Demolition permits;

- 6507 d. Permanent sign permits; and  
6508 e. Projects referred to the DRG by the Code Compliance Officer.

6509 **Section 3: Lots**

- 6510 A. Lots within existing neighborhoods may not be subdivided.  
6511 B. Any lessee may not use more than two (2) lots as a site for a single dwelling.  
6512 C. Lots leased within existing neighborhoods are:  
6513 1. Restricted to constructing single family detached homes and accessory  
6514 structures in single-family districts.  
6515 2. A new duplex may be built to replace an existing duplex only in those districts  
6516 that specifically permit duplexes.  
6517 D. Lot coverage of hardscape including buildings, walks, driveways, patios, and  
6518 terraces is limited to 50% of the entire lot area.

6519 **Article II: [Use and design standards for all Residential Property](#)**

6520 **Section 1: Generally**

- 6521 A. All new homes, with the exception of accessory structures, shall have their main  
6522 entrance open to the street front.

6523 **Section 2: Building Height**

- 6524 A. No building shall be erected or structurally altered to exceed thirty-five (35) feet  
6525 in height, measured from the ground.  
6526 1. The existing elevation shall be determined from either of the following:  
6527 a. The elevation of the top of the lowest floor's slab of the existing  
6528 improvement or structure; or  
6529 b. The elevation of the crown of an existing improved street, public or private,  
6530 that abuts or is nearest to the property on which the proposed structure is  
6531 planned.  
6532 B. The minimum height of the main level shall be no less than nine (9) feet.  
6533 C. No floor above the main level shall be less than eight (8) feet.

6534 **Section 3: Building Setbacks for Main Residential Building.**

- 6535 A. The minimum front yard setback shall be a minimum of twenty-five (25) feet.  
6536 B. Front yard setbacks shall be measured from the property line to the front of the  
6537 building.  
6538 C. For lots which have frontage on more than one street, the minimum setback from

- 6539 each street shall be a minimum of twenty-five (25) feet.
- 6540 D. Side. The minimum side yard setback from any side property line shall be ten (10)
- 6541 feet.
- 6542 E. Rear. The minimum rear yard setback from the rear property line shall be twenty-
- 6543 five (25) feet for properties that are not a corner lot.
- 6544 F. Porches, patios, terraces, and balconies may not encroach within any front, side
- 6545 or rear yard setbacks.

6546 **Section 4: Accessory Structures**

- 6547 A. Setbacks.
- 6548 1. Front. The setback from the front property line shall be a minimum of sixty (60)
- 6549 feet.
- 6550 2. Side and Rear. The minimum setback for any side or rear property line shall be
- 6551 ten (10) feet, unless the side or rear property line abuts upon a street. If the
- 6552 side or rear property lines abut upon a street, the accessory building may not
- 6553 be erected nearer than 25 feet from either side or rear property lines.
- 6554 3. All accessory structures, must be located no closer to the front property line
- 6555 than the front plane of the main dwelling unit.
- 6556 4. All accessory structures shall be attached to a foundation, anchored or
- 6557 otherwise tied down.
- 6558 5. A garage may be detached from, or attached to, the rear or side of the main
- 6559 dwelling unit; provided, a garage shall comply with all requirements for an
- 6560 accessory structure if detached from the main dwelling unit.
- 6561 6. Accessory structures located behind the main dwelling unit, shall have a
- 6562 minimum rear yard setback of ten (10) feet.
- 6563 7. Accessory structures located behind the main dwelling unit, shall be set back a
- 6564 minimum of fifteen (15) feet from the rear of the main dwelling unit.
- 6565 B. Height.
- 6566 1. Accessory structures located on a lot with a single-story main dwelling unit shall
- 6567 not be taller than the main dwelling unit.
- 6568 2. Accessory structures located on a lot with a multi-story main dwelling unit shall
- 6569 not be taller than sixty percent (60%) of height of main dwelling or twenty-one
- 6570 (21) feet, whichever is lower.

6571 **Section 5: Parking, Driveways, and Paths.**

- 6572 A. Garages may be accessed from a driveway that originates along a paved street.
- 6573 B. The maximum width where a new driveway attaches to a street shall be twelve

6574 (12) feet, with an additional two (2) feet apron permitted on each side of the  
6575 driveway.

6576 C. Driveways may only have a single access point along the street frontage.

6577 D. Driveways and parking pads shall be paved with concrete or other surface  
6578 approved by the Jekyll Island Design Review Group.

6579 E. On lots having a side or rear property line abutting a street, a driveway into the  
6580 attached or detached garage from the side or rear street may be permitted upon  
6581 the written consent of the Jekyll Island Design Review Group.

6582 F. Off street parking shall be permitted on a driveway, parking pad, in a garage or  
6583 under a porte-cochere Parking in yards, lawns and landscaped areas is not  
6584 permitted.

6585 **Article III: Residential Property Classifications**

6586 A. Residential property shall be designated with one of the following use  
6587 classifications as established by the Authority:

6588 1. Class A, Limited Residential Areas (A-L)

6589 2. Class A, Multiple Residential Areas (A-M)

6590 3. Class B, Limited Residential Areas (B-L)

6591 4. Class B, Multiple Residential Areas (B-M)

6592 5. Class C, Limited Residential Areas (C-L)

6593 6. Class C, Multiple Residential Areas (C-M)

6594 7. Planned Community (PC)

6595 **Section 1: Class A, Limited Residence Areas (A-L)**

6596 A. Each building or premises shall be used only for the following purposes:

6597 1. Detached one-family dwellings with or without attached private garage. No  
6598 more than one such dwelling shall be erected on any one lot, but any lessee  
6599 may combine not use more than two (2) lots as a site for a single dwelling.

6600 2. Accessory buildings. In addition to one one-family dwelling there may be  
6601 erected on each individual lot, or group of two or more lots, one accessory  
6602 building which may include a detached private garage and/or guest quarters,  
6603 provided the use of such accessory building does not include any activity  
6604 normally conducted as business, including rentals.

6605 3. Authority owned and operated parks and playgrounds.

6606 B. A-L area standards

- 6607 1. The minimum lot size in the A-L classification shall be 12,000 square feet.
- 6608 2. No lot shall be subdivided or subleased, except as a whole for the purpose of
- 6609 erecting a complete dwelling on any portion; provided, however, that any lot
- 6610 may be subdivided where the portions so created are added to the adjoining
- 6611 lots on any side, and the original portion will have a remaining area of not less
- 6612 than 12,000 square feet.
- 6613 3. The primary structure shall occupy a ground area of not less than:
- 6614 a. One-story building: 2,000 square feet.
- 6615 b. Two-story building: 1,500 square feet.

6616 **Section 2: Class A, Multiple Residence Areas (A-M)**

- 6617 A. Each building or premises shall be used only for the following purposes:
- 6618 1. Any use permitted in the restrictions applicable to Class A, Limited Residence
- 6619 Areas (A-L).
- 6620 2. Two-family houses of not less than 2,400 square feet of total area and
- 6621 containing no more than two-family units, no one of which shall contain less
- 6622 than 1,000 square feet of area.
- 6623 B. A-M area standards
- 6624 1. The minimum lot size in the A-M classification shall be 12,000 square feet.
- 6625 2. No lot shall be subdivided or subleased, except as a whole, for the purpose of
- 6626 erecting a complete dwelling on any portion; provided, however, that any lot
- 6627 may be subdivided where the portions so created are added to the adjoining
- 6628 lots on any side, and the original portion will have a remaining area of not less
- 6629 than 12,000 square feet.
- 6630 3. The main structure shall occupy a ground area of not less than:
- 6631 a. One-story building: 2,000 square feet.
- 6632 b. Two-story building: 1,500 square feet.

6633 **Section 3: Class B, Limited Residence Areas (B-L)**

- 6634 A. Each building or premises shall be used only for the following purposes:
- 6635 1. Any use permitted in the restrictions applicable to Class A, Limited Residence
- 6636 Areas.
- 6637 B. B-L area standards
- 6638 1. The minimum lot size in the B-L classification shall be 10,000 square feet.
- 6639 2. No lot shall be subdivided or subleased, except as a whole, for the purpose of
- 6640 erecting a complete dwelling on any portion; provided, however, that any lot
- 6641 may be subdivided where the portions so created are added to the adjoining



6642 lots on any side, and the original portion will have a remaining area of not less  
6643 than 10,000 square feet.

6644 3. The main structure shall occupy a ground area of not less than:

6645 a. One-story building: 1,300 square feet.

6646 b. Two-story building: 1,000 square feet.

6647 **Section 4: Class B, Multiple Residence Areas (B-M)**

6648 A. Each building or premises shall be used only for the following purposes:

6649 1. Any use permitted in the restrictions applicable to Class B, Limited Residence  
6650 Areas.

6651 2. Two-family houses of not less than 2,000 total square foot area, containing not  
6652 more than two family units, no one which shall contain less than 800 square  
6653 feet in area.

6654 3. No building or premises may be used alone or in addition to other uses as a  
6655 place at which food and beverages are dispensed to or sold to the general  
6656 public without the expressed written consent of the Authority.

6657 B. B-M area standards

6658 1. The minimum lot size in the B-M classification shall be 10,000 square feet.

6659 2. No lot shall be subdivided or subleased, except as a whole, for the purpose of  
6660 erecting a complete dwelling on any portion; provided, however, than any lot  
6661 may be subdivided where the portions so created are added to the adjoining  
6662 lots on any side, and the original portion will have a remaining area of not less  
6663 than 10,000 square feet.

6664 3. The main structure shall occupy a ground area of not less than:

6665 a. One-story building: 1,300 square feet.

6666 b. Two-story building: 1,000 square feet.

6667 **Section 5: Class C, Limited Residence Areas (C-L)**

6668 A. Each building or premises shall be used only for the following purposes:

6669 1. Any use permitted in the restrictions applicable to Class B, Limited Residence  
6670 Areas.

6671 2. Two-family detached or semi-detached houses containing not more than two  
6672 family units, no one of which shall contain less than 600 square feet of area.

6673 3. Horticultural nurseries, gardens, greenhouses, but not the raising of poultry,  
6674 pets or livestock, no storage or use of odor or dust producing substances shall  
6675 be permitted. A flower or nursery sales shop may be permitted as an accessory  
6676 use on approval of the Authority.

6677 4. Fire and police stations.

6678 5. Home occupations, in accordance with Article V, Section 3 of this chapter.

- 6679 B. C-L area standards
- 6680 1. The minimum lot size in the C-L classification shall be 10,000 square feet.
- 6681 2. No lot shall be subdivided or subleased, except as a whole, for the purpose of
- 6682 erecting a complete dwelling on any portion; provided, however, that any lot
- 6683 may be subdivided where the portions so created are added to the adjoining
- 6684 lots on any side, and the original portion will have a remaining area of not less
- 6685 than 10,000 square feet.
- 6686 3. The main structure shall occupy thereon a ground area of not less than:
- 6687 a. One-story building: 1,000 square feet.
- 6688 b. Two-story building: 800 square feet.

6689 **Section 6: Class C, Multiple Residence Areas (C-M)**

- 6690 A. Each building or premises shall be used only for the following purposes:
- 6691 1. Any use permitted in the restrictions applicable to Class C, Limited Residence
- 6692 Areas.
- 6693 2. Multiple-family houses subject to the approval of the Authority for:
- 6694 a. The lots upon which such structures may be placed; and
- 6695 b. The arrangement and adequacy of facilities provided for occupants.
- 6696 3. Apartment houses containing no more than eight (8) units, no unit of which
- 6697 shall have less than a minimum of 400 square feet, subject to the approval of
- 6698 the Authority for:
- 6699 A. The lots upon which such structures may be placed; and
- 6700 B. The arrangement and adequacy of facilities provided for occupants.
- 6701 4. Club or lodge, provided the primary activity is not carried on as a for-profit
- 6702 business.
- 6703 5. No building or premises may be used alone or in addition to other uses as a
- 6704 place at which food and beverages are dispensed or sold to the public.

6705 B. C-M area standards

- 6706 1. The minimum lot size in the C-M classification shall be 10,000 square feet.
- 6707 2. No lot shall be subdivided or subleased, except as a whole, for the purpose of
- 6708 erecting a complete dwelling on any portion; provided, however, that any lot
- 6709 may be subdivided where the portions so created are added to the adjoining
- 6710 lots on any side, and the original portion will have a remaining area of not less
- 6711 than 10,000 square feet.
- 6712 3. The main structure shall occupy thereon a ground area of not less than:
- 6713 a. One-story building: 1,000 square feet.
- 6714 b. Two-story building: 800 square feet.

6715 **Section 7: Planned Community (PC)**

6716 A. General

- 6717 1. Purpose
- 6718 a. The purpose of the Planned Community (PC) classification is to encourage
- 6719 creative and flexible projects that include compatible residential uses and
- 6720 related amenities unified by a development plan tailored to the surrounding
- 6721 area.
- 6722 b. The PC classification shall be permissible when approved according to a site
- 6723 plan that ensures the conservation of the natural environment, efficient use
- 6724 of land, and efficiency in the extension of streets and utilities.
- 6725 2. Objectives. The Planned Community classification shall have the following
- 6726 characteristics:
- 6727 a. Open space. Encourage ingenuity and resourcefulness in land planning
- 6728 techniques by developing functional open spaces.
- 6729 b. Sense of place. Allow the design of communities that are architecturally and
- 6730 environmentally innovative and that achieve more efficient utilization of
- 6731 land than is possible through application of conventional subdivision
- 6732 standards.
- 6733 c. Mixture of density. Accommodate a mixture of residential density which are
- 6734 compatible both internally and externally.
- 6735 d. Protection of natural resources. Ensure the conservation of the natural
- 6736 environment including trees and vegetation, topography, beachfront, and
- 6737 geological resources such as groundwater, soils, and drainage areas.
- 6738 e. Buffers. Provide buffers, screening and landscaping between the planned
- 6739 community and adjacent properties.
- 6740 f. Efficient land use. Encourage efficient use of land, street networks, and
- 6741 utility locations.
- 6742 g. Compatibility and consistency. Maintain compatibility with nearby
- 6743 development and consistency with the Jekyll Island Master Plan and
- 6744 Conservation Plan.
- 6745 B. Standards for Planned Community classification
- 6746 1. Land uses within each PC areas may include the following;
- 6747 a. Residential dwelling units, including single-family, two-family detached or
- 6748 semi-detached houses, town house, and apartments;
- 6749 b. Community centers, meeting facilities, and indoor or outdoor recreation
- 6750 facilities and spaces.

- 6751 2. The PC classification may be proposed only in locations that are consistent with  
6752 the Master Plan to provide flexibility in the application of development and site  
6753 design standards.
- 6754 3. Provisions for the permanent operation and maintenance of common open  
6755 space shall be provided by covenant, deed restriction, or easement, by and for  
6756 the benefit of a property owners association, land trust, or other legal  
6757 authority.
- 6758 4. Provisions for street design and layout to accommodate access for fire and  
6759 safety equipment.
- 6760 5. Provisions for sufficient off-street parking to accommodate all sizes of motor  
6761 vehicles to serve each residential unit, including parking for visitors, shall be  
6762 provided within the PC area to provide for the efficient use of streets and to  
6763 ensure public safety.
- 6764 6. Development shall be designed and landscaped in a manner that ensures  
6765 compatibility with residential uses within the PC and with development  
6766 adjacent to the PC.
- 6767 7. Safe routes for pedestrians and bicyclists shall be provided to connect internally  
6768 within the PC and externally to adjacent development.
- 6769 C. Site Plan Requirements. A PC shall require a site development plan to accompany  
6770 the application for approval.
- 6771 1. Specific site design and development standards shall be set forth on the site  
6772 plan and accompanying written narrative of use and design standards.
- 6773 2. All site plans shall be prepared to scale and with sufficient detail and clarity to  
6774 demonstrate compliance with applicable codes, technical rules, and design  
6775 guidelines.
- 6776 3. Site plans shall be prepared by a licensed professional engineer in the State of  
6777 Georgia, unless waived by the Authority.
- 6778 a. Site plans shall clearly delineate and demonstrate the proposed land uses,  
6779 densities, arrangement of streets, building sites, common areas, amenities,  
6780 parking, landscaping, utility locations, and stormwater management areas;
- 6781 b. The applicant shall demonstrate compliance with the tree protection  
6782 ordinance and other applicable requirements of the development code.
- 6783 4. Upon approval of the PC, the site plan shall be binding on all future  
6784 development and use within the PC development.
- 6785 5. Building permits shall not be authorized for any PC development until final  
6786 approval has been granted by the Authority Board of Directors.
- 6787 D. Effect of Approval

1. The approval of PC classification shall be effective for a period of two (2) years from the date of approval by the Authority. If development plans or building permits have not been submitted within this period, the PC approval expires and becomes invalid.
  2. A written request for extension from the applicant may be filed prior to the PC expiration date. The Authority may at its discretion approve requests for extensions for up to two (2) years provided that the existing development regulations applicable to the PC have not changed since the date the PC was originally approved.
  3. Should the PC expire and become invalid without a written request for extension, resubmission of an expired PC shall be treated as a new request and be subject to all development regulations that are in effect at the time the new PC application is submitted.
- E. Amendments to Planned Community Districts
1. Applications for permits and development approvals within a PC that include amendments or modifications from the approved PC shall be submitted as established in this section.
  2. Amendments and modifications to approved PC shall be classified as either minor or major, according to the following standards.
  3. Minor amendments. The Authority may authorize minor amendments or modifications to a PC site development plan without the need to amend the originally approved PC, provided, however, that such amendments or modifications are limited to the following:
    - a. Lots. Adjustment of individual lot boundaries for unrecorded lots that do not adjoin internal lots, provided that the lot boundary adjustments do not:
      - i. Reduce any lot below the required minimum lot size;
      - ii. Increase the number of permitted lots; and
      - iii. Increase the permitted density.
    - b. Landscaping. Adjustments to the boundary of buffers, open spaces and landscaped areas provided that:
      - i. Does not reduce the area reserved for buffers, open space, or landscaped areas or the depth of buffers, open spaces and landscaped areas that adjoin internal lots of record or external boundaries of the PC;
      - ii. Does not reduce the total amount of landscape area or material; and
      - iii. Maintains the required buffer area in compliance with the original site plan for the PC.
    - c. Driveways and parking. Adjustment in the location and design of driveways, parking lots and access drives, provided that the adjustment:
      - i. Does not encroach into any adjoining lot or use, required buffer or other landscaped area; and

- ii. Does not reduce the number of parking spaces.
  - d. Accessory Uses. Minor adjustment in the location of sidewalks, trails, bicycle facilities, dumpsters, or accessory buildings, provided that:
    - i. The adjustment does not deviate more than ten (10) percent of the linear dimension in any direction of the location as originally approved in the PC;
    - ii. Such adjustment does not encroach into any required buffer, landscaping, parking, or stormwater management area; and
    - iii. The location continues to comply with the original site plan for the PC, including, but not limited to, setbacks, landscaping, and buffer requirements.
- 4. Major Amendments. Any proposed amendment or modification to an approved PC that is not a minor amendment as described in the previous section shall be considered a major amendment. Major amendments to an approved PC shall be processed in the same manner as the original application. Major amendments and modifications include:
  - a. Changes in allowable uses or the mix of uses;
  - b. Designation of additional land uses, unless the Authority finds that the new use is substantially similar to a specifically authorized use in its intensity, character, and impacts;
  - c. Increases in the density of development;
  - d. Change in the location of permitted use(s) from the location shown on the approved site plan;
  - e. An increase or decrease in project area;
  - f. Change in dimensional standards set forth in the approved PC that result in a decrease in minimum standards for features including, but not limited to, reduction in minimum setbacks or reductions in street widths;
  - g. Change in dimensional standards set forth in the approved PC that result in an increase in maximum standards for features including, but not limited to an increase in building height or gross density or intensity of land uses;
  - h. Change to proposed amount or design buffers, open spaces and landscaped areas, land uses or lot sizes of the PC other than those specifically allowed as minor amendments in the previous section;
  - i. Addition or reduction of driveways or access points, especially those which negatively affect connectivity or street safety;
  - j. Change to the design of stormwater and drainage facilities; or
  - k. Other design modifications to the approved PC that the Authority determines to be major.

## Article IV: Residential Project Review Process

### Section 1: Jekyll Island Authority Design Review Group

- A. The Jekyll Island Design Review Group (DRG) reviews all proposed projects on Jekyll Island. In its review process the DRG may at its discretion solicit additional technical assistance from other governmental agencies and or consultants for help in the review of each project.
- B. The DRG shall be comprised of Jekyll Island Authority professional management staff appointed by the Executive Director, who shall serve as the DRG Chair.

### Section 2: Required Approvals.

- A. The approval process includes but is not limited to the submission steps presented in this section. JIA Staff through the DRG will manage the action steps in the review process.
- B. The Design Review Group may modify the requirements of this Article IV where it determines:
  - a. Such modification is reasonably necessary to fully evaluate a development proposal, including by requiring the submittal of additional studies, documents and information; or
  - b. The strict application of any provision would result in an unreasonable burden or undue hardship for the applicant; provided, however, no such modification shall allow a use or development configuration of any lot or parcel in conflict with the requirements of this Chapter. For any development proposal the burden shall be on the applicant to justify a modification due to an unreasonable burden or undue hardship. The submission steps presented in this section shall not be waived or abridged for any project involving the creation of new lease parcels.
- C. Each approval shall be documented in written format and provided to the applicant along with any additional comments.
- D. Remedial Action. The DRG may, at its discretion, recommend any appropriate remedial action if violations occur or if non-conforming work or work that is inconsistent with the approved plans or guidelines is identified, up to and including legal action.

**Section 3: Design Review Process**

**A. Submission Review.**

1. The design review process is intended to review each submission and evaluate the proposed project's consistency with the design intent of the concept plan and its adherence to the development codes, the Jekyll Island Master Plan, Jekyll Island Carrying Capacity and Infrastructure Study and the Jekyll Island Conservation Plan.
2. The review shall include, without limitation, compliance with development styles, scale, materials, colors, the relationship of proposed improvements and natural site features, grading and drainage design, landscape design, streetscape image, impacts on surrounding areas and systems, site features, and such other specific requirements detailed herein.
3. When conducting its review of each proposed project, the DRG may, when appropriate, allow for flexibility of design based on internal lot considerations that present unique limitations or in order to promote environmentally sensitive and efficient uses of the land, consistent with the development codes.
4. Any such allowances shall be documented in writing through the approval process as set forth above.
5. Compliance with building codes and life safety codes shall be enforced in coordination with the Glynn County Building Official.

**Section 4: Submittal Requirements.**

**A. General.**

1. All plans and specifications for site development, structures and other development shall be prepared by licensed or otherwise qualified land planners, architects, landscape architects, professional engineers, or other approved designers.
2. Changes to approved plans shall be resubmitted to the DRG for review and approval.

**B. Legal Requirements.** The plans and specifications submitted, and the physical development on Jekyll Island property by private entities pursuant thereto, shall be subject to and comply in every respect with all applicable laws. to:

**C. Document Packages.**

1. Proposed plans shall be delivered to the Jekyll Island Code Compliance Office for preliminary review and distribution to the DRG for further review. Plans shall be submitted in the following two (2) formats:



- 6935 a. Printed copies of plan drawings shall be submitted on either 24-inch by 36-  
6936 inch or 30-inch by 42-inch drawing sheets;
- 6937 b. An electronic copy of the plans shall be submitted in PDF format; and
- 6938 c. Submittal concurrently in Auto-CAD or another electronic format such as  
6939 .dxf or .dwg is encouraged.
- 6940 2. At each stage of review, a cover letter that explains the current status of the  
6941 project and lists its owners and agents shall accompany a copy of the  
6942 immediately preceding DRG approval letters and the written comments.
- 6943 3. The Authority shall have the right to require payment of reasonable fees for  
6944 review of proposed plans, specifications and other material.
- 6945 D. Meetings. At each stage of the design review process, a meeting may be scheduled  
6946 by the applicant by contacting the JIA as follows:
- 6947 Physical address: The Jekyll Island-State Park Authority,  
6948 100 James Road  
6949 Jekyll Island, GA 31527
- 6950 Telephone: 912.635.4000
- 6951 Email: info@jekyllisland.com

6952 **Section 5: Submission Stages**

- 6953 A. This section established the steps required in the design review process.
- 6954 1. Site Visit & Pre-Concept. A pre-concept meeting and site visit with JIA staff  
6955 as a representative of the Jekyll Island Design Review Group is required prior  
6956 to plan submission.
- 6957 2. Concept Plan Submission Package
- 6958 a. **Concept Plans**. Professionally prepared documents illustrating the  
6959 proposed residential structure, including details of the property and initial  
6960 investment estimate.
- 6961 i. Preliminary Site Plan. Overall layout showing parcel limits, the Shore  
6962 Protection boundary, known or potential wetlands, parking and  
6963 building(s) location.
- 6964 ii. A lot plan shall also be included for the residence. The lot plan should  
6965 indicate setbacks, building footprints, driveway and parking location,  
6966 walkways and other site improvements. The plan shall tabulate total lot  
6967 and floor area, total greenscape and hardscape, amount of hardscape  
6968 proposed to be pervious and impervious.

- 6969 3. Schematic Design Submission Package
- 6970 a. Site Plan. Updated site plan showing the lot boundaries, limits, and other
- 6971 requirements from the Preliminary Site Plan Submission.
- 6972 b. Architectural Floor Plans. Architectural floor plans of the residence shall be
- 6973 submitted to include the following:
- 6974 i. A floor plan for all levels;
- 6975 ii. All rooms shall be labelled including balconies, decks, atriums, garages,
- 6976 and accessory buildings; and
- 6977 iii. The square footage of the residence and overall dimensions shall be
- 6978 indicated.
- 6979 c. Exterior Elevations. Sketch elevations shall show overall architectural
- 6980 character, style, and scale, including exterior materials, roof pitches and/or
- 6981 type, as well as other important design details.
- 6982 d. Rendering of Project. To assist the DRG with visualization of the completed
- 6983 residence, a rendering showing the overall site and building design may be
- 6984 submitted.
- 6985 4. Site Staking Review. The lot is to be physically delineated with wood stakes that
- 6986 are clearly labeled to identify proposed major lot features including but not
- 6987 limited to the proposed residence, accessory structures, driveways, walkways,
- 6988 and tree protection areas.
- 6989 5. Design Development Submission Package.
- 6990 a. Site Plan. The site plan shall include all of the required information
- 6991 illustrated in the Schematic Design Submission Package with revised
- 6992 information where requested.
- 6993 b. Grading Plan. The grading plans shall include a clear delineation of the
- 6994 limits of the proposed grading, all final grades and elevations around the
- 6995 lot and proposed residence, walkways, walls, drainage structures, tree
- 6996 protection areas, and other site improvements.
- 6997 c. Landscape Plan. The final landscape plan shall indicate all planting,
- 6998 including trees, shrubs, and ground cover for the entire area lot. A
- 6999 material schedule shall indicate proposed size and quantity of all
- 7000 materials, miscellaneous sculptural objects, irrigation systems, accent
- 7001 lighting, and other physical features. All proposed walls and fences shall
- 7002 be submitted with dimensioned elevations and sections with materials
- 7003 and colors identified.
- 7004 d. Tree Protection Plan. Professionally surveyed plan indicating all trees with

7005 the site boundaries at 4" calipers (measured at breast height). The plan  
7006 shall indicate trees that are proposed to be removed. At a minimum, all  
7007 plans shall be in accordance with the Jekyll Island Landscaping and Tree  
7008 Protection Ordinance in Chapter 10, Article I, as well as in conformity with  
7009 the Jekyll Island Conservation Plan.

7010 e. Exterior Elevations. All exterior elevations of architectural style  
7011 submissions shall include elevation drawings depicting colors, materials,  
7012 and finishes.

7013 f. Useful Life Expectancy. The applicant shall provide a statement from a  
7014 licensed architect or contractor that all structures, except temporary  
7015 structures, are designed to meet minimum structural requirements for a  
7016 30-year useful life expectancy.

7017 6. Construction Documents Submission Package.

7018 a. Two (2) copies of the complete and final Construction Documents, in the  
7019 form to be submitted for a building permit, shall be submitted. All final  
7020 construction drawings shall be drawn to scale, shall be ready for  
7021 construction and shall have no "not for construction" annotations, and  
7022 shall include all of the required drawings and specifications for  
7023 construction of the project. After review and approval by the DRG, the  
7024 Package shall be reviewed and approved to incorporate all required code  
7025 compliance approvals from Glynn County and other regulatory agencies.  
7026 Responses shall be separately provided for any comments noted in the  
7027 preliminary plan package, with additional details, sections, and other  
7028 materials that are required for building permits.

7029 7. Construction Site Visits.

7030 a. Purpose and Scope.

7031 i. Purpose. The purpose of the construction site visit is to ensure that the  
7032 actual construction conforms to the originally approved construction  
7033 documents.

7034 ii. Scope. A periodic review of the construction of the project will be  
7035 undertaken to ensure conformity to the approved design. Deviations  
7036 will be brought to the owners and/or applicants' attention along with  
7037 the measures that the DRG requires to mitigate or eliminate the  
7038 deviation.

7039 iii. Technical Assistance. The DRG may employ the services of professionals  
7040 such as architects, land planners, landscape architects, or engineers to  
7041 render professional advice and may charge the cost for services of such  
7042 a professional to the owner and/or applicant but only after the owner

7043 and/or applicant has been informed in advance that such compensation  
7044 shall be charged.

7045 b. Site Visits. After approval of the final Construction Documents by the  
7046 Design Group, the construction, alteration or other work described  
7047 therein shall be commenced and completed in accordance with the  
7048 described procedures. The DRG has the right to enter the lot or premises  
7049 for site visits, for the purpose of inspecting the project for compliance  
7050 with the design guidelines.

7051 c. Remedying Violations.

7052 i. For violations that constitute an immediate threat to the health and  
7053 safety of the public, the Authority may issue an immediate "Stop Work  
7054 Order" and require the stoppage of all work on the site.

7055 ii. Construction deemed to be in violation of the approved drawings and  
7056 of the guidelines shall be corrected as instructed by the Authority within  
7057 fourteen (14) days of written notice to the owner of such violation.

7058 iii. The Authority shall have the right, but not the obligation, to enter such  
7059 work site or premises with its employees, agents or contractors and to  
7060 take all reasonable actions to halt, correct or remediate such  
7061 unapproved or unauthorized construction that continues beyond the  
7062 fourteen (14) day time frame.

7063 iv. The cost of such correcting violations, abatement or removal shall be a  
7064 binding obligation on the person or persons responsible for the project,  
7065 including the owner or lessee of the premises and any agent or  
7066 contractor, and the costs incurred shall become a lien on the property.

7067 d. No Liability. Nothing in this Article shall establish nor be deemed to  
7068 establish any liability or duty on the part of the Authority nor any  
7069 employee, agent or contractor of the Authority, to any person, nor shall  
7070 any provision of this Article establish any cause of action or right in favor  
7071 of any person, relating to the Authority's review, evaluation, approval or  
7072 denial of any plans, specifications, or documentation, nor of any work  
7073 performed pursuant to any plans, specifications, or documentation. The  
7074 review and approval or disapproval of any plans, specifications or  
7075 documentation under this Article does not constitute and should not be  
7076 construed as constituting an opinion as to whether such plans,  
7077 specifications or documentation or the proposed construction means or  
7078 methods, or the accomplishment of the work proposed therein is sound  
7079 or defective, fit for a particular purpose, nor compliant with all laws and  
7080 regulations applicable to such work.

- e. Additional Requirements. The DRG may define additional requirements or make other recommendations as may be appropriate for the particular project being constructed. Any such requirements and recommendations shall normally be determined not later than the date of the Schematic Design Documents approval.

**Section 6: Appeal Requests.**

- A. In the event that an owner, applicant, or contractor believes that hardship conditions exist, a request for a deviation from these standards in the form of an appeal may be filed with the Executive Director.
- B. As a condition to submission of any appeal, consistency with the objectives and general intent of the standards and faithful implementation of the Concept Plan must be demonstrated by the applicant.
- C. In deliberating an appeal request, the Executive Director shall apply one or more of the following options:
1. Make a finding and determination on the appeal request;
  2. Appoint an Ad-Hoc Appeals Committee with a meeting called by the Executive Director to hear, review and make recommendations on the appeal request.
    - a. The Appeals Committee shall consist of five (5) members appointed by the Board of Directors of the Jekyll Island Authority:
      - i. Two (2) residents of Jekyll Island;
      - ii. Two (2) staff members of the Authority; and
      - iii. The Executive Director of the Authority, who shall serve as Chair of the Committee.
    - b. In considering the appeal, the Ad-Hoc Appeals Committee may recommend other mutually beneficial requirements in place of the requirement that is the subject of the appeal.
    - c. The Appeals Committee has the authority to recommend deviations from the requirements contained in these standards in appropriate circumstances, such as those that would create an unreasonable hardship or burden for the owner, applicant, contractor, tenant or resident.
  3. Refer the appeal request to the Board of Directors for final decision.

**Article V: Supplemental Uses**

**Section 1: Residential Rentals**

- A. Purpose and Intent. The intent of this article is to:

- 7115 1. Require that all lessees of residential property obtain a rental license prior to  
7116 offering such residential property for rental;
- 7117 2. Establish standards for regulating the rental of residential property which will  
7118 maintain and preserve the established coastal character and aesthetic quality  
7119 of residential neighborhoods on the island;
- 7120 3. Promote the consistent provision of high quality, safe and sanitary lodging on  
7121 the island;
- 7122 4. Ensure compliance with residential and multifamily land leases on Jekyll Island  
7123 by lessees, licensees and other occupants of residential property; and
- 7124 5. Establish procedures for enforcement of these regulations, and consideration  
7125 of variances and appeals.
- 7126 B. Definitions. The following words, terms and phrases, when used in this article, shall  
7127 have the meanings ascribed to them in this section, except where the context  
7128 clearly indicates a different meaning:
- 7129 1. **Lease** means any residential or multifamily lease for a residential property with  
7130 the following use classifications as established under the island plat and general  
7131 notice and property restrictions:
- 7132 a. Class A, Limited Residential Areas (A-L)
- 7133 b. Class A, Multiple Residential Areas (A-M)
- 7134 c. Class B, Limited Residential Areas (B-L)
- 7135 d. Class B, Multiple Residential Areas (B-M)
- 7136 e. Class C, Limited Residential Areas (C-L)
- 7137 f. Class C, Multiple Residential Areas (C-M)
- 7138 g. Planned Community (PC)
- 7139 2. **Lessee** means any person with any interest in a lease whether as an initial party  
7140 to such lease, or as a successor or assign to the lease.
- 7141 3. **License** means a license issued under Subsection D of this Section.
- 7142 4. **Licensee** means any holder of a license authorized by this Section.
- 7143 5. **Long-Term Rental** means to permit or suffer occupancy in exchange for  
7144 compensation, a residential property for a period of time equal to or greater  
7145 than thirty (30) consecutive days.
- 7146 6. **Loud or Unruly Conduct**, as used in this section, includes any of the following  
7147 conduct if in violation of any provision of this Code or State law:
- 7148 a. Loud noise;

- 7149                    b. Obstruction of a street or public right-of-way, including a sidewalk;
- 7150                    c. Public intoxication or drinking in public;
- 7151                    d. The service of alcoholic beverages to minors;
- 7152                    e. Possession and/or consumption of alcohol by minors;
- 7153                    f. Assault, battery, fights, domestic violence or other disturbances of the
- 7154                        peace;
- 7155                    g. The sale or service of alcoholic beverages without a required State license;
- 7156                    h. Vandalism or destruction of property;
- 7157                    i. Littering;
- 7158                    j. Urinating or defecating in public; or
- 7159                    k. Trespassing.
- 7160                    7. **Loud or Unruly Gathering** means a gathering of persons at any Residence where
- 7161                        Loud or Unruly Conduct occurs at the Residence or within 500 feet of the
- 7162                        Residence, and which threatens or interferes with the public health, safety or
- 7163                        welfare, or the comfortable enjoyment of life and property.
- 7164                    8. **Minor** means any person under twenty-one (21) years of age.
- 7165                    9. **Owner** means any person who owns the residence and leases the land from the
- 7166                        Authority where a loud or unruly gathering occurs.
- 7167                    10. **Percentage rent** means all percentage rent required to be paid under a lease.
- 7168                    11. **Person** means an individual or any firm, association, organization, partnership,
- 7169                        trust, business, corporation, company, or entity.
- 7170                    12. **Rental agreement** means any written agreement setting the terms on which a
- 7171                        lessee or licensee will rent any portion of residential property to a renter.
- 7172                    13. **Rental amount** means the amount of consideration paid by a renter to a
- 7173                        licensee as consideration for the right to occupy the residential property for a
- 7174                        period of time.
- 7175                    14. **Renter** means any occupant of residential property other than a lessee who
- 7176                        pays consideration to a lessee for the right of occupancy.
- 7177                    15. **Residence** means a building or portion thereof designed or used for human
- 7178                        habitation, including all accessory structures and the residence's curtilage.
- 7179                    16. **Residential property** means any property with the following use classifications
- 7180                        as established under the island plat and general notice and property
- 7181                        restrictions:

- 7182 a. Class A, Limited Residential Areas (A-L)
- 7183 b. Class A, Multiple Residential Areas (A-M)
- 7184 c. Class B, Limited Residential Areas (B-L)
- 7185 d. Class B, Multiple Residential Areas (B-M)
- 7186 e. Class C, Limited Residential Areas (C-L)
- 7187 f. Class C, Multiple Residential Areas (C-M)
- 7188 g. Planned Community (PC)
- 7189 17. **Responsible Party** means any person who rents, leases, or otherwise is in
- 7190 charge of the residence where a loud or unruly gathering occurs; or any person
- 7191 who organizes or sponsors a loud or unruly gathering at a residence.
- 7192 18. **Short-term vacation rental** means an accommodation for transient guests
- 7193 where, in exchange for compensation, a residential property is provided for
- 7194 lodging for a period of time less than thirty (30) consecutive days. Such use may
- 7195 or may not include an on-site manager. This is also identified and abbreviated
- 7196 as "STVR".
- 7197 19. **Short-term vacation rental agent** is a local contact person designated by the
- 7198 owner who shall be available at all times to respond to complaints regarding
- 7199 the condition, operation, or conduct of occupants of the STVR. The owner may
- 7200 serve in this role. Such person is customarily present at a location on or near
- 7201 Jekyll Island for purposes of transacting business and is responsible for taking
- 7202 remedial action to resolve issues.
- 7203 20. **To rent** means to permit or suffer occupancy of any residential property by a
- 7204 person who is not a lessee in exchange for consideration of any type.

7205 **Section 2: Short-Term Rentals**

7206 A. Short Term Vacation Rental Restrictions

- 7207 1. **Occupancy.** Occupancy of any short-term vacation rental property or unit shall
- 7208 be limited to two (2) adults per bedroom identified as existing on the property
- 7209 plus an additional two (2) occupants.
- 7210 a. The number of bedrooms is subject to verification of building code
- 7211 compliance by the Authority.
- 7212 b. Children under the age of sixteen (16) shall not be subject to the occupancy
- 7213 calculations in this section.
- 7214 c. Occupancy beyond the established limits in the permit shall be a violation
- 7215 of the ordinance.



- 7216 2. **Transfer of License.** Notwithstanding any other provision of the Code, the  
7217 transfer of a lease by sale or any conveyance whatsoever shall not result in the  
7218 transfer of the permit regarding the use of the property for short term vacation  
7219 rentals.
- 7220 3. **Short Term Vacation Rental Agent Required.** Every rental license must have an  
7221 agent identified per this article. The local agent must be available to respond to  
7222 complaints regarding the condition, operation, or conduct of occupant, and be  
7223 able to take remedial action to promptly resolve complaints. The owner may  
7224 serve in this role. The owner or Short-Term Vacation Rental agent shall not be  
7225 relieved of any personal responsibility or personal liability for noncompliance  
7226 with any applicable law, rule or regulation pertaining to the use and occupancy  
7227 of the residential dwelling unit as a short-term vacation rental unit.
- 7228 4. **Parking.** Overnight parking of cars at short term vacation rentals is only allowed  
7229 within the driveway of the rental property and/or at its assigned spaces.  
7230 Overnight parking by Short Term Vacation Rental occupants is not allowed on  
7231 street rights-of-way or in front yards. Cars blocking access to public streets or  
7232 neighboring driveways at any time are prohibited. Cars improperly parked may  
7233 be towed.
- 7234 5. **Solid Waste Collection Service.** Short Term Vacation Rentals are required to be  
7235 subscribed to an annual contract for "Back Door" service.
- 7236 6. **Life Safety.** The residence shall have the following:
- 7237 a. Maintain a smoke alarm outside of each sleeping area, in the immediate  
7238 vicinity of the sleeping rooms, and on each level of the dwelling including  
7239 the basement.
- 7240 b. Maintain a fire extinguisher that shall be certified and inspected annually or  
7241 as require by law.
- 7242 c. Maintain a carbon monoxide detector in dwelling units served with propane  
7243 gas.
- 7244 7. **Loud or Unruly Gatherings Prohibited.** Loud or unruly gatherings are  
7245 prohibited and shall constitute a public nuisance subjecting the owner, rental  
7246 agent, and/or responsible party to fines and/or penalties under this section.  
7247 The Authority may abate a loud or unruly gathering by all available means,  
7248 including, but not limited to the Georgia State Patrol, requiring persons at  
7249 the loud or unruly gathering to leave the residence, the issuance of a citation,  
7250 and/or the arrest of any person committing a criminal violation under this  
7251 section or any other applicable State or local law.
- 7252 B. Rental license.

- 7253 1. **Required.** It shall be unlawful for any lessee, or any party acting for or through  
7254 a lessee, to rent or offer for rent any residential property or portion thereof  
7255 without having first obtained a license from the Authority therefor, except as  
7256 provided for in this article.
- 7257 2. **Application.** All applications for licenses under this section shall:
- 7258 a. Be filed with the Authority;
- 7259 b. Be completed on forms prescribed by the Authority; and
- 7260 c. Contain the following:
- 7261 i. The name, address and telephone number of owners or lessees of  
7262 residential property;
- 7263 ii. The street address of the residential property to be rented;
- 7264 iii. The signatures of all lessees having an interest in the residential  
7265 property to be rented;
- 7266 iv. The number of bedrooms;
- 7267 v. The maximum adult occupancy to be permitted in the residential  
7268 property under rental agreements, which shall be in compliance with all  
7269 ordinances;
- 7270 vi. A parking plan, that shall include a site plan of the property, specific  
7271 locations on the property that are designated for parking areas, and the  
7272 maximum number of vehicles that will be allowed to park on the  
7273 property;
- 7274 vii. The name, address, and contact information for the agent of any short-  
7275 term vacation rental residence, whose responsibility it will be to  
7276 comply with the requirements of this section on behalf of the owner.  
7277 The owner may be the agent. Payment of the license fee set forth in  
7278 this Section.
- 7279 3. **Issuance.** The procedure for issuing a license shall be as follows:
- 7280 a. Upon receipt of an application for a license, the Authority shall ensure that  
7281 the lessees are in compliance with the applicable lease and this article.
- 7282 b. If the applicant lessees are in compliance with the applicable lease and this  
7283 article, the Authority may issue a license and assign a license number to the  
7284 lessee.
- 7285 c. The Authority shall not be required to issue a license if it is determined that  
7286 the maximum adult occupancy set forth in the application is in excess of the  
7287 parking and living space capacity of the residential property.

7288 4. **Fees.**

7289 a. License fees under this article shall be paid each calendar year, or any

7290 portion thereof, at the rate that shall be established from time to time by

7291 the Authority and shall be paid to the Authority at the time of application.

7292 b. Any lessee, or any party acting for or through a lessee, who rents or offers

7293 for rent any residential property or portion thereof without having first

7294 obtained a license from the Authority shall pay a fine and the full cost of the

7295 license.

7296 c. Each day a violation remains uncorrected is a distinct and separate violation

7297 subject to an additional citation and fine.

7298 5. **Expiration of license.** Licenses shall expire on December 31 of each year.

7299 C. Conditions of license. To maintain a license authorized under this article in good

7300 standing:

7301 1. **Percentage rent.** Licensees shall diligently calculate and promptly remit all

7302 percentage rent payable under the lease respecting the residential property

7303 being rented. Percentage rent shall be calculated and reported on forms

7304 prescribed by the Authority.

7305 2. **Rental agreement.** Licensees shall obtain a rental agreement from each renter

7306 and maintain copies of such rental agreements for a period of forty-eight (48)

7307 months from the date of any rental.

7308 3. **Disclosure of license number.** Licensees shall provide their license number to

7309 renters in their rental agreements or via other written notification.

7310 4. **Requirements of rental agreements.** Rental agreements shall:

7311 a. Contain the name, address, and phone number of the renter; and

7312 b. Require compliance by renters with all state laws including, but not limited

7313 to, the ordinances promulgated by the Authority including this article.

7314 5. **Audits.** Licensees shall cooperate with the Authority and permit the Authority,

7315 or their designee, to conduct audits of the collection and payment of

7316 percentage rent and hotel motel taxes. In connection therewith, within thirty

7317 (30) days of demand by the Authority, licensees shall provide all rental

7318 agreements and any records of rental amount or other information reasonably

7319 requested by the island authority in order to determine whether percentage

7320 rent and hotel motel taxes have been properly calculated, reported and

7321 remitted. Unless a lessee has been found to be in noncompliance with this

7322 article within any preceding thirty-six (36) month period, such audits shall occur

7323 no more frequently than once per calendar year. If such a finding has been  
7324 made, audits may be performed by the Authority on a more frequent basis.

7325 6. **Inspections.** The Authority, or representatives thereof, may conduct random  
7326 inspections of rental properties in order to ensure consistent high quality, safe  
7327 and sanitary lodging is being provided to all Jekyll Island guests. Licensees will  
7328 be provided a minimum of three (3) days' notice to make the home available  
7329 for inspection.

7330 7. **Property standards.** Licensees shall maintain any residential property for rent  
7331 in accordance with all ordinances promulgated by the Authority and shall  
7332 ensure that such property is kept in safe and sanitary condition.

7333 8. **Compliance with laws.** Licensees shall comply with all State laws including  
7334 ordinances promulgated by the Authority including this article.

7335 9. **Compliance with lease.** Licensees shall comply with all provisions of the lease.

7336 10. **Commercial use.** No use of the residential property by a renter for any purpose  
7337 other than rental for residential purposes shall be permitted under any rental  
7338 agreement unless such use is expressly permitted by the ordinances  
7339 promulgated by the Authority including this article.

7340 D. Violations, Penalties and Enforcement.

7341 1. **Enforcement.** The Authority's Code Enforcement Officer, and such other  
7342 Authority personnel as may be designated by the Executive Director, shall be  
7343 empowered to enforce this article; provided, nothing herein shall preclude any  
7344 member of the Uniform Division of the Georgia Department of Public Safety  
7345 from enforcing this Article or any other applicable law.

7346 2. **Penalties.**

7347 a. **Generally.** Unless otherwise provided by applicable law, any person found  
7348 in violation of any provision of this Section 2 pertaining to short term rentals  
7349 shall be guilty of a misdemeanor, and upon conviction thereof, shall be  
7350 punished by a fine not to exceed \$1,000.00 or by imprisonment for a term  
7351 not to exceed 60 days, or by both fine and imprisonment, to be imposed at  
7352 the discretion of the judge or as provided and stipulated by law.

7353 b. **Revocation of license.** In addition to the enforcement of this Section 2 by  
7354 citation or accusation, the Authority may revoke any rental license issued  
7355 under this Article where (i) any licensee fails to comply with the  
7356 requirements of this Section 2 or any license issued pursuant to this Section  
7357 2 and such noncompliance continues for a period of thirty (30) days after  
7358 notice thereof, or (ii) a licensee receives three violation notices during any  
7359 three-year period. In the event the Authority shall revoke the license under

7360 this Section 2, the licensee shall not be eligible to reapply for a license until  
7361 the date that is six (6) months following the date all violations have been  
7362 cured to the Authority's satisfaction.

7363 3. **Refusal to issue or renew license.** The Authority shall not issue or renew any  
7364 license for any person or property not in compliance with its lease, this article,  
7365 or other applicable law. The issuance or denial of a license under this Section 2  
7366 shall be in the sound discretion of the Authority.

7367 4. **Violation by Licensee.** It shall be unlawful for any person holding a license  
7368 issued under this Section 2 to allow or permit the violation of this Section 2  
7369 by any occupant or tenant of the licensed property. The Authority may  
7370 enforce any violation of this Section 2 against such licensee in addition to the  
7371 enforcement of this Section 2 against such occupant or tenant; provided,  
7372 however, the Authority shall issue such citation by personal service or by  
7373 sending the citation certified mail or statutory overnight delivery, return  
7374 receipt requested, to the licensee at the address of record maintained by the  
7375 applicable tax commissioner.

7376 5. **Other Remedies.** Nothing in this Section 2 shall be deemed to preclude the  
7377 Authority from exercising any right or remedy available to it under applicable  
7378 law or under any real property lease.

7379 E. Variances and appeals.

7380 1. **Technical appeals.** Appeals from technical decisions of the Authority or any  
7381 other official empowered to rule on license issues shall be in writing to the  
7382 Office of the Executive Director of the Authority.

7383 2. **Variances.** Variances from the requirements of this Section shall be processed  
7384 by written justification to the Authority.

### 7385 Section 3: Long-Term Rentals

7386 A. All restrictions, regulations and standards for short-term rentals as enumerated in  
7387 Section 2, Subsections B, C, D, and E shall apply to long-term rentals with the  
7388 following exceptions:

7389 1. **Inspections.** The Authority will not conduct random inspections of long-term  
7390 rental properties.

7391 2. **Percentage rent.** Licensees for long-term rentals shall have the option to pay  
7392 the percentage rent to the Authority monthly, quarterly or annually.

7393 B. The owner is ultimately responsible for water account service to long-term rental  
7394 dwellings.

7395 C. If the occupancy of the long-term rental changes, the owner is responsible for  
7396 payment of hotel motel taxes to the Authority for the first thirty (30) days of a new  
7397 occupant.

7398           **Section 4:       Vehicles and Parking**

7399           A. Purpose. The purpose of this article is to provide for the regulation of the parking  
7400           and storing and maintenance of vehicles, construction equipment, recreational  
7401           vehicles, trailers, and equipment in residential areas. The regulation of parking,  
7402           storage, and maintenance of vehicles as prescribed in this article will promote  
7403           public safety, health, and welfare by reducing traffic hazards; maintaining healthy  
7404           standards of sanitation; maintaining unobstructed access to public sidewalks,  
7405           thoroughfares, and rights-of-way; and by preserving the residential and  
7406           commercial character of the neighborhoods of the community.

7407           B. Definitions.

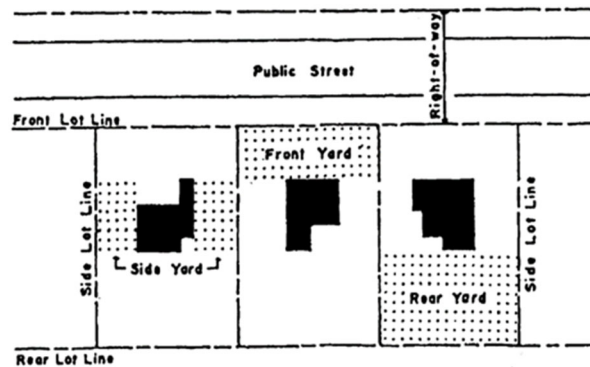
- 7408           1. The following words, terms, and phrases, when used in this article, shall have  
7409           the following meanings ascribed to them in this section unless otherwise clearly  
7410           apparent:
- 7411           2. **Carport** means a structure which is attached or detached from another  
7412           building, and which is open on at least two (2) sides with a covering for vehicle  
7413           storage. Examples are shown below:



- 7414
- 7415           3. **Cement pad** means an area constructed in compliance with the authority's  
7416           code and guidelines then in effect which extends six (6) inches beyond the total  
7417           length and width of the recreational vehicle and/or its attached apparatus  
7418           stored on such area.
- 7419           4. **Construction equipment** means any and all equipment associated with the  
7420           construction trade; i.e., backhoe, cement mixer, skid steerer, woodchipper, etc.
- 7421           5. **Established driveway** means a paved, private accessway intended to serve as  
7422           ingress and egress for vehicle traffic between a public right-of-way and any  
7423           residential home or outer building which is part of the curtilage of such  
7424           residential site.

7425 6. **Front, rear, or side yard** shall mean the front, rear, or side of the residential  
7426 building on a lot and given their normal meanings. An example is shown below:

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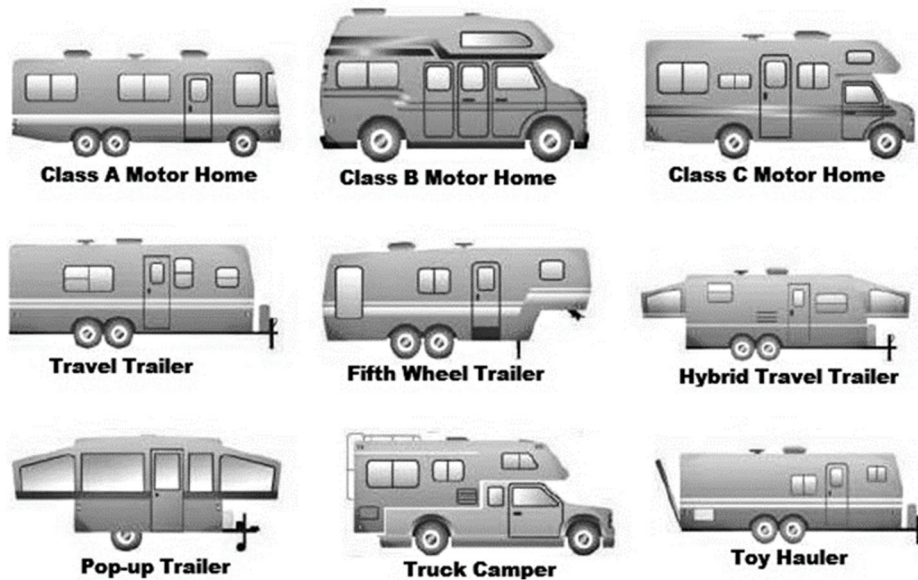
7428 7. **Lot** means land occupied or to be occupied by a use, building, or structure and  
7429 permitted accessory building(s) together with such open spaces, lot width, and  
7430 lot area as are required by this article and having its principal frontage upon a  
7431 public street or upon a private way used for street purposes. A lot need not be  
7432 a lot of record.

7433 8. **Lot lines** means the property lines bounding the lot.

7434 9. **Street or alley lot line** means a lot line separating the lot from the right-of-way  
7435 of a street or alley.

7436 10. **Parked or parking** means the standing of a vehicle, whether occupied or not,  
7437 otherwise than temporarily for the purpose of and while actually engaged in  
7438 loading or unloading property or passengers. A new forty-eight (48) hour period  
7439 for parking of recreational vehicles shall not commence until the vehicle has  
7440 been removed for five (5) consecutive days.

7441 11. **Recreational vehicle** means a vehicle, or any mobile or immobile apparatus  
7442 originally designed, permanently altered, or in the process of alteration, which  
7443 provides temporary living quarters for recreational, camping or travel use. A  
7444 recreational vehicle or attached apparatus may have its own mode of power or  
7445 may be designed to be drawn by a motor vehicle. "Recreational vehicle" shall  
7446 include, but is not limited to, motor homes, truck campers, boats and trailers,  
7447 travel trailers, fifth-wheels, folding camper trailers or converted vans or  
7448 converted buses. "Recreational vehicle" shall also include all forms of  
7449 watercraft, boat, jet ski, or any other form of powered or nonpowered motive  
7450 devices used upon land, water, or air for recreational purposes. Examples of  
7451 recreational vehicles are shown below:



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12. **Screening** shall mean a wall or solid fence structure that has obtained all required approvals and permits from the authority. Materials for screen fencing shall be masonry, wood, or wrought iron with view-obscuring material. Materials for screening gates shall be wood or wrought iron with view-obscuring material.
13. **Stored/storage** means any vehicle which remains on a residential or commercial property for more than forty-eight (48) hours.
14. **Stand or standing** means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
15. **Trailer** means an open or enclosed mechanical device designed for movement without motor power designed to be drawn by a motor vehicle and constructed for and used for the purpose of transporting and carrying property, including, but not limited to, goods, wares, merchandise, yard debris, boats, lawn equipment, vehicles, and whether for commercial or private use. Examples are shown below:





16. **Unit** means a camper, commercial trailer, construction equipment, recreational vehicle, trailer, utility trailer, or watercraft.
17. **Watercraft or boat** means any vessel or motorized device used for traveling in or on water, including, but not limited to, an unpowered vessel; a vessel powered by oars, paddles, sail, or motor; and a raft, whether ridged, supported by pontoons, or inflatable.
- C. Inoperable, abandoned, wrecked, or junked vehicles shall not be parked on any leased lot, subject to the following exception:
1. Vehicles under repair may be stored within an enclosed garage and shall have a current and valid vehicle registration tag.
- D. Recreational vehicles and trailers – Requirements.
1. A unit shall not be parked or stored upon any public property, unless previously authorized by the Authority. These requirements shall not apply to the Jekyll Island Campground.
  2. A unit shall not be parked or stored upon any commercial property unless it is parked or stored with the permission of the Authority. These requirements shall not apply to the Jekyll Harbor Marina.
  3. Units may be parked on residential lots subject to the following conditions:
    - a. Units shall not be parked or stored in the front yard.
      - i. However, for narrow lots with inadequate side yard width to allow vehicle access to the side or rear yard, front yard storage may be allowed if approved in advanced by the Authority.
    - b. Units may be parked or stored in the side yard or rear yard in an enclosed building or under a carport.
    - c. Units may be parked in the rear, subject to the following conditions:
      - i. The unit shall be parked or stored no closer than six (6) feet from a residential building on the property on which it is parked or stored; and no closer than ten (10) feet from the property line.
      - ii. No temporary coverings such as tarps or cloth screens are permitted. Fitted covers and permanent canopies are permitted and may be used as long as they are specifically designed for the unit. All fitted covers and permanent canopies shall be maintained in good condition. Permanent canopies are structures which are permanently fixed to the ground and shall comply with all required building codes.
    - d. Units shall not be stored or parked on any vacant residential lot. For the purposes of this paragraph, a lot is "vacant" if the lot does not contain a habitable and safe structure that may be properly occupied consistent with all provisions of this Code. This paragraph does not apply to any units maintained, parked, or stored on a lot with the prior approval of the Authority for purposes of undertaking construction, maintenance, and/or repair on the lot.

- e. All units weighing more than two thousand (2,000) pounds shall be parked or stored on a cement pad as defined by this article. All units weighing less than two thousand (2,000) pounds must be stored on a hard surface consisting of blacktop or patio blocks or an established driveway.
- f. At no time shall any unmounted camper enclosure be permitted to be stored unless it is stored under a garage, or in an enclosed building.
- g. Parking or storage shall be limited to units owned by any of the occupants of such residence, except that a single recreational vehicle and attached trailer may be parked on the lot as a result of visiting guest(s) as long as the parking does not exceed seven (7) days.
- h. All units stored outside of a building shall be kept in a state of proper repair (meaning able to be used for its intended purpose), have legal license plates and current registration if applicable, and be secured to prevent unauthorized entry. In addition, no unit shall be allowed to become unsightly or unkept.
- i. No unit parked or stored in any residential or commercial area shall be connected to gas; water; or storm or sanitary sewer systems.
- j. Cooking in a recreational vehicle parked or stored on a residential lot is prohibited at all times.
- k. Other than in an enclosed building, no person shall park or store more than one (1) recreational vehicle upon any residential or commercial lot. For purposes of this limitation, two (2) jet skis shall be considered one (1) unit. For purposes of this limitation, units used in conjunction with one another, such as a boat mounted upon a boat trailer or two jet skis mounted upon one trailer, shall be considered as one (1) unit.
- l. No units shall be elevated by any device for storage purposes. For purposes of this limitation, units used in conjunction with one another, such as a boat mounted upon a boat trailer, shall be considered as one (1) unit.
- m. No person shall spill or drain any wastewater or liquid waste of any kind from any unit upon the ground on any residential lot, or into any storm or sanitary sewer inlets, or upon any paved area.
- n. No person shall elevate block or stabilize any unit other than with jack stands for the purposes of repair. The repair shall be made in the side or rear yard for a period not to exceed forty-eight (48) hours.
4. Temporary parking and maintenance. This subsection pertains to the temporary parking and/or maintenance of a recreational vehicle and its attached trailer as permitted under this subsection.
- a. A recreational vehicle and its attached trailer may be parked on an established driveway for a period not to exceed seven (7) days for the limited purposes of loading, unloading, trip preparation, and routine maintenance. For purposes of this limitation, an attached trailer used in

7552 conjunction with another unit, such as a boat mounted upon a boat trailer,  
7553 shall be considered as one attached trailer.

7554 b. A recreational vehicle with an attached trailer may be parked on an  
7555 established driveway for a period not to exceed seven (7) days , inclusive of  
7556 subsection (4)(a) above, as a result of visiting guest(s). Such visiting guest(s)  
7557 may not use the recreational vehicle as a temporary residence. Such visiting  
7558 guest(s) must abide by all other requirements of this article. For purposes  
7559 of this limitation, an attached trailer used in conjunction with another unit,  
7560 such as a boat mounted upon a boat trailer, shall be considered as one  
7561 attached trailer.

7562 c. No person shall park or store any unit upon any public property located in  
7563 any commercial or residential area without previous authorization from the  
7564 Authority, including public streets, alleyways, rights-of-way, sidewalks, and  
7565 planting areas between sidewalks and curb lines.

7566 d. Any person responsible for legally parked units under this article is also  
7567 responsible for proper and adequate clearance around their recreational  
7568 vehicle for emergency vehicles. Any owner of a unit which obstructs the  
7569 path of an emergency vehicle shall be subject to an infraction under this  
7570 article.

7571 E. Responsibility for compliance.

7572 1. The lessee of the lot from the Authority on which the unit is parked or stored  
7573 shall be responsible for compliance with this article.

7574 F. Notice of violation.

7575 1. A notice of violation shall be served upon the person or persons in violation of  
7576 the provisions of this article directing the discontinuance of the illegal action or  
7577 condition and abatement of the violation within forty-eight (48) hours.

7578 2. Notices shall be left at the home where the unit is located, delivered by way of  
7579 common carrier, or by affixing in a conspicuous place a notice of violation to  
7580 the unit parked or stored in violation of the provisions of this article.

7581 3. If a violation occurs after a notice has been given under this Section within the  
7582 previous twelve (12) months, a citation may be issued immediately without  
7583 additional notice.

7584 G. Compliance.

7585 1. If the notice of violation is not complied with within forty-eight (48) hours, a  
7586 citation shall be issued to the person or persons violating the provisions of this  
7587 article.

7588 H. Penalties.

7589 1. Any person found in violation of any provision of this Section 4 shall be guilty of  
7590 a misdemeanor, and upon conviction thereof, shall be punished by a fine not  
7591 to exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or

7592 by both fine and imprisonment, to be imposed at the discretion of the judge or  
7593 as provided and stipulated by law. Each day such violation continues shall be  
7594 considered a separate offense.

7595 2. The Authority may establish a schedule of monetary fines for each violation.

7596 3. Any Unit that is parked or stored in violation of this article is deemed to be  
7597 illegally parked. The Authority may, in addition to any other enforcement  
7598 action, remove or impound such illegally parked vehicle. Any towing and  
7599 storage fees will be the owner's responsibility once the Unit is towed and shall  
7600 be paid for before the unit is released.

7601 **Section 5: Home Occupations**

7602 A. Purpose. The provisions of this section are designed to protect and maintain the  
7603 residential character of a neighborhood while permitting certain limited business  
7604 activities which are traditionally carried out in a home.

7605 B. Definitions. The following words, terms and phrases, when used in this section,  
7606 shall have the meanings ascribed to them in this section, except where the context  
7607 clearly indicates a different meaning:

7608 1. **Home occupation** means any business, occupation or activity conducted for  
7609 gain within a residential building, or an accessory building thereto, which is  
7610 incidental or secondary to the use of such building for dwelling purposes and  
7611 which does not change the essential residential character of the building.

7612 C. Uses Considered Home Occupations. The following businesses, occupations or  
7613 activities are permitted:

- 7614 1. Office for professionals, such as attorneys, drafters, realtors, insurance agents,  
7615 engineers, architects, and other consultants;
- 7616 2. Instruction or teaching, such as, but not limited to, academic tutoring,  
7617 performing arts, or fine arts, provided that no more than two (2) students are  
7618 instructed at any one (1) time;
- 7619 3. Administrative or clerical support services, such as transcription, court  
7620 reporters, stenographers, notary public, or addressing services;
- 7621 4. Personal services such as beauty salon, barber, nail technician, dress-making or  
7622 tailoring, limited to one (1) station. Beauty shops and barbershops allowed  
7623 under these provisions shall be registered with the appropriate licensing and  
7624 inspection authorities.
- 7625 5. Pet grooming;
- 7626 6. Cottage industries, such as creation of intellectual property, light assembly of  
7627 small equipment; and
- 7628 7. Studios for artists, photographers, or artisans.

- 7629 D. An interpretation that a use not listed in the previous section is similar shall be  
7630 based on the tasks and activities normally associated with the proposed use and  
7631 the similarity of those tasks and activities with the tasks and activities normally  
7632 associated with a listed use.
- 7633 E. Uses prohibited as Home Occupations. The following businesses, occupations or  
7634 activities are specifically prohibited:
- 7635 1. Motor vehicle and accessory sales or rental, repair and/or painting, including  
7636 trailer rental or sales.
  - 7637 2. Medical or dental clinic.
  - 7638 3. Restaurant.
  - 7639 4. Kennel and veterinary clinic.
  - 7640 5. Funeral home.
  - 7641 6. Nursery school, but not family day care, with six or fewer children.
  - 7642 7. Adult day care and visitation.
  - 7643 8. Repair shops or service establishments, except the repairs of electrical  
7644 appliances, computers, and cameras.
  - 7645 9. Personal services such as beauty shops and barbershops with more than one  
7646 (1) station.
  - 7647 10. Carpenter shop.
  - 7648 11. Special event facility.
- 7649 F. Standards.
- 7650 1. The use of the dwelling unit for the home occupation or home-based business  
7651 shall be clearly incidental and subordinate to its use for residential purposes by  
7652 its occupants.
  - 7653 2. All home occupations shall be conducted entirely within the enclosed building  
7654 of the dwelling unit. No home occupation or home-based business shall be  
7655 permitted in an open porch area, accessory structure, garage, or outside of the  
7656 dwelling unit.
  - 7657 3. The area used by the home occupation shall not occupy an area exceeding  
7658 twenty-five percent (25%) of the gross floor area of the dwelling unit.
  - 7659 4. No employees other than persons residing on the premises shall be engaged in  
7660 the activities of the home occupation.

- 7661 5. There shall be no exterior displays and no exterior storage of equipment or  
7662 materials that will indicate from the exterior that the building is being utilized  
7663 in part for any purpose other than that of a dwelling shall be allowed.
- 7664 6. Signage.
- 7665 a. Signs advertising the home occupation shall not be permitted on the  
7666 property.
- 7667 b. Window areas of the dwelling unit must not purposely or intentionally be  
7668 used as display areas or offer merchandise for sale.
- 7669 7. Vehicles.
- 7670 a. The home occupation shall not generate traffic or parking impacts beyond  
7671 that which is customary with a residential dwelling unit.
- 7672 b. The home occupation shall not involve the operation of delivery trucks  
7673 originating from any residential dwelling unit.
- 7674 c. On-site, overnight parking of commercial vehicles over two (2) tons gross  
7675 weight is prohibited.
- 7676 d. Standard size delivery vehicles, such as UPS and FedEx vehicles, shall be  
7677 permitted to pick-up and deliver packages to the home occupation.
- 7678 8. No equipment or process shall be used in a home occupation which creates  
7679 noise, vibration, glare, fumes, odors or electrical interference detectable to the  
7680 normal senses.
- 7681 9. A home occupation or home-based business shall be subject to all applicable  
7682 taxes.
- 7683 G. Penalties.
- 7684 1. Generally. Any person found in violation of any provision of this Section 5 shall  
7685 be guilty of a misdemeanor, and upon conviction thereof, shall be punished by  
7686 a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 60  
7687 days, or by both fine and imprisonment, to be imposed at the discretion of the  
7688 judge or as provided and stipulated by law. Each day such violation continues  
7689 shall be considered a separate offense.
- 7690 2. In addition to the enforcement of this Section 5 by citation or accusation, the  
7691 Authority may take any action not prohibited by law to prevent or remediate a  
7692 violation or threatened violation of this Section 5, including without limitation,  
7693 rescinding any issued permit, issuing a stop work order, or commencing legal  
7694 proceedings to prevent, correct, or abate such violation or threatened violation  
7695 or to recover any monetary damages, or both.

7696 3. Other Remedies. Nothing in this Section 5 shall preclude the Authority from  
7697 exercising any right or remedy available to it under applicable law or under any  
7698 real property lease.

7699

ATTACHMENT 10  
(corresponding to Section 10)

Chapter 24: Streets and Rights-of Way

Article I: Generally

**Section 1: Uniform Rules of the Road adopted by reference.**

- A. Adoption by reference. The Uniform Rules of the Road contained in Chapter 6 of Title 40 of the Official Code of Georgia Annotated and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as the traffic regulations of the Authority, with like effect as if recited in full herein.
- B. Repeal. All ordinances, code sections, or parts of ordinances or code sections inconsistent with the provisions of this section are hereby repealed.

**Section 2: Authorized areas for motor vehicles.**

- A. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
1. *Motor vehicle* means every vehicle which is self-propelled as defined by O.C.G.A. § 40-1-1(33), including but not limited to mopeds, as defined by O.C.G.A. § 40-1-1(28), low-speed vehicles as defined by O.C.G.A. § 40-1-1(25.1), and personal transportation vehicle as defined by O.C.G.A. § 40-1-1(43.1).
- B. All motor vehicles shall be restricted to streets and parking areas only and shall be prohibited from all other areas including, but not limited to, the beaches, dune areas and the approaches thereto, the bicycle paths, the golf cart paths, and the nature walking trails.
- C. Golf carts, as defined by O.C.G.A. § 40-1-1(17.3), used in conjunction with the game of golf and during play shall be allowed on dedicated golf cart paths on the Island.
1. Only golf carts owned by the Authority shall be used on the golf courses owned by the Authority. No privately owned carts are allowed.

**Section 3: Overnight parking.**

- A. There shall be no overnight parking of motorized vehicles and/or trailers/campers in the public areas of the Authority that have not otherwise specifically set aside and designated for camping by the Authority.
- B. The Georgia State Patrol monitors these areas and shall strictly enforce this prohibition between the hours of 2:30 am and 6:00 am.



7731           Section 4:     **Abandonment of motor vehicles.**

- 7732           A. It shall be unlawful for any person to abandon or to leave unattended for a period  
7733           in excess of forty-eight (48) hours any motor vehicle, golf-cart, bicycle, or  
7734           electronic-assisted bicycle, boat or trailer on any street, road, alley or other public  
7735           way within the Island.

7736     Article II: **Motorized Carts**

7737           Section 1:     **Purpose and definitions.**

- 7738           A. Purpose. There is a public interest in having a means of travel that is cost effective,  
7739           energy efficient and an alternate means of travel for short distances on the Island  
7740           instead of using motor vehicles. This article establishes the minimum standards for  
7741           the operator to use when traveling upon public streets, roads and highways and  
7742           property owned or leased by the Authority.

- 7743           B. Definitions. For the purposes of this section, the following words and phrases shall  
7744           have the meanings respectively ascribed to them:

- 7745           1. **All-terrain vehicle or ATV** means a motorized vehicle originally manufactured  
7746           for off-highway use which is equipped with three or more nonhighway tires, is  
7747           80 inches or less in width with a dry weight of 2,500 pounds or less, and is  
7748           designed for or capable of cross-country travel on or immediately over land,  
7749           water, snow, ice, marsh, swampland, or other natural terrain. This definition is  
7750           the same as set forth in O.C.G.A. § 40-1-1(3). Any amendments to the definition  
7751           set forth in O.C.G.A. § 40-1-1(3) shall automatically be incorporated herein.

- 7752           2. **Golf car or golf cart** means any motorized vehicle designed for the purpose and  
7753           exclusive use of conveying one or more persons and equipment to play the  
7754           game of golf in an area designated as a golf course. For such a vehicle to be  
7755           considered a golf car or golf cart, its average speed shall be less than 15 miles  
7756           per hour (24 kilometers per hour) on a level road surface with a 0.5% grade (0.3  
7757           degree) comprising a straight course composed of a concrete or asphalt surface  
7758           that is dry and free from loose material or surface contamination with a  
7759           minimum coefficient of friction of 0.8 between tire and surface. This definition  
7760           is the same as set forth in O.C.G.A. § 40-1-1(17.3). Any amendments to the  
7761           definition set forth in O.C.G.A. § 40-1-1(17.3) shall automatically be  
7762           incorporated herein.

- 7763           3. **Low-Speed Vehicle or LSV** means any four-wheeled vehicle whose top speed  
7764           attainable in one mile is greater than 20 miles per hour but not greater than 25  
7765           miles per hour on a paved level surface and which is manufactured or  
7766           converted to comply with standards based upon those federal motor vehicle  
7767           safety standards for low-speed vehicles set forth in Title 49 Subtitle B Chapter  
7768           V Part 571 Subpart A § 571.3, as amended. This definition is the same as set

7769                   forth in O.C.G.A. § 40-1-1(25.1). Any amendments to the definition set forth in  
7770                   O.C.G.A. § 40-1-1(25.1) shall automatically be incorporated herein.

7771                   4. ***Personal transportation vehicle or PTV*** means

7772                   a. Any motor vehicle:

7773                   1. With a minimum of four (4) wheels;

7774                   2. Capable of a maximum level ground speed of less than 20 miles per  
7775                   hour;

7776                   3. With a maximum gross vehicle unladen or empty weight of 1,375  
7777                   pounds; and

7778                   4. Capable of transporting not more than eight (8) persons.

7779                   b. The term does not include mobility aids, including electric personal assistive  
7780                   mobility devices, power wheelchairs, and scooters, that can be used indoors  
7781                   and outdoors for the express purpose of enabling mobility for a person with  
7782                   a disability. The term also does not include any all-terrain vehicle or  
7783                   multipurpose off-highway vehicle.

7784                   c. This definition is the same as set forth in O.C.G.A. § 40-1-1(43.1). Any  
7785                   amendments to the definition set forth in O.C.G.A. § 40-1-1(43.1) shall  
7786                   automatically be incorporated herein.

7787                   Section 2:    **Legality.**

7788                   A. This section shall not apply to authorized Authority or state agency employees in  
7789                   the performance of their duties, including police officers, fire department, and  
7790                   rangers.

7791                   B. The operation of ATVs on the public streets, roads and highways within the  
7792                   geographic boundaries of Jekyll Island and on property owned or leased by the  
7793                   Authority is prohibited.

7794                   C. The operation of Golf Carts on the public streets, roads and highways within the  
7795                   geographic boundaries of Jekyll Island and on property owned or leased by the  
7796                   Authority is prohibited, except as follows:

7797                   1. Golf Carts may cross public streets and roads while playing the game of golf in  
7798                   an area designated as a golf course and may be operated in an area designated  
7799                   as a golf course; and

7800                   2. Golf Carts may be operated on public streets and roads and on property owned  
7801                   or leased by the Authority if operated in connection with a parade, a festival,  
7802                   or other special event, provided the consent of the sponsor is obtained and  
7803                   such vehicle is used only in conjunction with such event.

7804 D. The operation of LSVs and PTVs in compliance with the rules and regulations of this  
7805 section and state law shall be permitted.

7806 E. LSVs and PTVs shall be parked in the same manner and place as designated parking  
7807 for other motor vehicles. Stopping, standing or parking LSVs and PTVs in places and  
7808 in a manner not allowed for vehicle parking or so as to impede the flow of traffic,  
7809 pedestrian walkways or passageways are prohibited. Parking in reserved  
7810 handicapped locations requires the appropriate handicap placard or sticker.

7811 **Section 3: Low Speed Vehicles.**

7812 A. LSVs are regulated by state law. State law requires LSVs operating on public streets  
7813 to register with the State of Georgia, to obtain and maintain insurance coverage,  
7814 and to adhere to the equipment requirements of all applicable provisions of Article  
7815 1, Chapter 8, Title 40 and Part 3, Article 13, Chapter 6, Title 40 of the Official Code  
7816 of Georgia Annotated.

7817 B. Further, in accordance with state law, LSVs may only be operated on public streets  
7818 which have a posted speed limit of thirty-five (35) miles per hour or less. All LSVs  
7819 operating on the public streets of Jekyll Island shall comply with all applicable  
7820 provisions of state law.

7821 C. LSVs shall not be operated on sidewalks, bike paths, pedestrian-only paths in the  
7822 Jekyll Island Club National Historic Landmark District, unimproved trails, service  
7823 roads, or golf-cart paths at any time.

7824 **Section 4: Personal Transportation Vehicles.**

7825 A. Insurance Required.

7826 1. No owner of a PTV shall operate, or authorize any other person to operate, the  
7827 PTV on public streets unless the owner has liability insurance with limits of not  
7828 less than the amounts specified in subparagraph (a)(1)(A) of O.C.G.A. § 33-7-  
7829 11, as amended.

7830 2. The owner or operator of a PTV shall keep proof of the required insurance  
7831 coverage in the PTV at all times.

7832 3. The Executive Director, at his or her discretion, may waive these insurance  
7833 requirements for special events of a limited duration when it is likely that out-  
7834 of-county residents may bring PTVs as participants. Such special events shall  
7835 last no longer than seven calendar days.

7836 B. Equipment.

7837 1. In addition to any equipment required by state law, all PTVs shall be equipped  
7838 with:

- 7839 a. a braking system, including a parking brake, sufficient for the weight and  
7840 passenger capacity of the vehicle;
- 7841 b. a reverse warning device functional when the directional control is in the  
7842 reverse position;
- 7843 c. a main power switch - when the switch is in the “off” position, or the key or  
7844 other device that activates the switch is removed, the motive power circuit  
7845 shall be inoperative. If the switch uses a key, it shall be removable only in  
7846 the “off” position;
- 7847 d. functional headlights and taillights;
- 7848 e. functional front and rear turn signals;
- 7849 f. functional stop lamps (brake lights);
- 7850 g. reflex reflectors;
- 7851 h. a rearview mirror;
- 7852 i. a horn;
- 7853 j. hip restraints;
- 7854 k. hand holds;
- 7855 l. a seat belt for each designated seat; and
- 7856 m. a slow-moving vehicle emblem consisting of a fluorescent, orange  
7857 equilateral triangle with a 2-inch red retroreflective border. The emblem  
7858 shall be affixed to the rear of the PTV.
- 7859 2. Gasoline-powered PTVs shall be equipped with an exhaust system in good  
7860 working order and in constant operation to prevent the escape of excessive  
7861 smoke or fumes and to prevent excessive noise.
- 7862 D. Operation.
- 7863 1. PTVs shall not be operated on sidewalks, bike paths, pedestrian-only paths in  
7864 the Historic District, unimproved trails, service roads, golf-cart paths, or upon  
7865 highways that are part of the state highway system at any time.
- 7866 2. Each person occupying a PTV shall be restrained by a seat belt while the PTV is  
7867 being operated on a public street.
- 7868 3. Every operator that transports a child under the age of eight years in a PTV on  
7869 a public street shall provide for the proper restraint of such child in a child  
7870 passenger restraining system that is installed and used in accordance with the  
7871 manufacturer’s directions for such system. The child may be restrained by a  
7872 seat belt if such child weighs at least forty (40) pounds or if the child’s height is  
7873 over four feet and nine inches.

- 7874 4. PTVs must use headlights and taillights when operated on public streets during  
7875 non-daylight hours, when it is raining, or when there is not sufficient visibility  
7876 to render clearly discernible persons and/or vehicles at a distance of 500 feet  
7877 ahead.
- 7878 5. The maximum occupancy of a PTV shall be one occupant per designated  
7879 seatbelt.
- 7880 6. Operators of PTVs shall not overtake or pass in the same lane occupied by the  
7881 vehicle being overtaken or passed.
- 7882 7. Operators of PTVs must possess a valid Driver's License and must be at least 16  
7883 years of age.
- 7884 8. Operators of PTVs shall not operate between lanes of traffic or between  
7885 adjacent lines or rows of vehicles.
- 7886 9. PTVs shall not be operated two or more abreast in a single lane.
- 7887 10. Operators of PTVs shall pull off the road at the first opportunity to safely do so  
7888 if there are two or more motor vehicles immediately following the PTV.
- 7889 11. Operators of PTVs shall abide by all traffic regulations applicable to vehicular  
7890 traffic using public streets.
- 7891 12. PTVs operated on Jekyll Island are not required to be registered with Glynn  
7892 County.
- 7893 13. PTVs operated by commercial delivery companies must abide by the  
7894 requirements set forth in O.C.G.A. § 40-6-331(e), as amended.
- 7895 E. This subsection shall not apply to PTVs owned by golf courses, country clubs, or  
7896 other such organized entities which own PTVs and make them available to or for  
7897 use by members or the public on a rental or licensed basis, provided that such PTVs  
7898 are used only on the premises of such golf courses, country clubs, or other such  
7899 organized entities.
- 7900 F. **Liability Disclaimer:** This section is adopted to address the interest of public safety.  
7901 PTVs are not designed or manufactured to be used on public streets and the Jekyll  
7902 Island Authority in no way advocates or endorse their operation on public streets  
7903 or roads. The Jekyll Island Authority, by regulating such operation is merely trying  
7904 to address obvious safety issues, and adoption of this section is not to be relied  
7905 upon as a determination that operating on public streets is safe or advisable if done  
7906 in accordance with this section. All persons who operate or ride upon PTVs on  
7907 public streets or roads do so at their own risk and peril, and must be observant of,  
7908 and attentive to the safety of themselves and others, including their passengers,  
7909 other motorists, bicycles, and pedestrians. The Jekyll Island Authority has no

liability under any theory of liability and the Authority assumes no liability for permitting PTVs to be operated on public streets and roads under the laws passed by the Georgia Legislature.

Article III: Rental of Certain Vehicles

Section 1: Definitions.

A. 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:

1. **Vehicle** means a motor vehicle, bicycle, golf cart, low speed vehicle, personal transportation vehicle, Electric personal assistive mobility device, any foot-powered vehicle, electric assisted bicycle, and any wind-driven land vehicle including sand sailer, land yacht, and beach sail boat.

2. **Annual license** means the license issued by the Authority authorizing the holder thereof to engage in the business of renting vehicles on the island for one calendar year.

3. **Bicycle** means every device propelled by human power only, including devices having two tandem wheels and any device generally recognized as a bicycle though equipped with two front or two rear wheels, such as a surrey bicycle, tandem bicycle, and tricycles, or quadricycle.

4. **Daily license** means the license issued by the Authority authorizing the holder thereof to engage in the business of renting vehicles on the island for a term of not more than three consecutive calendar days.

5. **Electric Assisted Bicycle, or e-bike**, means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor having a power output of not more than 750 watts.

6. **Electric personal assistive mobility device or EPAMD** means a self-balancing, two non-tandem wheeled device designed to transport only one person and having an electric propulsion system with average power of 750 watts (1 horsepower) and a maximum speed of less than 20 miles per hour on a paved level surface when powered solely by such propulsion system and ridden by an operator who weighs 170 pounds.

7. **License** means annual license and daily license.

8. **Licensee** means a person who holds a valid license to engage in the business of renting vehicles on the island issued by the Authority pursuant to this division.

9. **Person**.

7945 a. The term "**person**" means any individual, firm, partnership, cooperative,  
7946 joint venture, association, corporation (profit or nonprofit), trust, business  
7947 trust or other legal entity, public or private or quasi-public, and the plural  
7948 as well as the singular number.

7949 b. The term "**person**" shall not be deemed to include the Authority.

7950 10. **Renting** means to grant the possession and enjoyment of a vehicle for an  
7951 agreed sum to be paid for the possession and use of that vehicle for a certain  
7952 period of time.

7953 11. **Tour(s)** shall mean the use of vehicles to conduct a tour for hire whether or  
7954 not the tour is conducted while the vehicle is operational or whether they are  
7955 used for transportation to various locations where the tour is conducted.

7956 **Section 2: Licensing requirement.**

7957 A. No person shall engage in the business of renting vehicles on the island or for  
7958 delivery to the island, unless licensed to do so by the Authority. Any person  
7959 engaging in the business of renting vehicles on the island, who does not possess a  
7960 valid license or does not fully comply with the provisions of this division as approved  
7961 and adopted, and from time to time lawfully amended, shall be in violation of this  
7962 division. The licensing requirement shall not apply to the rental, whether free or  
7963 for charge, of EPAMDs rented solely for handicapped accessibility, but shall apply  
7964 to all EPAMD tours.

7965 B. No license shall be issued for the renting of e-bikes on the island or for delivery to  
7966 the island.

7967 C. No person shall operate or cause to be operated tours on a vehicle on the island  
7968 without the expressed permission or authorization from the Authority. E-bike tours  
7969 and rentals are prohibited.

7970 D. The Authority may enforce maximum limits on the number of licenses issued and  
7971 number of vehicles licensed on an annual basis under this section.

7972 **Section 3: Bicycle rental requirements.**

7973 A. All rented bicycles shall be equipped with a warning device, such as a bell or horn.

7974 B. All rented bicycles shall abide by state law as to helmet requirements.

7975 **Section 4: Rented on demand devices.**

7976 A. Purpose. The purpose of this section is to prohibit rented on demand devices from  
7977 being placed in the public right-of-way or on public property, operated in the public  
7978 right-of-way or on public property, or offered for use anywhere on Jekyll Island, so  
7979 as to allow for adequate pedestrian traffic flow and to promote public safety.

- 7980 B. Definition.
- 7981 1. ***Rented on demand device*** means any wheeled device, other than an
- 7982 automobile, motorcycle, electric personal assistive mobility device, electric
- 7983 assisted bicycle, electric personal transportation vehicles, moped, golf cart, or
- 7984 personal transportation vehicle as those devices are defined by state law, that
- 7985 is powered by a motor; is accessed via an on-demand portal, whether a
- 7986 smartphone application, membership card, or similar method; is operated by a
- 7987 private entity that owns, manages, and maintains devices for shared use by
- 7988 members of the public; and is available to members of the public in unstaffed,
- 7989 self-service locations.
- 7990 C. General requirements.
- 7991 1. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place
- 7992 a rented on demand device on property owned or leased by the Authority,
- 7993 including but not limited to any public right-of-way or public property within
- 7994 the geographic boundaries of Jekyll Island.
- 7995 2. It is unlawful to operate a rented on demand device on property owned or
- 7996 leased by the authority, including but not limited to any public right-of-way or
- 7997 public property within the boundaries of Jekyll Island.
- 7998 3. It is unlawful to provide or offer for use a rented on demand device anywhere
- 7999 within the boundaries of Jekyll Island.
- 8000 D. Impoundment. The Authority or any member of the Uniform Division of the
- 8001 Department of Public Safety, and any other law enforcement officer or agency
- 8002 having jurisdiction within Jekyll Island, may impound any rented on demand device
- 8003 that has been offered for use, placed in the public right-of-way or on public
- 8004 property, or operated in a public right-of-way or on public property in violation of
- 8005 this section. The impoundment shall be subject to an impound and storage fee as
- 8006 may from time to time be established by the Authority.

8007 **Article IV: Violations, Penalties and Enforcement**

8008 **Section 1: Violations, Penalties and Enforcement**

- 8009 A. Any person convicted of a violation of any provision of this Chapter shall be
- 8010 punished as provided by applicable law. Unless otherwise provided by applicable
- 8011 law, any person found in violation of any provision of this Chapter shall be guilty of
- 8012 a misdemeanor, and upon conviction thereof, shall be punished by a fine not to
- 8013 exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both
- 8014 fine and imprisonment, to be imposed at the discretion of the judge or as provided
- 8015 and stipulated by law.



- 8016 B. The Board may establish a schedule of fines applicable to violations of this Chapter  
8017 for first and subsequent offenses where no specific fine is otherwise required by  
8018 applicable law.
- 8019 C. The members of the Uniform Division of the Department of Public Safety and the  
8020 duly authorized agents of the Authority, and any other law enforcement officer or  
8021 agency having jurisdiction within Jekyll Island, are authorized to enforce the  
8022 provisions of this Chapter by citation or accusation as provided by applicable law.