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Account Number	15018
Style {1,2,3,alt}	15018
Type {full,takes}	takes
Page Tags {tag,notag}	tag
User ID	plamar

Submitted: 2023-07-18 (15:17:55)
Created Using Login: PLAMAR

Statistics for THIS REVISION

Current Revision/First Setrev: Supp. No. 5

Pickup Graphics	Inline Graphics	Graphics in Tables	Tables	IGTM Total	CCT Tables	Foldouts	Takes
5	0	0	16	21	4	0	14

Listing of Graphics in Pickups, IG's, and IGT's

* = between begtake & endtake

Pickup 1.—Ch10-Fig1.png*
Pickup 2.—20-74B2.png*
Pickup 3.—20-74B6.png*
Pickup 4.—20-74B11.png*
Pickup 5.—20-74B15.png*

Statistics for the FULL PUBLICATION

Pickup Graphics	Inline Graphics	Graphics in Tables	Tables	IGTM Total	CCT Tables	Foldouts	Takes
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Listing of Graphics in Pickups, IG's, and IGT's

* = between begtake & endtake

Pickup 1.—Municode_Title_Page_Logo.png

Pickup 2.—Ch10-Fig1.png*

Pickup 3.—20-74B2.png*

Pickup 4.—20-74B6.png*

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date	Included/ Omitted	Supp. No.
Supp. No. 1			
	9-16-2011(Ord.)	Included	1
	2-21-2012(Ord.)	Inlcuded	1
Supp. No. 2			
	10-27-2014(1)(Res.)	Included	2
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	2-23-2015(Ord.)	Included	2
Supp. No. 3			
	8-21-2017(1)(Res.)	Included	3
	8-21-2017(2)(Res.)	Included	3
	1-16-2018(Res.)	Included	3
	1-15-2019(Res.)	Included	3
	3-19-2019(Res.)	Included	3
Supp. No. 4			
	12-17-2019(Ord.)	Included	4
	1-28-2020(2)(Ord.)	Included	4
	5-19-2020(1)(Ord.)	Included	4
	5-19-2020(2)(Ord.)	Included	4
	1-28-2020(1)(Res.)	Omitted	4
Supp. No. 5			
O-2020-3	9-15-2020	Included	5
O-2021-1	2-16-2021	Included	5
O-2021-2	5-18-2021	Included	5
O-2022-1	6-21-2022	Included	5
O-2022-2	8-10-2022	Included	5

Chapter 4

ANIMAL CONTROL*

Article I. Requirements and Prohibitions

Sec. 4-1. Restraint of all animals of pet origin.
Sec. 4-2. Removal of fecal matter.
Sec. 4-3. Pets on beaches and in dunes.
Sec. 4-4. Release of animals.
Sec. 4-5. Rabies.
Sec. 4-6. Impounding.
Sec. 4-7. Outdoor feeding of animals.
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Sec. 4-9. Horseback riding.
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Article II. Enforcement and Penalties

Sec. 4-21. Enforcement.
Sec. 4-22. Penalties.

***Editor's note—**Ord. No. O-2022-1, § 1(Att. 1), adopted June 21, 2022, repealed the former Ch. 4, §§ 4-1—4-10, and enacted a new Ch. 4 as set out herein. The former Ch. 4 pertained to animals and derived from Res. of 7-13-2009, § 14-101—14-110.

State law reference—Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.

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ARTICLE I. REQUIREMENTS AND PROHIBITIONS

Sec. 4-1. 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 16 feet long.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-2. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-3. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-4. 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.

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(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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-5. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-6. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-7. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-8. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

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Sec. 4-9. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Secs. 4-10—4-20. Reserved.

ARTICLE II. ENFORCEMENT AND PENALTIES

Sec. 4-21. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Sec. 4-22. 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.
(Ord. No. O-2022-1, § 1(Att. 1), 6-21-2022)

Chapter 6

BUILDING CODES*

Article I. Generally

Sec. 6-1. Purpose and scope.
Sec. 6-2. Relationship to leases.
Sec. 6-3. Applicability.
Sec. 6-4. Building permits.
Sec. 6-5. Alternate materials and methods.
Sec. 6-6. During construction.
Secs. 6-7—6-20. Reserved.

Article II. Building and Construction Codes Adopted by Reference

Sec. 6-21. List of building and construction codes.
Sec. 6-22. Relationship to other codes.
Secs. 6-23—6-30. Reserved.

Article III. Additional Specifications

Sec. 6-31. Local building requirements.
Sec. 6-32. Local construction specifications.
Secs. 6-33—6-40. Reserved.

Article IV. Administration

Sec. 6-41. Relationship between the authority and Glynn County.
Sec. 6-42. Violations, penalties and enforcement.
Sec. 6-43. Building inspections.

***Editor's note—**Ord. No. O-2022-1, § 2(Att. 2), adopted June 21, 2022, repealed the former Ch. 6, §§ 6-1—6-5, and enacted a new Ch. 6 as set out herein. The former Ch. 6 pertained to buildings and building regulations and derived from §§ 13-102—13-105 of the 1981 Code; Ord. of 3-30-1987, § 13-103; Ord. of 2-23-2014.

State law references—Minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26.

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ARTICLE I. GENERALLY

Sec. 6-1. 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.
(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-2. 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.
(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-3. Applicability.

(a) There are three classifications of requirements for building permits as described in the following tiers:

(1) *Tier 1.* No building permit is required for the following work:

a. Exterior or interior painting;

b. Finish flooring replacement;

c. Routine maintenance on roofing, electrical, gas, mechanical and plumbing systems;

d. Routine landscaping;

e. Removal and replacement of appliances; and

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f. Similar work on existing buildings as determined by the code compliance officer.

(2) *Tier 2.* A building permit is required with a review by the code compliance officer for the following work:

a. Major alterations of electrical, plumbing and mechanical systems;

b. Structural alterations;

c. Window replacement, for wind code regulations;

d. Residential remodels and additions;

e. Commercial remodels and additions;

f. Accessory buildings;

g. Carports and garages;

h. Lot excavation, grading or filling;

i. Fence permits;

j. Pool permits; and

k. Temporary sign and event signs.

(3) *Tier 3.* A building permit is required with review by the design review group (DRG) for the following work:

a. New residential construction;

b. New commercial construction;

c. Demolition permits;

d. Permanent sign permits; and

e. Projects referred to the DRG by the code compliance officer.

(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-4. Building permits.

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

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

a. Set back lines;

b. Location of jurisdictional determination lines under the Georgia Shore Protection Act and the Georgia Coastal Marshlands Protection Act as applicable;

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c. The amount of pervious and impervious surface on the property; and

d. All trees with protection as provided in the tree protection ordinance.

(2) No work that requires a building permit shall be started until the building permit has first been issued by the authority, and if required, a permit obtained from Glynn County.

(3) No permit shall be issued until the prescribed fees for same have been paid in accordance with the fee schedule on file with the authority.

(b) All work covered under a building permit shall be performed by a contractor licensed by the Georgia Secretary of State.
(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-5. Alternate materials and methods.

(a) The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the authority and Glynn County Building Official.

(b) 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.

(c) The Glynn County Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.
(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-6. 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.

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(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.
(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Secs. 6-7—6-20. Reserved.

ARTICLE II. BUILDING AND CONSTRUCTION CODES ADOPTED BY REFERENCE

Sec. 6-21. 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.

(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-22. 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.

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(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 I.

b. Flood protection in accordance with chapter 10, article II.

c. Sea level rise in accordance with resilience chapter 10, article IX.

d. Stormwater in accordance with chapter 10, article III.

(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Secs. 6-23—6-30. Reserved.

ARTICLE III. ADDITIONAL SPECIFICATIONS

Sec. 6-31. Local building requirements.

(a) In addition to the building and construction codes in article II, section 6-7 above, the following local building standards are required by the authority.

(b) Building requirements will be limited to such matters of improper construction which may endanger life or health, may be unsightly, or cause unnecessary inconvenience to neighbors.

(c) The contractor shall have the approval of the Glynn County Building Official before pouring concrete footings for residential or commercial buildings.

(d) Particular attention is called to the following:

(1) Materials.

a. Exposed foundation piers are not permitted.

b. Corrugated iron clad or other similarly covered or enclosed buildings are not permitted.

c. Concrete block walls, when neatly done and pleasingly painted or finished with stucco is acceptable for exterior wall finish.

d. Hollow tile when finished with stucco is acceptable.

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e. Common brick, used or new, painted or unpainted, is acceptable and is recommended for walls.

f. Wood siding, or similar cementitious siding shall be of a beveled edge type or vertical barn siding and shall have a fire spread rating.

g. Thick butt asphalt shingles, clay or cement tile, slate shingles, metal or white marble chip-type roofing may be used.

h. Any proposed fences, boundary or patio walls, shall obtain a permit from the authority.

(2) Accessory buildings.

a. Carports and garages shall, where possible, be placed away from the principal street so that the main view of the house will not be directly into a carport.

b. Particular care shall be taken in the design and location of a detached building, such as a garage or storage building, so that it will be in keeping with the main building in every way and shall be located to cause the least inconvenience to neighbors. No more than one detached building shall be built upon any one building area.

c. No detached structure may be built and lived in prior to the building of the main residence structure.

(3) All buildings and roof colors must be consistent with the neutral colors of the surrounding development.

(4) Trash cans should be stored in a location not clearly visible from the street.

(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 ten inches vertically for every 12 inches horizontally towards the peak or ridge of the roof.

(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-32. Local construction specifications.

(a) In addition to the building and construction codes in article II, section 6-7 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.

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(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 eves 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 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 construc-

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tion 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.

(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Secs. 6-33—6-40. Reserved.

ARTICLE IV. ADMINISTRATION

Sec. 6-41. 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 permits and collection of building permit fees.

b. Issue stop work orders under the building and construction codes where necessary for immediate enforcement and compliance.

c. Enforce the authority's local and supplemental standards and codes under this chapter.

d. To review, coordinate with the Glynn County Building Official, within a reasonable time, all building permit applications, plans, and specifications.

e. Answer questions from owners, contractors, and the general public relative to this chapter.

(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

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Sec. 6-42. Violations, penalties and enforcement.

(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 occurrence shall be deemed a separate offense.

(b) In addition to the penalty and punishment for violation of this chapter, the authority may take any action not prohibited by law to prevent or halt a violation or threatened violation of this chapter, including without limitation, commencing legal proceedings to prevent, correct, or abate such violation or threatened violation.
(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Sec. 6-43. Building inspections.

(a) All the officers designated under this chapter or any future amendments to the same shall, as far as may be necessary only for the performance of their specific and respective duties under the building and construction codes, have the right to enter any building or premises in at any time, during construction.

(b) Quality control of materials and workmanship is not within the purview of the building and construction codes except as it relates to the purposes stated therein.

(c) The inspection or permitting of any building, system or plan, under the requirements of construction codes shall not be construed as a warranty of the physical condition of such building, system or plan or their adequacy by the authority or Glynn County.

(d) Every building that is 40 feet or higher and classified under the International Building Code as either Group B - Business, Group I - Institutional or Group R - Residential shall have periodic inspections of the foundation and the exterior walls of the ground floor.

(1) The purpose of these inspections is to determine if there are cracks, settling or other structural deficiencies that could pose a danger to the occupants and to the public.

(2) These inspections are required every five years.

(3) These inspections shall be performed by a licensed structural engineer or architect.

(4) A written report, signed by the licensed structural engineer or architect shall be submitted to the Jekyll Island Authority Code Compliance Officer.

(5) Single-family residences are exempt from this requirement for periodic structural inspections.

(Ord. No. O-2022-1, § 2(Att. 2), 6-21-2022)

Chapter 8

BUSINESS AND COMMERCIAL REGULATIONS*

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***Editor's note—**Ord. No. O-2022-1, § 3(Att. 3), adopted June 21, 2022, amended Ch. 8 in its entirety to read as herein set out. Former Ch. 8, §§ 8-40—8-58, 8-90—110, 8-134—8-145, 8-174—8-179, pertained to similar subject matter, and derived from §§ 16-101—16-119 of the 1981 Code; Ord. of 1-31-1984, §§ 301—312; Ord. of 6-5-1989, § 16-201; Amd. of 3-20-1992, §§ 1, 2, 6, 7, 9; Ord. of 11-13-2006, §§ 201—221; Ord. of 8-16-2010, §§ 1—6; Res. of 10-27-2014(1); Res. of 1-15-2019; Ord. No. O-2021-2, § 1, 5-18-2021.

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Sec. 8-32. Consumption of alcoholic beverages in public areas.
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ARTICLE I. COMMERCIAL PROJECT REVIEW PROCESS

Sec. 8-1. 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 members of the Jekyll Island Authority professional management staff appointed by the executive director, who shall serve as the DRG chair.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-2. 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	*Design Review Group*	*Board of Directors*
1. Site Visit & Pre-Concept Meeting	✓	
2. Concept Plan	✓	✓
3. Schematic Design	✓	✓
4. Site Staking	✓	
5. Landscape Plan including designation of Tree Protection Areas	✓	
6. Design Development	✓	✓
7. Construction Documents	✓	
8. Construction Site Visits and Inspections	✓	

(b) Each project application reviewed by the DRG will receive a written notification of approval or denial along with any additional comments by the DRG. The JIA board will review and consider for approval the concept plan, schematic design and the design development plans.

(c) 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.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-3. 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

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adherence to the development codes, the Jekyll Island Master Plan, the Jekyll Island Conservation Plan and other applicable guidance documents and studies, including the Jekyll Island Carrying Capacity and Infrastructure Study.

(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 site planning considerations that present unique limitations in terms of the scope of the development, land use combinations, development patterns, or transitions 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.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-4. 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 physical development of Jekyll Island property by private entities shall be subject to all applicable laws.

(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 formats:

(a) Printed copies of plan drawings shall be submitted on either 24-inch by 36-inch or 30-inch by 42-inch drawing sheets; and

(b) An electronic copy of the plans shall be submitted in PDF format. Submittal concurrently in Auto-CAD or another electronic format such as .dxf or .dwg is encouraged.

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(2) At each stage of review, a cover letter that explains the current status of the project and lists its owners and agents shall accompany a copy of the immediately preceding DRG approval letters and the written comments.

(3) The authority shall have the right to require payment of reasonable fees for review of proposed plans, specifications and other material.

(d) *Meetings.* At each stage of the design review process, a meeting may be scheduled by the applicant by contacting the JIA as follows:

(1) Physical address:

The Jekyll Island-State Park Authority,
100 James Road
Jekyll Island, GA 31527

(2) Telephone: 912.635.4000

(3) Email: info@jekyllisland.com

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-5. Submission stages.

(a) This section established the steps required in the design review process.

(1) *Site visit and pre-concept.* A pre-concept meeting and site visit with JIA staff as a representative of the Jekyll Island Design Review Group is required prior to plan submission.

(2) *Concept plan submission package.*

a. *Concept plans.* Professionally prepared documents illustrating the proposed project, including significant details of principal functional areas and initial investment estimate. Consists of a preliminary site plan, building plans, sections, elevations and such other graphic and narrative information as is necessary to fully describe the proposed project for review and approval. Concept plans shall consider land use, environment, master plans, traffic, parking, transportation, utilities, and functional relationships within the project and building systems.

i. *Preliminary site plan.* Overall layout showing parcel limits, setback lines, the shore protection boundary, known or potential wetlands, vehicular circulation, parking, and building(s) or unit(s) location.

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

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(3) *Schematic design submission package.*

a. *Schematic design.* Based upon the DRG's approval of the concept plans, schematic design documents including drawings and outline specifications. These documents shall represent a further development of the approved design concept, providing additional detail and specificity regarding the intended design solution. All documents shall be drawn to scale, indicating materials and assemblies as appropriate to convey the design intent and to illustrate the project's elements, scale and relationship to the site.

b. *Site plan.* Updated site plan showing the parcel limits and other requirements from the preliminary site plan submission.

c. *Architectural floor plans.* Architectural floor plans of the building or unit types shall be submitted to include the following:

i. A ground level floor plan and a typical upper-level floor plan;

ii. All rooms shall be labelled including balconies, decks, atriums, service areas, garages, and storage buildings;

iii. The square footage of the unit or building and overall dimensions shall be indicated; and

iv. The entire product line, showing each type of unit, shall be represented in the submission showing the square footage of each unit and the proposed number of units.

d. *Exterior elevations.* Sketch elevations of each type of unit shall show overall architectural character, style, and scale, including exterior materials, roof pitches and/or type, as well as other important design details.

i. All four exterior elevations with dimensions, materials, colors, textures, and the lines of typical natural and finished grades shall be indicated.

ii. Buildings shall have a maximum of four stories including inhabitable roofs and dormers and a maximum height of 45 feet to the top 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.

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(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 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.

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(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 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 documents.

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

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

b. *Site visits.* After approval of the final construction documents by the design group, the construction, alteration or other work described therein shall be

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commenced and completed in accordance with the described procedures. The DRG has the right to enter the lot or premises for site visits, for the purpose of inspecting the project for compliance with the design guidelines.

c. *Remedying violations.*

i. For violations that constitute an immediate threat to the health and safety of the public, the authority may issue an immediate "stop work order" and require the stoppage of all work on the site.

ii. Construction deemed to be in violation of the approved drawings and of the guidelines shall be corrected as instructed by the authority within 14 days of written notice to the owner of such violation.

iii. The authority shall have the right, but not the obligation, to enter such work site or premises with its employees, agents or contractors and to take all reasonable actions to halt, correct or remediate such unapproved or unauthorized construction that continues beyond the 14-day time frame.

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

d. *No liability.* Nothing in this article shall establish nor be deemed to establish any liability or duty on the part of the authority nor any employee, agent or contractor of the authority, to any person, nor shall any provision of this article establish any cause of action or right in favor of any person, relating to the authority's review, evaluation, approval or denial of any plans, specifications, 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.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-6. 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.

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(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; or

(2) Refer the appeal request to the board of directors for final decision.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-7. 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.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

ARTICLE II. COMMERCIAL DEVELOPMENT STANDARDS

Sec. 8-8. 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.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-9. 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 stories or 45 feet.

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(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.

(2) The ground floor of buildings shall have a minimum floor to floor height dimension of 15 feet.

(3) Facades facing commercial streets or common areas shall be designed to provide:

a. Active uses, such as shops or restaurants shall be located on the ground floor; and

b. Balconies, covered porches, or awnings may be installed on the floors above the ground floor;

c. A minimum of 65 percent of ground floor facade shall be transparent;

d. A series of storefronts, which shall have design variation at a minimum interval of each 20 feet of building width;

(4) Entrances.

a. The primary entrance to all ground floor and upper story uses shall be from the street;

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b. Primary entrance doors shall be a minimum of 50 percent transparent; and

c. Entrances to upper story condominium units and hotels shall be separate from the entrances to ground floor uses.

(5) A minimum of 35 percent of the upper story facades shall be windows.

(6) Balconies are required for dwelling units facing onto public spaces, main streets, beaches and courtyards.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-10. Commercial site standards.

(a) All buildings shall be designed to align the front of the building to the street or to the beach.

(b) Service areas must be screened and not located along the street front in order to minimize their effects on the pedestrian environment.

(c) All utilities, including power, telephone, cable, and fiber optic, shall be located underground within the site.

(d) The maximum coverage of impervious materials on a commercial site shall be 60 percent. The maximum coverage of all constructed elements, including pervious and impervious materials, exclusive of planted landscaping, shall be 70 percent.

(e) Where the natural landscape along the shoreline or other open space areas has been destroyed, the developer shall be required to restore the natural dunes and vegetation according to a plan approved by the DRG and all agencies or departments with review and approval jurisdiction.

(f) Common area parcels may be created at the discretion of the DRG. Such a common parcel shall allow multiple buildings under the same ownership to be constructed on one parcel. This parcel will be treated the same as a single parcel in terms of applicability of development standards and regulations.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-11. Hotels.

(a) Hotels located outside the primary village core shall adhere to building height guidelines in section 8-9, 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.

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(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 30 percent open space. Open space shall be landscaping or preserved natural vegetation.

(7) Hotel parcels outside the primary village shall maintain a minimum 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 30 percent open space requirement.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-12. 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: 1,100 square feet.

d. Three bedrooms: 1,440 square feet.

(2) Mechanical and utility equipment, compactors, and loading docks shall not be located within 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.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

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Sec. 8-13. Paved areas and hardscapes.

(a) Materials. Paving materials in commercial development areas may include:

(1) Concrete pavers laid in sand;

(2) Regional stone;

(3) Fine gravel or crushed lime rock;

(4) Crushed shells;

(5) Tabby concrete;

(6) Brick; or

(7) Gravel pave product.

(b) Sidewalks shall be constructed of:

(1) Decorative brick;

(2) Concrete pavers;

(3) Oyster shell concrete; or

(4) Finished concrete.

(c) Pervious paving materials and construction methods are strongly encouraged.

(d) Use.

(1) 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.

(2) 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 feet clear pedestrian path is maintained on the sidewalk.

(e) Connectivity.

(1) Connections to existing bike paths from new commercial development shall be of a consistent material to that of the bike path.

(2) 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.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

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Sec. 8-14. Parking.

(a) Generally.

(1) Parking shall be accommodated in either a shared surface parking lot or in a parking deck.

(b) Parking lots.

(1) Surface parking lots shall be surrounded by planted ditches or vegetated swales to capture stormwater run-off and allow it to infiltrate into the ground.

(2) Developers shall incorporate pervious hardscape materials into parking lots to reduce the quantity of stormwater run-off.

(3) Parking lots shall be visually broken up with a continuous planting strip between parking aisles.

(4) Within the parking lot, one tree shall be planted for every ten parking spaces.

(5) Parking lots shall be screened from the street and from the beach with landscaping, including a ratio of two trees for every 50 feet of parking lot frontage along a street.

(c) Parking facilities.

(1) Parking facilities shall be designed to minimize their effect on the pedestrian environment.

(2) Clear pedestrian pathways shall be provided to the parking facilities and shall include ample wayfinding signage.

(3) Parking facilities shall be designed in an architecturally interesting way using elements such as screens, grilles, canopies, and awnings. Entrances and stair towers can be emphasized to add interest to the façade.

(4) Parking facilities shall be designed to complement the building material and architectural details of the building(s) the facility supports.

(5) Vegetation and landscaping materials shall be installed to screen the parking facility.

(6) Parking facility lighting shall be designed to provide safety for users of the facility while minimizing light pollution leaving the site.

(d) Required minimum parking ratios are as follows:

(1) Office: Five parking spaces per 1,000 gross square feet (GSF) of building.

(2) Retail: Five parking spaces per 1,000 GSF of building.

(3) Restaurant: Fifteen spaces per 1,000 GSF of patron space.

(4) Conference center: Fifteen spaces per 1,000 GSF of patron space.

(5) Convention center: Fifteen spaces per 1,000 GSF patron space.

(6) Hotel guestrooms: 1.3 spaces per sleeping room.

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(7) Condominium and planned community: Two spaces per unit

(e) In mixed-use situations, a reduction for shared parking may be permitted upon review and approval by the DRG.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-15. Public spaces.

(a) Commercial development shall be designed to maintain public beach access for visitors and residents.

(b) Street frontage.

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

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

a. Light poles shall be round;

b. Light poles shall be black in color;

c. Light poles shall have a decorative base;

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

e. The entire lighting structure shall be a maximum height of 16 feet.

(3) Commercial development shall be designed to provide on-street parking when required by the DRG.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-16. Lighting.

(a) The lighting plan for commercial development shall provide safe illumination in vehicular and pedestrian areas while preventing glare on beaches, natural areas or adjacent properties.

(b) The Jekyll Island Beach Lighting Ordinance shall be strictly enforced in the development of commercial areas. Path lighting and boardwalk access to the beach should follow the beach lighting ordinance, with special consideration given to sea turtle requirements.

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

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

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(e) All lighting shall be low level and full cutoff fixtures following "dark sky" initiatives and shall cast the light downward.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-17. Fences and walls.

(a) The design and installation of all fences and walls must be reviewed and approved by the DRG.

(b) Some limitations on the location of fences and walls may be required to provide emergency services egress and accessibility.

(c) The height requirements for fences are:

(1) Front yard fences shall be a maximum height of 42 inches;

(2) For rear yard, fences shall be a maximum height of six feet; and

(d) Fencing and screening of trash containers or dumpsters shall be a minimum of eight feet in height.

(e) Using low hedges as a fence is permitted.

(f) Wrought iron railing is permitted.

(g) Chain link fencing or vinyl fencing is not permitted.

(h) Retaining walls shall be constructed of materials that are complementary to adjacent structures.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-18. Connections to nature.

(a) Connective pedestrian bridges and boardwalks entering into tidal or non-tidal wetlands, active sand dunes, and beaches, shall conform to the construction standards established by the department of natural resources for wetlands, marshes, dunes and beaches.

(b) Boardwalks shall be constructed of:

(1) Sustainably grown wood products; or

(2) High quality composite products.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

ARTICLE III. ALCOHOL REGULATIONS

Sec. 8-19. General provisions.

(a) *Purposes.* This article is adopted for the purposes of:

(1) Promoting the health and general welfare of the residents, businesses and the general public on Jekyll Island;

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(2) Establishing reasonable and ascertainable standards for the regulation and control of the distribution, sale and consumption of alcoholic beverages on Jekyll Island; and

(3) Protecting and preserving the residential and commercial uses of lands on and the unique character of Jekyll Island.

(b) *Definitions.* Unless a contrary meaning is clearly apparent from the context, any term not defined in this article shall have the same meaning as it is given in the Georgia Alcoholic Beverage Code, O.C.G.A. tit. 3, 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 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 14 percent 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 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

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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, shop or building wherein alcoholic beverages are sold at retail in the original unbroken container for consumption off the premises.

(9) *Consumption on-premises* means the sale of alcoholic beverages in a defined or partitioned-in locality, whether room, shop or building wherein alcoholic beverages are sold at retail for consumption on the same premises.

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

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

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

(13) *Distilled spirits or liquor* means any alcoholic beverage containing alcohol obtained by distillation, whether mixed with water or other substance in solution, and containing more than 24 percent alcohol by volume including, but not limited to, all fortified wines. The term "distilled spirits" is used interchangeably throughout this article with "liquor."

(14) *Event permit* means a written authorization or license to hold or conduct an alcoholic beverage catered function.

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

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

(17) *Grocery store* means a retail establishment which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space.

(18) *Gross income.* For purposes of this article;

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a. *Gross income* means the total revenue of the establishment for a period including, without being limited to, the following:

i. Total income without deduction for the cost of goods sold or expenses incurred;

ii. Gain from trading in stocks, bonds, capital assets, or instruments of indebtedness;

iii. Proceeds from commissions on the sale of property, goods, or services;

iv. Proceeds from fees charged for services rendered; and

v. Proceeds from rent, interest, royalty, or dividend income.

b. The term "gross income" does not include the following:

i. Sales, use, or excise taxes;

ii. Sales returns, allowances, and discounts;

iii. Interorganizational sales or transfers between or among the units of a parent subsidiary-controlled group of corporations, as defined by 26 USC 1563(a)(2), or between or among wholly owned partnerships or other wholly-owned entities;

iv. Payments made to a subcontractor or an independent agent for services which contributed to the gross receipts in issue;

v. Governmental and foundation grants, charitable contributions or the interest income derived from such funds, received by a nonprofit organization which employs salaried practitioners otherwise covered by this chapter, if such funds constitute 80 percent or more of the organization's receipts; and

vi. Proceeds from sales of goods or services which are delivered to or received by customers who are outside the state at the time of delivery or receipt.

(19) *Growler* means a glass or ceramic bottle or jug not to exceed 64 ounces in volume that is filled by a licensed retailer or employee of a licensed retailer with malt beverages from a keg and then capped for consumption off the premises.

(20) *Hard cider* means an alcoholic beverage obtained by the fermentation of apple, pear or similar fruit juices, containing not more than six percent alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this article, hard cider shall be deemed a malt beverage. The term does not include "sweet cider."

(21) *Hotel* means any hotel, inn, motel or other establishment that offers overnight accommodations to the public for lease, rent or hire and includes every building or other structure so kept, used, maintained, and advertised whether in the same building or in separate buildings or structures provided that such separate buildings or structures are a part of the same business operation; provided, however, the term hotel shall not include a residence used for short term rentals and licensed pursuant to article VI of chapter 8 of these ordinances.

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(22) *In-room service* means:

a. The delivery of alcoholic beverages by an employee of the hotel to a registered guest's room or to a registered guest at any other location in the same building as the hotel when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; and

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

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

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

(25) *License* means written authorization or permission by the authority for a person to distribute, manufacture, serve, furnish, sell or offer for sale alcoholic beverages as provided in this article and in the manner specified on such authorization.

(26) *License year* means that period of time for which licenses under this chapter shall be issued. Each license year shall begin on January 1 of each year and end on December 31 of each year.

(27) *Licensed premises* means the physical location, space or area (including all rooms, pavilions, sidewalks, patios) of an establishment wherein alcoholic beverages are permitted to be sold, furnished, served, or consumed under a license issued pursuant to this article.

(28) *Lounge* means a separate room or area within or connected to a hotel or its public dining room with all booths, stools and tables being unobstructed and open to view.

(29) *Manager* means an individual responsible for the regular supervision and operation of an establishment licensed under this article.

(30) *Marina* means a permanent dock or basin located on the island, providing secure moorings for boats, motorboats and yachts and offering or supplying repairs, fuel, refreshments and other facilities.

(31) *Mead or honey mead* means a fermented alcoholic beverage made from honey that may not contain an alcohol content of more than 14 percent by volume. For purposes of this article, mead is considered wine.

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(32) *Package store* means a building or other structure used for the sale at retail of alcoholic beverages in the original unbroken package only, for consumption off the premises only, and located in a commercial shopping area designated and approved by the authority.

(33) *Person* means any individual (where in an individual, fiduciary or representative capacity), company, corporation, association, partnership, or other legal entity or group.

(34) *Restaurant* means an eating establishment:

a. Serving prepared food for sale to the public for at least one meal a day at least six days a week for at least 11 months a calendar year;

b. Having an area designated for seating at least 25 people; and

c. Deriving at least 50 percent of its total annual gross sales from the sale of prepared foods.

(35) *Retail liquor dealer* means any individual, partnership or corporation engaged in the sale of distilled spirits at retail on the island.

(36) *Retail malt beverage dealer* means any individual, partnership or corporation engaged in the sale of malt beverages at retail on the island.

(37) *Retail wine dealer* means any individual, partnership or corporation engaged in the sale of wines at retail on the island.

(38) *Transient boater* means a person who is the owner, lessee or operator; or who is traveling with the owner, lessee or operator of any vessel which is passing from one place to another.

(39) *Wholesale liquor dealer* means any person, firm, or corporation engaged in the distribution or sale of distilled spirits to retailers for the purpose of resale on the island.

(40) *Wholesale malt beverage dealer* means any person, firm or corporation engaged in the distribution or sale of malt beverages to retailers for the purpose of resale on the island.

(41) *Wholesale wine dealer* means any person, firm, or corporation engaged in the distribution or sale of wines to retailers for the purpose of resale on the island.

(42) *Wines* means all alcoholic beverages containing not more than 21 percent alcohol by volume produced from the natural fermentation of fruits, berries or other products, but shall not include fortified wines as defined by the Federal Alcoholic Administration.

(c) *Jurisdiction.* This article will apply to all persons and lands within the territorial limits of Jekyll Island and without the territorial limits of Jekyll Island in all locations to which the jurisdiction of the authority may extend.

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(d) *Severability.* The terms and provisions of this article are severable. If any clause, sentence, paragraph or provision of this article, or the application thereof to any person or circumstance, shall be held illegal, unconstitutional or otherwise unenforceable, such deficiency shall not affect the remainder of this article that can be given effect without the deficient provisions or application.

(e) *Sale of alcoholic beverages a privilege.* The businesses of manufacturing, distributing, selling, handling, and otherwise dealing in or possessing alcoholic beverages on or within Jekyll Island are declared to be privileges and not rights, and such privileges shall not be exercised by any person except in accordance with the requirements of this article. The issuance of any license pursuant to this article shall be a mere grant of a privilege to carry on such business during the term of the license.

(f) *Compliance with federal, state and local laws required.* No person shall manufacture, serve, furnish, sell or offer for sale or otherwise deal in, at retail or wholesale, alcoholic beverages except as authorized by and in accordance with the terms and conditions of such license and this article. The exercise of any license is subject to all applicable federal, state and local laws, including these ordinances. No licensee may commence business pursuant to such license unless and until such licensee has obtained the appropriate authorization from the Georgia Department of Revenue for such business.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-20. Licensing requirements generally.

(a) *License required.* It shall be unlawful for any person to distribute, manufacture, serve, furnish, sell or offer for sale, or otherwise deal in, at retail or wholesale, within the territorial limits of Jekyll Island any alcoholic beverage to the general public without a license issued by the authority pursuant to this article. No person may provide or furnish alcoholic beverages, whether for sale or otherwise, to the general public in connection with the operation of any business establishment without a license issued by the authority pursuant to this article, including without limitation, as part of any promotion, contest, sweepstakes, raffle or as part of any bonus or similar inducement relating to the sale of goods, services or property.

(b) *Locations and manner of sale individually licensed.* Each location and each manner in which the distribution or sale of alcoholic beverages will occur must be separately licensed under this article. Locations may be separate where the authority determines the locations have different addresses, have separate entrances, operate under different trade names, have different functions or business models or otherwise do not constitute the same establishment or premises.

(c) *Display of license.* Any license issued pursuant to this article must be displayed conspicuously on or within the licensed premises.

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(d) *Classes of license.* Alcohol beverage licenses issued by the authority include the following:

(1) Distilled spirits, consumption on-premises.

(2) Distilled spirits, consumption off-premises.

(3) Beer/wine, consumption on-premises.

(4) Beer/wine, consumption off-premises.

(5) Hotel in-room: Distilled spirits.

(6) Hotel in-room: Beer/wine.

(7) Alcohol beverage catering.

(8) Brewpub operator.

(9) Wholesale distilled spirits.

(10) Wholesale beer/wine.

(11) Tasting, beer/wine/ distilled spirits.

(12) Event permit.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-21. Application for license.

(a) *Application contents.* Before a license to sell or otherwise provide alcoholic beverages may be issued, a written application must be submitted to the authority on such forms as the authority may require, by the individual and the establishment for which a license is sought. Additionally, each application submission shall include:

(1) A non-refundable application processing fee.

(2) The license fees for the license(s) sought.

(3) The applicant's full name, contact information and the physical address of the establishment to be licensed.

(4) The full name, contact information and physical address of the manager of the establishment to be licensed, if different from the applicant.

(5) The full name, contact information and physical address of the applicant's agent for service of process, if different from the applicant.

(6) Whether the applicant is an individual, partnership, limited liability company or corporation and:

a. For a partnership, the name and address of each partner directly concerned in the operation of the business and the name and address of each partner holding ten percent or more of the outstanding interests of the partnership.

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b. For a limited liability company, the name and address of each officer directly concerned in the operation of the business and the name and address of each member holding ten percent or more of the outstanding membership interests of the company.

c. For a corporation, the name and address of each officer directly concerned in the operation of the business and the name and address of each shareholder holding ten percent or more of the outstanding shares of the corporation.

(7) The proposed business to be carried on and type of license desired.

(8) Whether the applicant, or any partner, officer, manager, shareholder or member of applicant, has had:

a. An alcoholic beverage license suspended or revoked;

b. an application for such license denied; or

c. a renewal of such license denied.

(9) Whether the applicant, or any partner, officer, manager, shareholder or member of applicant, has been convicted of (or pleaded guilty or nolo contendere to) a violation of any felony, misdemeanor, or municipal ordinance, or forfeited bond as to such charges, in any state or federal court of the United States within the last five years, not including traffic violations other than driving under the influence of intoxicants or drugs.

(10) Whether the applicant holds any other license for the sale of alcoholic beverages and the location thereof.

(11) A survey or other accurate drawing to scale showing the location of the applicant's property and the specific areas thereof to be licensed for the distribution or sale of alcoholic beverages, and the application of any minimum distances required by this article or by state law. If the proposed licensed premises requires construction or substantial renovation, the applicant shall, in addition to the survey, submit a detailed set of plans and specifications showing the exact location of the proposed licensed premises, the construction proposed to be carried out by the applicant and the anticipated time for completion of construction.

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

(13) Such other information as the authority may from time to time require.

(b) *Separate applications required.* A separate license application is required for each separate location for distribution or sale of alcoholic beverages; provided, the authority may in its discretion allow an applicant to utilize the same application form for multiple alcoholic beverage license classes at the same establishment. The authority may consider and act upon each license class as a separate application.

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(c) *False representations.* Each application shall be made under oath. Any untrue, misleading or omitted statement or information contained in such application shall be cause for the denial thereof, and if the license has been granted, shall be cause for revocation of the same.

(d) *Notice of change of ownership required.* A licensee shall give notice to the authority within ten days after the sale or transfer during the term of any license of more than ten percent of the ownership interests of any business or establishment operating as a licensed premises; provided however, the authority may waive this notice requirement for any business or establishment the ownership interests of which are traded on any public stock exchange.

(e) *Notice of material change in licensee; effect on license.* The holder of any license issued under this article, or any similar license issued by the authority under any prior ordinance pertaining to the regulation of alcoholic beverages on Jekyll Island in effect as of the enactment of this article, will give notice to the authority within ten days after the happening of any of the following:

(1) The sale or transfer during the term of any license of more than 49 percent of the ownership interests of any business or establishment operating as a licensed premises;

(2) The termination, departure, disassociation, death or permanent disability of any individual licensee or manager of any licensed premises;

(3) The cessation of operations of any business or establishment operating as a licensed premises.

(Each a "material change in licensee"). Any such license shall stand terminated automatically as of the date of any material change in licensee, unless the authority, within 30 days of the date of such material change in licensee either (i) issues a license to sell alcoholic beverages reflecting the material change in licensee; (ii) issues a provisional license for a period not to exceed 30 days allowing the temporary continuation of business operations of the licensed premises until the expiration of the current license or until a new licenses is issued; or (iii) determines in writing that no new license or provisional license is required to be issued; provided, however, nothing in this section 8-21(e)(3) shall be construed as authorizing the authority to issue any license contrary to the provisions of this article.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-22. Persons and establishments eligible for licensing.

(a) *Persons eligible.* Licenses shall only be issued to an individual who:

(1) Is an owner, an officer, a manager, or another employee with day-to-day control or supervision, of an eligible establishment for which application is made and:

a. Where the business is a partnership, all partners having ten percent or more of the ownership interest of the business would be eligible for licensing under this article;

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b. Where the business is a corporation, all officers and directors and all stockholders having ten percent or more of the ownership interest of the business would be eligible for licensing under this article;

c. Where the business is a limited liability company, all officers and managers and all members (however denominated) having ten percent or more of the ownership interest of the business would be eligible for licensing under this article;

d. The business is not otherwise owned, operated or managed by an individual who would not be eligible for licensing under this article.

e. This section shall not apply to wholesale dealers.

(2) Is a United States citizen, a legal permanent resident, or a qualified alien or non-immigrant under the Federal Immigration and Nationality Act (with an alien number issued by the Department of Homeland Security or other federal immigration agency of the United States).

(3) Has not been convicted of, or pled nolo contendere or forfeited bond in connection with, a violation of any law prohibiting driving under the influence of intoxicants or drugs, within the preceding two years.

(4) Has not been convicted of, or pled nolo contendere or forfeited bond in connection with, any felony within the preceding ten years.

(5) Has not been convicted of, or pled nolo contendere or forfeited bond in connection with, any violation of any law pertaining to the sale of alcoholic beverages.

(6) Has not had a license to sell alcoholic beverages revoked by any license issuing authority, within the last ten years in any jurisdiction.

(7) Is not a public official or officer of the State of Georgia nor an employee of the authority.

(8) With respect to a license for wholesale, a person who is not the holder of any other license to engage in the business of selling alcoholic beverages.

(9) With respect to a license for retail sale of alcoholic beverages in original containers and for off-premises consumption only, a person who is not the holder of any other license to engage in the business of selling alcoholic beverages.

(b) *Eligible establishments.* Subject to the requirements, limitations and conditions set forth in this article, any eligible person may apply to the authority for a license to sell alcoholic beverages for the following establishments:

(1) *Brewpub operator.* Any restaurant may apply for a license to operate as a brewpub. The holders of licenses for brewpubs shall only be permitted sell up to a maximum of 500 barrels annually of beer produced onsite in draught form in accordance with O.C.G.A. § 3-5-36 to licensed wholesale dealers for distribution to premises on Jekyll Island with licenses for consumption on-premise.

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(2) *Distilled spirits—Consumption on-premises.* The following types of establishments are eligible to apply for a license to sell of distilled spirits for consumption on premises: hotel, brewpub, golf course, lounge, convention center, cruise ship, restaurant or charter boat.

(3) *Distilled spirits—Consumption off-premises.* The following types of establishments are eligible to apply for a license to sell of distilled spirits in original containers and for off-premises consumption only: package store.

(4) *Malt beverages and/or wine—Consumption on-premises.* The following types of establishments are eligible to apply for a license to sell malt beverages and/or wine for consumption on-premises: hotel, brewpub, golf course, lounge, convention center, cruise ship, restaurant or charter boat.

(5) *Malt beverages and/or wine—Consumption off-premises.* The following types 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.

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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.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-23. 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

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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;

b. The issuance of a license for beer/wine—Consumption off-premises to a new owner or applicant of a business at the same location issued to a license holder on or before April 15, 2021;

c. The issuance of licenses for hotel in-room service, alcoholic beverage caterer;

d. The issuance of an event permit for an alcoholic beverage catered function; or

e. The issuance of a license for beer/wine—Consumption off-premises to any person for the sale or distribution of packaged malt beverages or wines in conjunction with or as part of an exhibition, festival, or similar special event within the restricted area.

(d) *Prohibited conduct and attire.* The following types of entertainment, attire and conduct are prohibited upon any licensed premises:

(1) The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.

(2) Live entertainment where any person appears in the manner described in subsection (d)(1) of this section 8-23 or where such persons perform acts of or acts which simulate any of the following:

a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.

b. The caressing or fondling of the breasts, buttocks, anus or genitals.

c. The displaying of the male or female pubic hair, anus, vulva or genitals.

(3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsection (d)(1) and (2) of this section 8-23; provided, however, that nothing contained in this

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subsection shall apply to the premises of any mainstream performance house, museum or theater which derives less than 20 percent of its gross annual income from the sale of alcoholic beverages.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-24. Alcoholic beverage catering.

(a) *Alcoholic beverage caterer license required.* No person may distribute, sell or otherwise provide any alcoholic beverages at an alcoholic beverage catered function unless such person holds a valid alcoholic beverage caterer license and such function has been approved and permitted under this article.

(b) *Application.* Any person licensed under this article for the retail sale of alcoholic beverages on premises may apply for licensing as an alcoholic beverage caterer to distribute, sell or otherwise provide alcoholic beverages by the drink at an approved alcoholic beverage catered function. Any person seeking to be licensed as an alcoholic beverage caterer shall make application with the authority with the required application and license fees, and the authority will consider and act upon such application according to the same requirements for similar licenses under this article.

(c) *Alcoholic beverage caterer license issued by other jurisdictions.* If a person is licensed by a municipality or county of this state to sell alcoholic beverages by the drink for consumption on the premises and also holds a valid alcoholic beverage catering license (however denominated) issued by the same licensing authority, such person may sell and/or distribute alcoholic beverages by the drink at an alcoholic beverage catered function subject to the requirements of this article.

(d) *Event permit required.* No person may host or conduct an alcoholic beverage catered function at a location other than a licensed premises without first applying for an obtaining an event permit issued under this article. An alcoholic beverage caterer seeking to sell, distribute or otherwise provide alcoholic beverages at such function must apply for an event permit at least ten days prior to the date of the event.

(1) *Application requirements.* Each application for an event permit shall include:

a. The application fee of $50.00;

b. The name of the alcoholic beverage caterer, a copy of the license(s) under which the alcoholic beverage caterer operates, and the name and phone number of the licensee and his representative who will be on-site at the event;

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

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

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

f. For any applicant holding an alcoholic beverage catering license (however denominated) not issued by the authority: the name of the local jurisdiction issuing such catering license and a photocopy of such catering license.

(2) *Event permit application review.* Within ten days after receipt of an application for an event permit, the authority shall either approve, approve with conditions, or deny the event permit application and communicate same in writing to the applicant. An event permit may be denied for any of the following reasons or combination of reasons:

a. The applicant, and/or event host or sponsor does not meet the requirements for an event permit;

b. The applicant and/or event host has previously violated or failed to comply with applicable law concerning the sale or possession of alcoholic beverages;

c. The event location is a site where a violation of this chapter or the state laws or rules regarding alcohol has previously occurred;

d. The plan of the event as proposed is likely to restrict and/or congest traffic on any of the public roads, rights-of-way, or sidewalks in the immediate vicinity of the event, or is likely to present a danger to the health and safety of guests at the event or members of the public;

e. The plan of the event as proposed is likely to cause a disturbance of the peace at the time of the event, or is likely to intrude upon the privacy or property of residents in the area of the event; or

f. The plan of the event as proposed is inconsistent with the uses of or is prohibited at the proposed location.

(3) *Event permit requirements.* The following conditions and requirements apply to all event permits for alcoholic beverage catered functions and all alcoholic beverage caterers licensed under this article:

a. An alcoholic beverage caterer may sell and/or distribute only those alcoholic beverages authorized by that person's on-premises license.

b. Alcoholic beverages may only be served at the location and on the date(s) specified in the event permit.

c. Food must be served at the event;

d. Copies of event permits shall be conspicuously posted on site at the event location at all times during the event.

e. Alcoholic beverage caterers must carry a copy of the caterer's license, a copy of the event permit, and any documents or permits required under Georgia law for the transporting of the alcoholic beverages to the event;

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f. Alcoholic beverages may be served at the event only within the hours permitted for the sale of alcoholic beverages generally within Jekyll Island; provided, however, that events held at residences or on residential property may be held within the hours of 12:00 noon and 10:00 p.m. and no more than four times per calendar year.

g. No event permit will be issued for an event on Sunday, except to an alcoholic beverage caterer who possesses a valid Sunday sales license and complies with all requirements of Georgia law with respect to service of alcoholic beverages on Sunday, and then only from 12:30 p.m. to 11:00 p.m. The sale of alcoholic beverages until 2:00 a.m. on Sundays as provided in this article does not constitute a Sunday event;

h. No "cash bar" sales of alcoholic beverages will be permitted at residences or on residential property; provided that a nonprofit corporation may charge admission or collect donations so long as the money collected is not intended to solely defray the costs of providing the alcoholic beverages;

i. Alcoholic beverage caterers licensed by the authority shall pay excise taxes on the sale of alcoholic beverages as provided for under this article and report such sales to the authority on or before the time when other excise taxes are due for such licensee;

j. Alcoholic beverage caterers not licensed by the authority shall pay excise taxes on the total quantity of alcoholic beverages brought into Jekyll Island, as provided for under this article, and provide a report to the authority within 15 days of the conclusion of the event. In addition to information required to determine the amount of tax due, the report shall state the quantity and type of alcoholic beverages transported from the licensee's primary premises to the location of the event.

(e) *Violations.*

(1) It shall be unlawful for any person licensed to sell alcoholic beverages for on-premises consumption to sell or distribute alcoholic beverages outside of such person's licensed premises at an alcoholic beverage catered function without an alcoholic beverage caterer license issued or otherwise authorized under this section 8-24 and without an event permit issued under this section 8-24.

(2) It shall be unlawful for any person holding an alcoholic beverage caterer license and/or an event permit to distribute, sell or otherwise provide alcoholic beverages in any manner inconsistent with such license, permit, or the requirements or conditions for of this article.

(f) *Private functions not prohibited.* Nothing contained in this section 8-24 is intended to prohibit anyone from hosting a private function at his or her personal residence where the host provides alcohol to guests free of charge or permits the otherwise legal consumption of alcoholic beverages.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

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Sec. 8-25. Fees.

(a) All applications for licenses under this article and any application for renewal thereof will pay a non-refundable application fee, or renewal fee, as the case may be, as may from time to time be established by the authority. Such fee shall be calculated to cover the authority's administrative costs of considering such application, including without limitation, the costs of any background investigation.

(b) All licensees shall for each calendar year or any fraction of a calendar year pay license fees as may from time to time be established by the authority.

(c) Each license requires a separate license fee.

(d) Each applicant will be responsible for the prompt payment of all required fees or taxes at the time of application. No application will be considered unless and until the authority receives full payment for all fees owed.

(e) If the authority shall deny the application for license, the license fee tendered with the application for license shall be returned to the applicant.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-26. Exercise of discretion; authority determination final.

(a) The authority shall have full discretion and authority to determine whether the applicant for a license under this article is fit to be licensed to operate the type of establishment as proposed in the application; whether the issuance of such license and the operation of such establishment is in the best interest of the public health, safety and welfare of the residents and patrons of Jekyll Island and the authority; whether the application and the proposed establishment satisfies the conditions and requirements of this article. The authority's determination of these considerations shall be final, subject to the appeal procedures in this section 8-26.

(b) All approvals and denials of license applications shall be issued in writing by the executive director and shall be delivered or made available to the applicant. The authority may provide the reason for such denial.

(c) In the event of a denial of an application, an applicant may appeal the denial by submitting to the authority on or before the appeal deadline stated in the denial notification, which date shall be at least ten days from the date of notice, a written request for a hearing before the board of directors on the denial. The authority shall schedule a time and place for the hearing within 45 days of receipt of the request for a hearing, and the applicant and the executive director, and their respective designees or representatives, shall be entitled to present evidence and to cross examine witnesses opposing or supporting the application. The board of directors shall issue its final decision in writing, including the reasons for such decision, and the decision shall be delivered or made available to the applicant.

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(d) Suspensions and revocations of a license shall be upon written notice to the licensee from the executive director, stating the reasons for such suspension or revocation, and such notice shall be delivered or made available to the licensee. The licensee shall be entitled to request a hearing on such suspension or revocation pursuant to the provisions of this section 8-26 and section 8-30.

(e) The authority will report any disciplinary action against a licensee to the Georgia Department of Revenue within 45 days of the authority taking such disciplinary action. (Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-27. Conditions necessary to obtain and maintain license.

(a) No one other than the holder of the license for consumption on the premises only, his manager or agent, shall carry into or have in his possession on any licensed premises any distilled spirits in the original package, the seal of which has been broken or the original package opened.

(b) The sale of distilled spirits by the drink for consumption by persons in any room or place which is not open to general public use is prohibited, except where such sale is pursuant to:

(1) A hotel in-room service license;

(2) An alcoholic beverage caterer license and an event permit; and

(3) A consumption on-premises license at a private event or convention held in licensed premises and scheduled in advance.

(c) No holder of a license to sell distilled spirits for consumption on-premises may sell or provide distilled spirits by the bottle or package (e.g., "bottle service") for consumption on the premises.

(d) No person may add to the contents of a bottle or container of alcoholic beverages or refill empty bottles or containers of alcoholic beverages, or in any other manner misrepresent the quantity, quality or brand name of any alcoholic beverages.

(e) Each licensee shall comply with all applicable rules, regulations, laws and statutes of the state, and shall in addition thereto or in furtherance thereof:

(1) Prohibit the sale or serving of alcoholic beverages in automobiles or other vehicles.

(2) Prohibit the sale or serving of alcoholic beverages anywhere outside the main building or accessory thereto from which the business of such licensee is operated, except for the sale of mixed drinks for off-premises consumption in approved containers as defined and regulated by O.C.G.A. § 3-3-11, as may be amended from time to time.

(3) Strictly adhere to the laws of the state respecting the sale of alcoholic beverages to minors, intoxicated persons, habitual drunkards or other prohibited persons, including, but not limited to, persons prohibited by O.C.G.A. §§ 3-3-22—3-3-25.

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(4) Keep the licensed premises free and clear of cans, bottles, paper, and other debris.

(f) *No mingling with customers.* Employees of hotels or lounges shall not dance or sit with customers on the licensed premises, and shall not be permitted to accept alcohol from customers while working.

(g) *Employment of minors restricted.*

(1) No licensee hereunder shall employ any minor in his establishment; provided, however, persons under the age of 18 years may be employed where their duties are not in any way involved with the preparation, sale or service of any alcoholic beverage; and provided that musicians and other entertainers under the age of 18 years may provide professional entertainment on a licensed premises with permission of the executive director.

(2) The provisions of this section shall not prohibit persons under 18 years of age who are employed in a grocery store as defined herein from selling or handling malt beverages or wine which are sold for consumption off the premises.

(h) *Licenses not transferable.* No license issued under this article, nor any similar license issued by the authority under any prior ordinance pertaining to the regulation of alcoholic beverages on Jekyll Island in effect as of the enactment of this article, may be transferred to any other person, location or establishment, and any license will be deemed terminated upon such attempted transfer.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-28. Expiration and renewal.

(a) *Expiration.* All licenses granted hereunder shall expire on December 31 of each license year.

(b) *Renewals.* Licensees who desire to renew a current license for the following 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.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-29. 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 (b) of this section:

(1) Monday: 2:00 a.m. to 8:00 a.m.

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(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.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-30. Revocation and suspension of license.

(a) *Revocation and suspension.* Upon violation of any provision of this chapter 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 30 days pending a hearing and action by the authority.

(b) *Effect on fees.* In case of revocation, suspension or surrender of such license due to a violation of this article before the expiration of the license year, the licensee shall not be entitled to receive any refund whatsoever.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-31. Failure to open or operate.

(a) All holders of licenses hereunder must within six months after the issuance of said license open the establishment referred to in the license for business and exercise the privilege granted by the license. Failure to exercise the privilege provided by the license within this period shall work an automatic forfeiture and cancellation of the unused license without the necessity of any further action of the authority and no refund of license fees or taxes shall be made.

(b) The authority may cancel the license of any licensee who shall, for a period of two consecutive months, fail to exercise the business privilege conferred by the license after intimal establishment of operations, as set forth in section 8-31(a).
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

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Sec. 8-32. Consumption of alcoholic beverages in public areas.

(a) Except for the areas and circumstances specified in subsections (b) (c) and (d) herein, it shall be lawful for any person of legal drinking age under Georgia law to possess an alcoholic beverage in an open container on or about their person in any public place on Jekyll Island.

(b) No person may possess an open container of alcoholic beverages:

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

a. To the operation of any golf cart within the boundaries of any golf course;

b. To the storage or transport of a broken package of alcoholic beverages contained in a locked compartment of a vehicle;

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

d. To possession or consumption by the passengers in any chauffeured limousine driven by an individual holding a valid chauffeur's permit by the State of Georgia; or

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

(2) On or within 25 feet of any children's playground except in designated picnic or dining areas;

(3) Within any building owned or operated by the authority; provided, this prohibition will not apply to:

a. The Jekyll Island Convention Center; and

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

(4) On or within any building or area where the possession of an open container of alcoholic beverages is prohibited by the owner, lessee or operator of such building or area; or,

(5) Where prohibited by applicable law.

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(c) No establishment licensed to sell alcoholic beverages for consumption on-premises may provide for removal from the licensed premises an alcoholic beverage in an open container except in a metal, paper or plastic cup with a capacity of 16 fluid ounces or less; provided, however, no more than one such container of alcoholic beverage may be removed per person at a time.

(d) No person shall possess an open container containing an alcoholic beverage on the streets, sidewalks, parks, or other public places within Jekyll Island unless such container is a metal, paper or plastic cup having a capacity of 16 fluid ounces or less.

(e) No driver of a vehicle in which the passengers are excepted from the prohibition on possession of an open container under section 8-32(b)(1) shall be in violation of this section unless the driver has in his immediate possession an open container or broken package containing alcoholic beverages.

(f) Nothing in this section 8-32 shall be construed as precluding the authority from prohibiting or otherwise limiting the sale, possession or consumption of alcoholic beverages on public property of the authority in connection with the approval of any application for any event permit or the renting or furnishing by written agreement of any event space on public property of the authority where the executive director determines such prohibition or limitation is the best interests of the authority or the health and safety of the public, including without limitation, by limiting the manner, time, or place of such sale, possession or consumption, or by limiting the types of alcoholic beverages sold, possessed or consumed.

(g) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a glass bottle or glass receptacle on the streets, sidewalks, rights-of-way, beaches, and parking lots, whether public or private.

(h) *Penalties.* Any person found in violation of any provision of this section 8-32 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. (Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-33. 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 15½ gallons or a proportionate tax at the same rate on all fractional parts of 15½ gallons.

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(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 12 ounces and a proportionate tax at the same rate on all fractional parts of 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.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-34. 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 imposed on the purchase.

(b) Brewpubs must submit an excise tax on all beer and malt beverages produced at the rate of $6.00 per half barrel (15½ gallons) and $12.00 per barrel (31 gallons).

(c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensee selling distilled spirits at retail directly to consumers for on-premises consumption.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

ARTICLE IV. COMPACTOR REQUIREMENTS

Sec. 8-35. Definitions.

(a) *Commercial establishment* shall mean a business, corporation, company, incorporated or limited concern, doing business on Jekyll Island, whether owned, leased, or rented.

(b) *Compactor* shall mean a container that has a compaction mechanism, whether stationary or mobile, intended for collection of garbage or recyclable materials.

(c) *Garbage* means all waste containing or contaminated with discarded food or drink or any remnants or residues thereof.

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(d) *Recyclable materials* shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

(e) *Waste* means unwanted or discarded material, except human body waste.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-36. Trash and recycling compactors required.

(a) Commercial establishments generating garbage shall be required to utilize compactors rather than dumpsters or bins for the containment of such waste.

(b) Compactors shall be of sufficient size to contain all garbage generated by the commercial establishment between days of pickup service.

(c) If compactor service is not available, commercial establishments shall be required to provide daily pickup of all garbage.

(d) When uncontaminated by garbage, recyclable materials produced by a commercial establishment may be contained in compactors, dumpsters, or other appropriately designed, designated, and serviced containers.

(e) Commercial establishments shall install and have in place ready for use compactors for the disposal and containment of all garbage within 18 months from the effective date of this chapter.

(f) Commercial establishments shall:

(1) Make use of the compaction mechanism on a regular basis, but not less than once daily while the compactor is in use.

(g) The authority may consider cooperative agreements between two or more commercial establishments to share compactor facilities.

(h) The authority may consider, evaluate and issue variances to these requirements in its sole discretion.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-37. Compactor area.

Any outdoor area used for compactors shall adhere to the following requirements:

(1) Shall be located entirely on a concrete surface that shall be sloped to an approved drainage connection;

(2) Shall provide drainage to and connection with the sanitary sewer system;

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

(4) Other measures considered applicable to the individual compactor site by the authority.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

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Sec. 8-38. Violations, penalties and enforcement.

(a) It shall be unlawful for any commercial establishment to operate except in compliance with this article.

(b) Where the authority determines a commercial establishment is not compliant with this article, the authority shall give written notice of the violation to the commercial establishment: (i) by personal service upon its manager or owner (ii) by certified mail or statutory overnight delivery, return receipt requested, at the address of record maintained by the applicable tax commissioner for the commercial establishment, or (iii) by such other method of service allowed by applicable law for such commercial establishment, setting for the nature of the violation and providing a cure period of 30 days from the date of notice in which the commercial establishment must correct the violation.

(c) Any person who fails to cure a noticed violation of this article within the 30-day cure period 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. Each day a violation continues constitutes a separate offense.

(d) In addition to the enforcement of this article by citation or accusation, 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.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

ARTICLE V. MANAGEMENT OF FATS, OILS AND GREASE (FOG)

Sec. 8-39. Purpose.

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

(b) The objective of this article is to:

(1) Minimize the discharge of pollutants associated with commercial waste discharged into the sewer system that may interfere with the normal operation of the sewer system; and

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(2) Assure the sludge and by-products removed from the commercial waste treatment systems, including grease interceptor, oil/water separators, and grit/sand trap, are transported and disposed of in accordance with Chapter 391-3-6-24 of the Rules and Regulations of the Georgia Environmental Protection Division (EPD).

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-40. Coverage and exclusions.

(a) This article applies to any facility that generates commercial wastes, to any person who removes commercial wastes, to any person who processes commercial wastes and anyone who accepts commercial wastes for final disposal. This is referred to as the "Originator".

(b) This article applies only within the geographical boundaries of Jekyll Island and the adjacent state-owned tidal marshes and water bottoms under the administration of the Jekyll Island-State Park Authority located in Glynn County, Georgia.

(c) In this regard, any transporter or disposal site operator on Jekyll Island who receives or transports commercial wastes, whether such wastes originate from Jekyll Island or any other location, must comply with all registration, permitting, and manifest requirements set forth in this article.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-41. Requirements.

General:

(1) It is the responsibility of the originator to assure that the commercial waste removed from the originator's facility is properly treated and discharged into the sewer system, and also, sludge and byproducts are transported by a permitted commercial waste transporter, referred to as the "transporter," and disposed of at an EPD approved commercial waste processing and disposal facility.

(2) The originator of commercial waste shall not allow a transporter to remove waste from their facility unless the transporter possesses a valid/current commercial waste transporter permit from a utility or local governing authority granting such permits within the State of Georgia, and also possesses a valid commercial transporter registration number issued by the EPD. Such registration number shall contain a preface or endorsement for fats, oils and grease (FOG).

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-42. Manifests.

(a) *Record keeping.*

(1) All originators, transporters, processing and disposal site operators involved in the removal, transport, and disposal of commercial waste sludge and by products shall participate in a proper maintenance of manifests.

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(2) This manifest will require signatures from the originator, transporter, and any disposer in order to establish and maintain accountability.

(3) The approved manifest is a multi-copy form. A sample copy of an approved manifest is on file with the authority.

(b) The originator shall:

(1) Sign the received manifest form, maintain such record on site for a period of three years, making it available for inspection by the authority.

(2) Upon receipt of the completed copy of the manifest from the transporter, the originator must provide a copy of the manifest within working days to the Jekyll Island Authority Wastewater Department. A manifest is considered complete after the commercial waste is delivered and disposed of at the commercial waste processing or disposal facility and the manifest has been signed and completed by the processing or disposal facility.

(3) Spills.

a. Any spills shall be reported to the Jekyll Island Authority Wastewater Department upon becoming aware of a spill that has occurred and may impact any surrounding area, including, but not limited to, storm drains, adjacent streams or ponds, marshes or shorelines or the ground surface where the transporter has removed waste from the originator's pretreatment system.

b. Failure to notify the Jekyll Island Authority of a spill will constitute a violation of this article and fines may be assessed to the commercial waste originator as well as the transporter.

(c) The transporter shall:

(1) Provide and utilize a manifest for each location being serviced.

(2) Sign the completed transporter information portion of the manifest and leave a copy of the manifest with the originator.

(3) Present the manifest to the disposal operator to complete and sign the disposal section, and shall leave one copy of the manifest with the disposal site operator.

(4) Send a completed copy of the manifest to the originator with the signature of the disposal site operator within 30 days.

(5) Keep one copy of the completed manifest form demonstrating delivery to the disposal site operator for the transporter's records and shall maintain such records for a period of three years; provided, however, the transporter's manifest covering not less than the immediate preceding 30-day period for a particular tank truck shall be kept in the transporter's tank truck. All such records shall be available for inspection.

(6) Ensure that the manifest contains all the information required on the manifest form prescribed and furnished from time to time by the EPD.

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(7) Transporters must remove the entire contents of any commercial tank that is serviced and dispose of such contents unmingled with hazardous wastes or septic wastes. Transporters must deliver commercial wastes only to a processor's facility authorized to receive such waste.

(8) The transporter shall provide a copy of the commercial waste transporter permit for the tank truck to each disposal site where the transporter disposes of commercial wastes.

(d) *Processing and disposal.* A processing or disposal facility of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three years and make such records available for inspection.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-43. Food service establishments.

(a) *New facilities.*

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

(2) New pretreatment devices shall be of proper size and number for the expected waste loading and shall be inspected by the Jekyll Island Authority prior to use to ascertain compliance with this chapter.

(b) *Existing facilities.* Existing commercial facilities shall be required to install an approved, properly operated and maintained pretreatment device/interceptor when any of the following conditions exist:

(1) Facilities that are found to be contributing fats oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the collection system;

(2) Remodeling of the food preparation or kitchen waste plumbing facility; or

(3) Facility change of ownership or leaseholder.

(c) The FOG separator(s) shall exclude sanitary wastewater and be located outside any building and accessible for proper maintenance and inspection. In areas where additional weight loads may exist, the separator(s) shall be installed with traffic bearing covers. A manhole must be provided over the discharge pipe and over the inlet and outlet pipe(s) for inspection and maintenance purposes. A separate sampling manhole may be required by the authority.

(d) The FOG separator equipment shall be pumped out as required herein and maintained by the originator.

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(e) *Alternative treatment methods.* The use of any alternative method is prohibited without written approval of the authority. Alternative treatment systems such as mechanical grease recovery devices shall be used on a case-by-case evaluation and authorization in writing by the authority.

(f) *The use of chemicals, enzymes and bacteria is prohibited.* The use of any additive shall not be considered an alternative to an adequate treatment system or in lieu of regular maintenance, as prescribed in this article.

(g) *Maintenance required.*

(1) All FOG separators shall be maintained at the originator's expense.

(2) Maintenance shall include the complete removal of all contents of the separator.

(3) All FOG separators shall be pumped out at a frequency not to exceed 90 days or as required by the authority pursuant to the schedule established by the authority.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-44. Maintenance and service facilities.

(a) *Sand/oil separator required.* All maintenance or service facilities shall provide approved oil and solids removal equipment or facilities sufficient to meet the limitations set forth in this article, including all users that may contribute wastes with petroleum-based oils, grease or lint.

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

(c) The equipment or facilities shall be installed and maintained by the originator.

(d) *Maintenance required.*

(1) All separators shall be maintained at the originator's expense.

(2) Maintenance shall include the complete removal of all contents of the separator.

(3) All separators shall be pumped out at a frequency not to exceed 90 days or as required by the authority pursuant to the schedule established by the chief operations officer or his designee.

(4) In some interceptor in-series installations, the second interceptor in series receiving commercial waste may be maintained less frequently than the first. This shall be determined on a case-by-case basis.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

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Sec. 8-45. Interceptor requirements.

(a) *Design.* Approved type of pretreatment device/interceptors shall be either interior and exterior sealed concrete construction or fiberglass construction or equivalent provided that use of equivalent type requires pre-approval by the authority. Any unit requiring the installation of an outlet filter shall have an approved sample port installed immediately outside the unit.

(b) *Capacity.*

(1) Capacity will be based on the following design criteria and will meet the required effluent quality parameters, which are < 100mg/1 FOG. Certain applications may require the installation of multiple units installed in series with outlet filters and approved sample port. No single in-ground unit shall be smaller than 1,000 gallons or smaller than 1,500 gallons when a dishwasher is attached.

(2) Restaurants and food service establishments shall meet the following formula:

(S) x (GS) x (HR/12) x (LF) = Interceptor capacity, where:

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

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

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

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

(3) Hospitals, nursing homes, other types of commercial kitchens with varied seating capacity shall meet the following formula:

(M) x (GM) x (LF) = Interceptor Capacity, where:

(M) means meals per day;

(GM) means gallons of wastewater per meal (at 5 gallons per meal);

(LF) means loading factor; 1.0 With dishwasher and 0.5 Without dishwasher

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-46. Transporter permits.

(a) Any transporter, owning and operating one or more waste tank trucks that receive, transport, or dispose of commercial waste from Jekyll Island must be registered with EPD and also possess a valid commercial waste transporter permit issued by a local governing authority within the State of Georgia authorized by law to issue such permit. Further, no transporter shall pump-out or vacuum FOG separators, grit traps, oil water separators without a valid commercial waste transporter permit.

(b) Application for the transporter permit must be made on a form prescribed by EPD.

(c) Transporters shall provide a copy of the permit application to the authority wastewater department which will also include the location of disposal site(s).

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(d) No commercial waste transporter permit shall be valid if the tank truck(s) are not registered with the EPD.

(e) A separate waste transporter permit is required for each individual tank truck owned by a transporter. Every vehicle that transports commercial waste must display on the vehicle the FOG/permit number.

(f) All commercial waste transporter permits issued shall have a fixed term not to exceed one year unless otherwise prescribed by law.
(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-47. Enforcement.

(a) *Inspection and entry.*

(1) Authority staff, after proper identification, shall be permitted to enter the premises of an originator, transporter, processor, disposal site, or food service establishment at any reasonable time for the purpose of making inspections to determine compliance with commercial transporter permit/manifest requirements or any other provisions of this article.

(2) Representatives of the authority during inspections of the originator, transporter, processer and the disposal site operator, may review records to determine compliance with provisions of this article.

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

(b) *Monitoring.*

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

(2) The authority may impose additional limitations and monitoring requirements for the discharge to the authority sewer system in accordance with provisions set forth in this article.

(c) *Violations.*

(1) *Jekyll Island Authority Facility Management Practices.*

a. *Written warning.* A written warning shall be issued to an originator for any one or multiple violations as set forth below. The originator shall have ten working days to complete corrective action and submit evidence of compliance to the authority. A written warning shall be issued for failure to:

i. Report pumping activities on the manifest;

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ii. Maintain onsite records at all times;

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

iv. Maintain inspection access.

b. *Notice of violation.* Upon re-inspection, a notice of violation shall be issued to an originator for failure to comply with the corrective action specified in the written warning. The user shall have five working days to complete the corrective action and submit evidence of compliance to the authority.

c. *Show cause hearing.*

i. When an originator fails to initiate and/or complete corrective action within the specified time period in response to the notice of violation, the originator shall be notified by certified mail of the time, date and place of a hearing, the proposed enforcement action to suspend service, the reasons for such action, and a request that the originator show cause why water and/or wastewater service should not be suspended immediately. The hearing date shall be within ten 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 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 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 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

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originator should not be immediately suspended. The show cause hearing shall be within ten 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 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

d. Interference with normal operations of the WPCP or potentially cause a violation of any condition of the Jekyll Island Authority's NPDES permit.

(4) *Reinstatement fees and charges.* The originator shall pay all outstanding utility fees and other charges prior to, and associated with, restoration of water and/or wastewater services.

(5) *Transporter.*

a. Any permitted transporter, found not to be in compliance with the terms and conditions outlined in this chapter shall be suspended from future pumping or vacuuming operations on Jekyll Island by the authority.

b. The suspended transporter must appeal this suspension by presenting evidence of remedy of the non-compliance with this article before any additional pumping/vacuuming activities on Jekyll Island will be allowed.

(6) Notwithstanding any other provisions of law, the authority shall be authorized to impose a civil penalty not to exceed $2,500.00 for each violation of the commercial waste and handling or pre-treatment device/interceptor provisions of this article by any person, originator or transporter. For purposes of enforcing this civil penalty, magistrate court shall have jurisdiction in cases of violations committed within unincorporated areas of Glynn County to impose the civil penalty stated herein for each violation.

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(7) The Georgia Environmental Protection Division (EPD) shall be notified of any such local enforcement action and of the final conclusions or ultimate outcome of any such action.

(Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

ARTICLE VI. HOTEL, TOURIST CAMPS, AND SIMILAR PLACES*

Sec. 8-48. Definitions.

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

Act means the Jekyll Island-State Park Authority Act, Ga. Laws 1950, p. 152, as amended.

Food service establishment means and includes establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen deserts, or other edible products. The term "food service establishment" includes, but is not limited to, restaurants; coffee shops, cafeterias; short order cafes; luncheonettes; taverns; lunchrooms, places manufacturing, wholesaling, or retailing sandwiches or salads; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith; and similar facilities by whatever name called.

Innkeeper's facility or *facility* means any apartment house (except any apartment house in which none of the units may be rented for periods of less than one month), hotel, motel, inn, lodge, cottage, tourist camp, tourist cabin or other facility at which rooms lodgings or accommodations are furnished to the public for value on a regular basis, except that private dwellings which are offered for lease or rental to the public shall not be deemed to be innkeeper's facilities or facilities for the purposes of this division.

Innkeeper's license or *license* means the license issued by the authority authorizing the holder thereof to engage in the business of innkeeping on the island.

Innkeeping means the business of owning and operating an innkeeper's facility, except that innkeeping shall not include the owning of apartment houses which are managed by a broker.

Licensee means a person who holds a valid license to engage in the business of innkeeping on the island issued by the authority pursuant to this article.

***State law references—**Tourist courts, O.C.G.A. § 31-28-1 et seq.; sanitary regulations for hotels and inns, O.C.G.A. § 43-21-30 et seq.; rules and regulations for tourist accommodations, Department of Human Resources, ch. 290-5-18 et seq.; food service regulations, Department of Human Resources, ch. 290-5-14 et seq.; swimming pools, spas and recreational water park rules, Department of Human Resources, ch. 290-5-57.

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Person.

(1) The term "person" means any individual, firm, partnership, cooperative, joint venture, association, corporation (profit or nonprofit), trust, business trust, or other legal entity, public or private, or quasi-public, and the plural as well as the singular number.

(2) The term "person" does not include the authority.

(Code 1981, § 16-101; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-49. Required.

No person shall engage in the business of innkeeping on the island unless licensed to do so by the authority. Any person engaging in the business of innkeeping on the island who does not possess, and/or does not fully comply with the provisions of this division as approved and adopted, and from time to time lawfully amended, a valid innkeeper's license shall be in violation of this article.

(Code 1981, § 16-102; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-50. Fee.

The fee for an innkeeper's license, and the fee for the renewal of an innkeeper's license, shall be an amount as may from time to time be established by the authority.

(Code 1981, § 16-103; Amd. of 3-20-1992, § 6; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-51. Procedure for obtaining.

Any person may apply to the authority for a license to engage in the business of innkeeping on the island. Before a license shall be issued, the applicant shall file a written application with the authority on a form prescribed by the authority. Each such application shall be accompanied by a check or money order in an amount sufficient to pay the license fee established in the manner set out in section 8-50. Each applicant shall set forth all information required thereon under oath and shall include the following:

(1) Full name of the applicant and whether the applicant is an individual, a partnership (general or limited), a trust, a business trust, an association or corporation.

(2) The full legal address of applicant.

(3) The full names and residence addresses of all principal officers of the applicant, if any.

(4) The names and residence addresses of all members of the executive committee, if any, of the applicant if the members of such committee are other than those persons named in subsection (3) of this section.

(5) The name and address of applicant's agent for service of process, if any.

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(6) Any other innkeeping business in which the applicant and/or the principal officers, partners, or members of the executive committee of the applicant are or have been engaged within the five years preceding the date of the application.

(7) The full name and address of applicant's agent, if any, for management purposes.

(8) If applicant has an agent for management purposes, whether such agent is an individual, a partnership, a trust, an association, a corporation, a business trust or some other legal entity.

(9) If the applicant has an agent for management purposes, the full name and address of the individual who will be the resident manager and who will be responsible for the active operation of the innkeeping facility, of other than the management agent named in subsection (8) of this section.

(10) The full name and residence address of any other person who will be principally responsible for the active operation and management of the innkeeping facility.

(11) Whether the applicant, or, to the applicant's best knowledge and belief, any officer or member of any executive committee of the applicant or any person having a controlling interest in the applicant, has been convicted of any felony or other crime involving moral turpitude or has forfeited bond as to any such charges in any state or federal court of the United States within the five years preceding the date of the application.

(12) Whether to the applicant's best knowledge and belief, any person named in subsections (7), (9) and/or (10) of this section has been convicted of a felony or other crime involving moral turpitude, or has forfeited bond as to any such charges in any state or federal court of the United States within the five years preceding the date of the application.

(13) A description of the innkeeping facility for which the application is made, including the number of rooms or units available; food service establishments, if any; and swimming pools, if any.

(14) Such other information as the authority shall require.

(Code 1981, § 16-104; Amd. of 3-20-1992, § 7; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-52. Conditions necessary to obtain and retain.

(a) All innkeeping facilities at which the business of innkeeping may be conducted shall be operated and maintained in a safe and sanitary condition at all times in full compliance with applicable laws, ordinances, rules and regulations of lawful authorities respecting innkeeping facilities, including Ga. Laws 1964, p. 499, as amended, and the rules and regulations of the state department of human resources promulgated pursuant to said law as existing and as said rules and regulations may hereafter be amended.

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(b) No innkeeper's license shall be issued to any applicant who, at the time of filing an application shall not possess, in the name of the applicant or the managing agent of the applicant, a valid tourist accommodation permit for the innkeeper's facility at which the applicant proposes to engage in the business of innkeeping, issued by the state department of human resources or such other lawful authority as may from time to time be authorized to issue said permits to innkeeper's facilities on the island. Failure of a licensee at any time following issuance or renewal of a license hereunder, to possess for the innkeeper's facility named in such license, a valid tourist accommodation permit issued by the state department of human resources or by such other lawful authority as may from time to time by authorized to issue said permits for innkeeping facilities on the island, shall be a violation of this division and grounds for the immediate suspension of the innkeeper's license and shall further be grounds for the revocation of the innkeeper's license as provided hereinbelow; provided, however, that the provisions of this article shall not apply to any innkeeping facility which is not subject, to state law concerning tourist camps.
(Code 1981, § 16-105; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-53. Food service.

(a) All food service establishments operated in connection with innkeeping facilities at which the business of innkeeping may be conducted shall be operated and maintained in a safe and sanitary manner, and condition, at all times in full compliance with applicable laws, ordinances, rules and regulations of lawful authorities respecting food service establishments, and the rules and regulations of the state department of human resources promulgated pursuant to said law as existing and as said rules and regulations may hereafter be amended.

(b) No innkeeper's license shall be issued to any applicant where the business of innkeeping at the innkeeper's facility specified in such application involves the operation of a food service establishment if, at the time of filing such application, the food service establishment to be operated in connection with the specified innkeeper's facility is not the subject of a valid food service permit issued by the state department of human resources or by such other lawful authority as may be authorized to issue food service permits for food service establishments on the island.

(c) Failure, at any time, of any food service establishment operated in connection with an innkeeping facility with respect to which an innkeeper's license has been issued hereunder to remain the subject of a valid food service permit issued by the state department of human resources or by such other authority as may be authorized to issue food service permits for food service establishments on the island, shall be a violation of this article and grounds for the immediate suspension of the said innkeeper's license and shall further be grounds for the revocation of said license as provided hereinbelow.
(Code 1981, § 16-106; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-54. Swimming pools.

All swimming pools maintained and operated in connection with an innkeeping facility at which the business of innkeeping may be conducted shall be maintained and operated in a

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safe and sanitary manner and condition. Such swimming pools shall at all times fully comply with the rules of the Georgia Department of Human Resources for public swimming pools. Prior to the issuance of any innkeeper's license with respect to an innkeeping facility in connection with which the applicant proposes to operate and maintain one or more swimming pools, the authority may request evidence satisfactory to the authority that the swimming pools to be operated in connection with the subject facility are in compliance with the state regulations. Failure of the applicant to furnish such evidence of compliance with the state regulations shall be grounds for the rejection of such application. Failure of any pool or pools operated and maintained in connection with any licensed innkeeper's facility substantially to comply with the state regulations shall be a violation of this article and grounds for the suspension or revocation of such innkeeper's license as provided hereinbelow.
(Code 1981, § 16-107; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-55. Lawful behavior.

Innkeeping facilities shall at all times be maintained and operated in a first class manner. It shall be a violation of this article knowingly to permit any fugitive from justice to remain upon the premises of any innkeeping facility or knowingly to permit any lewd, obscene conduct upon the premises of any innkeeping facility or knowingly to permit any otherwise illegal conduct upon the premises of any innkeeping facility.
(Code 1981, § 16-108; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-56. Inspection.

Whenever inspections of any innkeeping facility (including food service establishments and swimming pools, if any, operated in connection therewith) are required by this article or are reasonably necessary to secure compliance with this article or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the innkeeping facility to be inspected, to admit thereto for the purposes of making such inspection any member, officer, employee or agent of the authority or of the state department of human resources authorized or directed to make such inspection, at any reasonable time upon the request of such member, officer, employee or agent.
(Code 1981, § 16-109; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-57. Necessary qualifications.

(a) Licensees to engage in the business of innkeeping shall be granted only to applicants when:

(1) The authority has reasonable cause to believe that:

a. The applicant is an honest and trustworthy person;

b. The applicant's management agents named in the application, if any, are honest and trustworthy persons; and

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(2) The innkeeping facility at which the applicant proposes to engage in the business of innkeeping complies with the requirements for such innkeeping facilities as set forth in this article.

(b) In the case of an applicant other than an individual, a license shall be granted only to corporations, partnerships or other entities whose officers and/or executive committee members and/or managing or general partners (whichever shall be applicable) the authority shall have reasonable cause to believe to be honest and trustworthy individuals.
(Code 1981, § 16-110; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-58. Investigation.

(a) Within a reasonable time following the receipt of an application for an innkeeper's license, the authority may, to the extent permitted by law, investigate or cause to be investigated, in order to determine whether the applicant and the applicant's agents, if any, may be believed to be honest and trustworthy persons, the following:

(1) The applicant;

(2) Any of the applicant's agents named in the application; and

(3) Any of the statements contained in the application.

(b) The authority shall investigate or cause to be investigated the innkeeping facility described in the application, including any food service establishments and swimming pool to be maintained and operated in connection with the innkeeping facility in order to determine whether the innkeeping facility (and any food service establishment and swimming pool to be maintained and operated in connection therewith) complies with the requirements of this article.

(c) The authority shall then accept or reject the application. In cases where applications are accepted by the authority, the authority shall cause to be issued to the applicant an innkeeper's license authorizing the applicant, personally and/or through the agents named in the application, to engage in the business of innkeeping on the island.
(Code 1981, § 16-111; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-59. Inquiry in event application is rejected.

(a) In cases where the authority shall reject an application, the authority shall immediately notify the applicant in writing of its decision and shall set forth the reasons therefor. Any applicant whose application has been rejected may address a written request to the authority for a hearing concerning the rejection of his application. All such requested hearings shall be held within a reasonable time following the receipt of the hearing request. The authority shall notify the applicant at least five days in advance of, the date, time and place for any such hearings and shall appoint a hearing officer. The applicant, his agent and attorney may appear at the hearing and may offer any evidence deemed by them pertinent to the subject of the hearing. The hearing officer shall consider all such evidence and any other information available to the hearing officer and known to the licensee and shall record

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his findings and shall report the same to the authority together with his recommendations. Based upon the hearing officer's written findings and recommendations and any information available to the authority and known to the applicant, the authority is authorized to and shall:

(1) Accept the application;

(2) Provisionally accept the application and issue a temporary license for a period not to exceed 30 days during which period the applicant shall remedy or in good faith begin to remedy the condition or conditions as a result of which the application was provisionally accepted; or

(3) Reject the application, which rejection shall be considered a final action of the authority.

(b) Notice of the authority's determination shall be given to the applicant within five days thereof, either in the form of a one-year or temporary license or in the form of a notice of rejection together with the reasons therefor. Applicants whose applications have been rejected by the authority shall have any and all remedies as may now or hereafter be authorized by law, including civil action in courts of competent jurisdiction of the state.
(Code 1981, § 16-112; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-60. Notification and hearing upon noncompliance with requirements.

(a) If at any time following the issuance of a license, the authority shall have reasonable cause to believe that any licensee is in violation of this article, the authority shall notify, in writing, the licensee and the licensee's managing agent, if any, as disclosed by the license application and any addenda thereto, of such violation and of the authority's intent either to suspend or to revoke the license therefor, unless the conditions creating such violations shall have been remedied within a period not to exceed 30 days from the date of such notice. Any such licensee may address a written request to the authority, for a hearing concerning the noticed violation. All such requested hearings shall be held within a reasonable time following the receipt by the authority of the hearing request. The authority shall notify the licensee at least five days in advance of, the date, time and place for any such hearings and shall appoint a hearing officer. The applicant, his agent and attorney may appear at the hearing and may offer any evidence deemed by them pertinent to the subject of the hearing. The hearing officer shall consider all such evidence and any other information available to the hearing officer and known to the licensee and shall record his findings and shall report the same to the authority together with his recommendations. Based upon the hearing officer's written findings and recommendations and any information available to the authority and known to the licensee the authority is authorized to and shall:

(1) Determine that no violation exists, whereupon the validity and effectiveness of the license shall remain unaffected; or

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(2) Confirm the existence of a violation and grant a period not exceeding 30 days from the date of the hearing during which the licensee may remedy the condition creating such violation.

Such period granted hereunder shall be in lieu of and not in addition to the 30-day period granted in the notice of violation. During this period the authority may, if in its reasonable judgment, the nature of the violations, or the conditions causing the same, and the danger of public harm as a result thereof, warrant such action, suspend the license but only during such period. If the licensee shall not have cured such condition at the expiration of such period as may be granted hereunder, the authority may revoke the license. If in the reasonable judgment of the authority, the nature of the violation or the condition causing the same, and the immediacy of possible public harm as a result thereof are such as to warrant such action, the authority may revoke the license. In considering the nature of the violation, the authority may consider the apparent degree of negligence of the persons responsible for such violations and the apparent degree of willfulness involved in permitting such violations to occur. Notice of the authority's determination shall be given to the applicant, within five days thereof.

(b) In the event that no hearing has been requested, the authority shall at the expiration of the 30-day period commencing on the date of notice of the violations of this article determine whether said violations have been remedied and if not remedied, the authority may then, by notice to the licensee immediately revoke his license.

(c) Any revocation of a license pursuant to this section shall be considered a final action of the authority. Licensees whose licenses have been revoked shall have any and all remedies as may now or hereafter be authorized by law, including civil actions in courts of competent jurisdiction of the state.
(Code 1981, § 16-113; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-61. Injunctive relief.

The violation of this article by engaging in the business of innkeeping on the island without a license or during the suspension of a valid license may be enjoined by the authority by the institution of appropriate proceedings for injunction in the courts of competent jurisdiction in the state. Such action may be maintained notwithstanding that other adequate remedies may exist at law or by contract and may be initiated in the name of the authority.
(Code 1981, § 16-114; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-62. False or misleading statements.

Any false statement of a material fact contained in any application, or the omission of a material fact with intent to deceive or mislead, shall be grounds for the rejection of such false or incomplete application and if a license shall have been granted, shall be grounds for the revocation of such license; provided, however, where changed conditions shall cause any statements, true and accurate when made, to be untrue or misleading, or shall cause to be

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necessary a statement unnecessary when the application was filed, the licensee shall, within ten days of such change in conditions, submit a written sworn statement to the authority describing any such changes in reasonable detail whereupon the application, as amended, shall be deemed complete, truthful and accurate.
(Code 1981, § 16-115; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-63. Valid term and renewal of license.

All licenses issued hereunder shall be valid and effective, unless revoked or suspended, for one license year. All valid licenses shall be renewable yearly for an additional one-year period, provided that the statements contained in the initial license application remain true and accurate. Any licensee desiring the renewal of its license shall, not later than 30 days prior to the expiration of its then current license, submit a written sworn statement to the authority stating that the statements contained in the license application remain true and accurate as initially submitted or as last amended (as provided in section 8-62) or describing any changes occurring during the ten days preceding the renewal statement. All such statements shall be accompanied by a check or money order in an amount sufficient to pay the license renewal fee established in the manner set out in section 8-50. Upon the receipt of such renewal statement and license renewal fee, the license for which the same has been submitted shall be renewed for an additional one-year period.
(Code 1981, § 16-116; Amd. of 3-20-1992, § 9; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-64. Notices.

(a) All notices, requests and statements (collectively in this section referred to as "notices") required or permitted to be given under the provisions of division, shall be in writing and addressed as follows:

To the authority:	Jekyll Island-State Park Authority Jekyll Island, Georgia
To the licensee or applicant:	The place of business of the licensee (or applicant) as set forth in the licensee's (or applicant's) application or to such other address as the licensee shall have thereto by written request addressed the authority, requested that such notices be sent.

(b) Notices shall be sent by United States registered or certified mail and the date of service of any notice shall be the day upon which such notice is deposited in the United States mail.
(Code 1981, § 16-117; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-65. Licenses nontransferable.

Licenses issued hereunder shall not be transferable to any other person nor shall any license be valid and effective except with respect to the innkeeping facility specified in the application pursuant to which any license is issued; provided, however, notwithstanding the

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repeal hereby of said May 10, 1976, ordinance hereafter referenced, licenses issued pursuant to the provisions of said ordinance, except licenses issued to persons whose facilities are herein excluded from the definition of the term "innkeeping facility," shall be and remain valid and effective under the terms of said ordinance, but shall otherwise be subject to the provisions of this article.

(Code 1981, § 16-118; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

Sec. 8-66. Repeal of conflicting ordinances.

All ordinances and resolutions in conflict herewith, specifically including, but not necessarily limited to, that ordinance providing for the licensing and regulations of the business of owning and operating apartment houses, hotels, motels, tourist camps and other facilities on the island; and for other purposes, approved and adopted by the authority on May 10, 1976, be and the same are hereby repealed.

(Code 1981, § 16-119; Ord. No. O-2022-1, § 3(Att. 3), 6-21-2022)

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Chapter 10

ENVIRONMENT AND NATURAL RESOURCES*

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***Editor's note—**Ord. No. O-2022-1, § 4(Att. 4), adopted June 21, 2022, amended chapter 10 in its entirety to read as herein set out. Former Ch. 10, §§ 10-19—10-22, 10-48—10-52, 10-78—10-85, pertained to environment, and derived from §§ 7-101—7-104, 8-101—8-105, 15-101 of the 1981 Code; Ord. of 4-29-1991; Ord. of 8-11-2008, § 5-114(II—VIII); Res. of 8-21-2017(2); Ord. of 5-19-2020(2), § 1.

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ARTICLE I. LANDSCAPING AND TREE PROTECTION

Sec. 10-1. 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 article 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.

(b) The regulations set forth herein shall apply to all lands, leased or otherwise, within the Jekyll Island State Park limits now and in the future.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-2. Definitions and rules of construction.

(a) *Rules of construction.*

(1) Words used in the present tense include the future tense.

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(2) Words used in the singular number include the plural and words in the plural include the singular.

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

(b) For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Branch collar. The swelling where a branch joins the trunk of a tree.

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

Building. Any structure built for the support shelter or enclosure of persons, animals, chattel or property of any kind.

Building site. That portion of a lot which is occupied by a building or that portion of a site which is proposed to be occupied by a building and for which a building permit has been issued.

Caliper. The caliper of the trunk shall be taken at breast height, which is four and one-half feet above the ground.

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

Crown drip line. A vertical line extending down to the ground from the end of a tree's longest branches.

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

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

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

Drip line. An imaginary vertical line that extends downward from the outermost branches of a tree to the ground.

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Good or fair condition trees. A tree in fair or good condition must meet the following minimum standards:

(a) An estimated life expectancy of greater than ten years;

(b) A relatively sound and solid trunk with only minor decay and small cavities that comprise an area of depth of less than 33 percent of the adjacent diameter of the tree;

(c) No more than 25 percent of the base of the trunk or primary structural roots exhibiting dieback;

(d) No major insect or pathological problem; and

(e) No more than 33 percent of the tree's canopy can be missing limbs or be comprised of major dead limbs.

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

Historic tree. Any tree of any native species which has a diameter at breast height (dbh) of 20 inches or larger.

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

Live oak tree. Any live oak, species Quercus virginiana or Quercus geminata, that has a diameter at breast height (dbh) of two inches or larger.

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

Managed natural landscape area. A variety of landscape management practices that include, but are not limited to, natural lawns, natural landscapes, native lawns, pollinator gardens, rain gardens, meadow vegetation, native prairie, prairie gardens, monarch waystations, native plantings, native gardens, and butterfly habitat.

Native tree. A tree species that is understood by botanical experts to occur in coastal Georgia due to natural processes and not due to human intervention.

Person. An individual, corporation, organization, or agency, but specifically excluding the Jekyll Island Authority.

Protected trees. Any native tree species, woody, perennial plant which has a diameter at breast height (dbh) of four inches or larger or any live oak, species Quercus virginiana or Quercus geminata, that has a diameter at breast height (dbh) of two inches or larger.

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Protective barricade. A physical structure not less than four feet in height, limiting access to protected trees. A suitable protective barrier shall be composed of durable material, which ensures protection of protected trees during development and/or construction improvements.

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

Replacement tree. Any tree that is planted in order to replace an existing tree which must be removed. Replacement trees must have a minimum diameter at breast height (dbh) of two and one-half inches in caliper, except that multitrunked trees must have a minimum size of eight to ten feet.

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

Root respiration. An active process occurring throughout the feeder root system of trees and involving the consumption of oxygen and sugars with the release of energy and carbon dioxide.

Site. Any plot, lot, parcel or tract of land within the jurisdiction of this section.

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

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

Tree inspector. The individual or entity with the primary responsibility to administer and enforce the standards set forth in this article, as designated by the authority.

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

Tree replacement plan. A plan showing the location, species, and sizes of all replacement trees.

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

Yard area. That portion of any site covered by the front, side and rear yard areas as established by the minimum setback requirements.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-3. Permit required.

(a) No person, or any agent or representative thereof, shall directly or indirectly destroy or remove any protected tree, without obtaining a permit from the tree inspector, unless otherwise authorized under provisions of this section.

(b) No person, or agent or representative thereof, shall directly or indirectly prune or remove any branch larger than two inches in diameter on any protected tree without obtaining a permit from the tree inspector. This requirement shall apply to live and dead branches unless otherwise authorized under provisions of this article.

(c) Approval of a permit for tree trimming or pruning may be conditioned upon use of an approved vendor from the professional tree service company list maintained by the authority.

(d) No person, or agent or representative thereof, shall impact a tree save area during construction in any way without obtaining a permit from the tree inspector, unless otherwise authorized under provisions of this section.

(e) Permit applicants shall not directly or indirectly begin any landscaping on the site, including any land disturbing activities or the use of heavy equipment, until the landscaping and tree protection plan has been submitted to and approved by the authority, or representative thereof.

(f) Requests for permits shall be obtained by contacting the tree inspector by telephone or in writing at the authority office. Tree permit applications will be approved or denied within ten working days.

(g) Utility companies and electric suppliers constructing or maintaining easements for transmission or rights-of-way will not be exempt from the provisions of this article.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-4. Exceptions.

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

(1) If the tree inspector cannot be reached immediately, photos must be taken of the hazardous tree prior to its removal. The photos can be submitted to the tree inspector or emailed to the authority.

(2) Tree mitigation will be required as stated in section 10-6, mitigation required.

(b) During the period of an emergency, such as a tornado, hurricane, flood or any act of nature, the requirements of this article may be waived or adjusted as specified by the executive director of the authority.

(1) In such case, the cutting and removal of felled trees shall be permitted until such time the executive director or his designee deems it unnecessary.

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(2) Exceptions for the cutting and removal of trees during emergency periods do not include exemption from mitigation for any removed trees, unless specifically waived or adjusted by the executive director or his designee.

(3) Any waiver for permitting of tree pruning or removal is only applicable during the official emergency period as determined by the executive director's order.

(c) Trimming palm trees, any tree other than a protected tree, and protected tree limbs less than two inches in diameter will not require the approval or notification of the tree inspector and shall be exempt from the tree permitting process.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-5. Minimum required tree density.

For all leased property, the minimum tree density factor is 200 caliper inches measured at dbh per acre of the leased property. Only protected trees and cabbage palms trees, as specified in section 10-7(a)(3), will be counted in order to determine the existing tree density on a leased property.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-6. Mitigation required.

(a) Mitigation is required for removal of all protected trees (even if the tree is threatening or damaging a structure) if the minimum tree density factor has not been met or will not be maintained on a leased property. When the tree density factor is not met, any protected tree removed must be replaced as specified in section 10-7, tree removal and replacement requirements. Only trees listed in section 10-21 may be used for tree replacement and mitigation.

(b) Mitigation is required for removal of historic trees, heritage trees, or live oaks over two 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-7. 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 two-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.

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b. Live oaks in fair condition will require a one-half-to-one (½:1) 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-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 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-inch dbh or larger, are to be replaced with any native tree two and one-half inches dbh or larger, or a multitrunked native tree that is a minimum size of eight to ten feet.

(3) Cabbage palm (Sabal palmetto), any size with an identifiable trunk at four and one-half 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 four and one-half feet off the ground will count only as one 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 of trees on the lot. Cabbage palms may only be used to replace other cabbage palms.

(4) Historic trees. Each historic tree permitted to be removed will require a one two and one-half-inch dbh replacement with a native tree approved by the tree inspector.

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

(6) Prohibited trees. Trees listed in section 10-23 are prohibited and shall not be used for mitigation or otherwise planted.

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

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

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

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(b) *Tree mitigation fund.* Owners and leaseholders who are granted a permit to remove a protected tree shall make every effort to mitigate for the loss of the tree by replanting replacement trees on their leased property.

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

(2) Mitigation of tree removal through contribution to the tree mitigation fund will not be considered until the minimum required tree density is satisfied on a lease property.

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

(d) *Residential mitigation fee.* The mitigation fee to be paid for residential properties shall be determined by the following formula:

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

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

(e) *Commercial mitigation fee.* The mitigation fee to be paid for commercial properties shall be determined by the following formula:

(1) $400.00, multiplied by dbh of tree to be removed.

(2) Heritage tree mitigation fees on commercial properties will be $1,200.00 multiplied by dbh of tree to be removed.

(f) Funds from collected mitigation fees shall be expended only for the following purposes:

(1) In support of planting live oaks or other native trees on public property within the state park. Such expenditures may include the cost of purchasing and planting trees, planting amendments, and the cost of watering and/or installing irrigation improvements.

(2) In support of the care, maintenance and preservation of existing native trees on public property. This may include the cost of fertilization, aeration of tree roots, pest prevention or treatment, and general tree structure maintenance such as dead wooding and pruning broken and structurally weak branches.

(3) In support of ecological restoration or enhancement activities that reestablish or create native plant communities consistent with priorities expressed in conservation planning documents approved by the authority.

(4) The authority shall prepare an annual report accounting for the balance in the tree mitigation fund and summarizing the funds use for the preceding year.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-8. Standards for tree trimming and pruning of native trees.

(a) All pruning must be performed to the pruning specifications as provided by the National Arborist Association (NAA) Pruning Standards for Native Trees.

(b) All branches that are removed shall have their finished cuts made immediately beyond the bark ridges, preserving the branch collar. Stub cuts cannot be made more than one inch or more beyond the branch collar. Finish cuts must be made adjacent and not through the branch collar in order for the resulting tree wounds to heal properly.

(c) Pruning cuts that result in a one-third reduction of the total biomass of a tree's canopy, or finish cuts that exceed one-half of the size of the diameter of the tree trunk or branch at the point in which the finish cut is made will require mitigation.

(1) For every caliper inch in width of the branch at the location of the final finish cut as defined by the National Arborists Association (NAA) Pruning Standards, each caliper inch shall be mitigated at a ratio of one-inch of replacement dbh for each two-inches of diameter cut, a 1:2 ratio.

(2) For heritage trees each caliper inch shall be mitigated at a ratio of three inches of replacement dbh for each two-inches of diameter cut, a 3:2 ratio.

(3) If several tree limbs are removed, each cut will be assessed as a separate mitigation requirement.

(4) However, in no circumstance will the mitigation requirement exceed more than one-half of the overall dbh of the tree.

(5) Removal of dead limbs will not require mitigation, but will still require a permit, as stated in section 10-3. If a qualifying dead limb is removed without the required permit, the tree inspector may require mitigation.

(d) Creating stub cuts, random branch removal, and topping of native trees are prohibited. Because these practices defeat the primary aim of ensuring long-term tree health and create hazards, they are subject to the mitigation requirements set forth in this article.

(e) Pruning and removal of trees in utility easements or rights-of-way shall be the minimum necessary to protect public safety and the property of the applicable utility company. Pruning shall be performed to the pruning specifications as provided by NAA Pruning Standards for Native Trees. All branches removed must be finish cuts or pruned back to the branch collar of the adjoining main branch or trunk of the tree. Cutting into the branch collar will not be permitted as the collar helps the tree heal after pruning. The applicable utility company shall notify the authority to coordinate in advance of the time and location of any tree pruning or removal activities in rights-of-way easements prior to conducting such activities and regarding appropriate and acceptable operations including equipment limitations. Aerial, boom saws, or other mass trimming equipment is prohibited. (Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-9. General landscaping—Plant materials and design.

(a) Plantings listed in sections 10-21 and 10-22 are approved to be used for landscaping.

(b) Prohibited plantings listed in section 10-23 shall not be used for landscaping.

(c) Turf grasses shall be restricted to active-use areas such as golf courses or lawns.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-10. General landscaping—Upkeep and maintenance.

(a) The built environment and designed landscapes, such as lawns, patio areas, and planting beds, within leased areas shall not be allowed to become overgrown giving the appearance of abandonment. All plantings shall appear as planned, intentional, and maintained including native and nonnative plant material.

(b) Any leaseholder may convert or maintain any area of a leased parcel to a managed natural landscape not to exceed 50 percent of the yard area within the lease, excluding preexisting wooded areas, provided that:

(1) Firewise© standards are followed.

(2) All herbaceous vegetation is cut back at least once annually to a height not to exceed 24 inches.

(3) The front door or entryway providing access to the front door of the primary structure remains visible from the street frontage.

(4) All exterior property shall be maintained to avoid the appearance of abandonment of property.

(5) Exterior property shall be kept free from non-native rodent infestation. Where such infestation occurs it shall be promptly addressed by legal and humane means which shall not be injurious to human or non-target wildlife health. Anticoagulant rodenticides are strictly prohibited.

(b) Natural areas on leased property shall be maintained in accordance with priorities expressed in conservation planning documents approved by the authority.

(c) Firewise© standards for landscaping should be followed as stated below:

(1) Eliminate dead vegetation and other fire fuels within ten feet of any structure on the property and from below decks and porches made of flammable materials. This includes clearing any dead wood or timber that could ignite or provide fuel for fire. Eliminating dead standing timber should be considered.

(2) Dispose of cuttings and debris properly.

(3) Maintain woodpiles at least ten feet from the house.

(4) Trees overhanging structures should be kept free of dead material.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-11. General landscaping—Hardscape.

(a) All paving materials in developed areas are recommended to be pervious or designed to allow for the infiltration of stormwater between paved surfaces into the ground below, subject to approval by the design review group.

(b) Connections to existing bike paths from development property shall be of a functionally and aesthetically compatible material to that of the existing bike path, unless otherwise approved by the design review group.

(c) Construction of impervious surfaces 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, tree feeders, porous paving materials and shell walks, are installed only upon advance approval, documented in writing, by the authority's tree inspector.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-12. General landscaping—Walls and fencing.

(a) Walls or fencing shall not exceed a height of 42 inches from its base for front yard fences and shall not exceed a height of 72 inches from its base for rear yard fences.

(b) Installation of any new wall or fencing bounding leased property shall only be permitted by written approval of the authority.

(c) Chain link fencing bounding residential front yards will not be permitted.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-13. 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-14. 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 inches dbh, and all live oaks

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exceeding two 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 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 3:1 ratio rule. The radius of the protective barricades will be set at a minimum distance of one foot for every three inches of dbh, as measured from the outermost perimeter edge of tree's trunk, typically the root collar, or, where practicable, at the canopy drip line.

b. For heritage trees a semi-permanent protective barricade, such as chain-link, shall be required.

(2) No encroachment of construction within the protective barricade. The area fenced off shall not be used as a storage or staging area in connection with the development. Changes in grade, land disturbance, or construction of impervious surfaces or utilities within the required protective barricade shall be subject to the following guidelines:

a. Compaction of the soil within the protective barricade shall be avoided. No heavy equipment can be operated or parked within the protective barricade.

b. Any brush, earth and other debris to be removed from within the protective barricade shall be handled in a manner which prevents injury to the protected tree. Oil, gas, chemicals or other substances that may be harmful to trees shall not be stored within the protective barricade of any protected tree.

(3) Trenching. The installation of utilities through the critical root zone shall occur by way of tunneling rather than trenching. If roots must be cut, proper root-pruning

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procedures must be employed. Wherever feasible, trenching shall occur in a radial direction to or from a tree in order to minimize damage to tree roots. In no circumstances will trenching be allowed within the critical root zone. Tunneling and selective excavation within this area may occur only upon advance approval, documented in writing, by the authority's tree inspector.

(4) Grade changes. Moderate fill shall not exceed six inches within a critical root zone without the prior installation of an aeration system, which may be installed only upon advance approval, documented in writing, by the authority's tree inspector.

(5) Where the tree inspector determines that irreparable damage has occurred to trees within tree save areas, the trees must be removed and mitigated. Removal shall avoid causing additional damage within tree save areas.

(6) Remedial procedures. Remedial site reclamation and tree care procedures shall be implemented in accordance with a notice of violation, issued by the authority, when encroachment within protective zones has caused damage to either a protected tree or its critical root zone.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-15. Submission of site plans.

(a) Where application for a building permit is submitted, a site plan for the development or improvement of any parcel of land shall be submitted to the authority, if the building permit is for new construction or for construction outside of the current footprint of the existing structure. The site plans shall include a landscaping and tree protection plan to show the following information:

(1) The building site;

(2) The buildable area;

(3) The yard areas;

(4) Proposed landscaping improvements or alterations, including plant species and layout to be used;

(5) Proposed hardscaping improvements or alterations, including materials to be used;

(6) Proposed improvements or alterations to walls and fencing, including materials to be used;

(7) Proposed improvements or alterations to outdoor lighting fixtures, including fixture types to be used;

(8) Proposed improvements or alterations to pedestrian bridges or boardwalks, including materials and design to be used;

(9) A survey of all existing trees, consistent with section 10-14(a)(1), with a dbh greater than four inches, and including Live Oaks with a dbh of two inches or greater, and a calculation of the existing tree density;

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(10) Identification of any historic trees;

(11) Identification of trees to be preserved within the buildable area and yard area with location for each to be shown with reasonable accuracy. If grading is proposed, the plan must show proposed contours;

(12) Location and material of tree protective barricades;

(13) A tree replacement schedule showing the location, species and size of any replacement trees to be planted;

(14) Specifications and/or provisions for maintenance and upkeep of trees upon completion of the project.

(b) No building permit shall be issued until the site plan has been reviewed and approved by the tree inspector. The inspector shall tentatively approve, approve with conditions, or disapprove the plan. If the plan is disapproved or approved with conditions, the reasons for such action shall be provided in writing. One copy of the reasons shall be retained by the authority, and one copy given to the applicant. On conditional approval, the tree inspector may require the applicant to resubmit the plan with all recommended changes before granting final approval.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-16. Relocation of mature trees.

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 10-6 and 10-7 above.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-17. 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 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;

(2) The failure to mitigate the removal, destruction or damaging of any protected tree or limb or branch of any protected tree where less than the entire protected tree is affected as required by this chapter shall result in a fine not to exceed $50.00 per day per violation until mitigation is accomplished; and

(3) In addition to any fine assessed pursuant to this chapter, the person or persons responsible shall be liable for, and pay to the authority, all mitigation fees attributable to such violation, if any.

(e) In addition to the enforcement of this chapter by citation or accusation, the authority may take any action not prohibited by law to prevent or remediate a violation or threatened violation of this chapter, 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.

(f) Nothing in this article shall be deemed to preclude the authority from obtaining the voluntary compliance of any person where the authority finds that such person has violated or threatens to violate any of the provisions of this chapter and gives written notice to the responsible person or persons of the nature of the violation and/or the action necessary to correct or prevent the violation.

(g) Three or more violations within any three-year period may, at the authority's option, result in land lease default.

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(h) Any person who commits or participates or assists in such violation shall be guilty of a misdemeanor and punished as provided herein.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-18. Appeals.

(a) In the event that an owner, applicant, or contractor alleges that there is error in any order, requirement, decision or determination made by the tree inspector in the enforcement of this article, an appeal must be submitted in writing to the executive director within 30 days after the order, requirement, decision, or determination.

(b) As a condition to submission of any appeal, consistency with the objectives and general intent of the standards and faithful implementation of these regulations 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 members appointed by the board of directors of the Jekyll Island Authority:

i. Two residents of Jekyll Island;

ii. Two 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 ad-hoc 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-19. Native trees accepted for mitigation.

Common Name	*Scientific Name*
Florida maple	*Acer barbatum*
Red maple	*Acer rubrum*
American hornbeam	*Carpinus caroliniana*

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Common Name	*Scientific Name*
Pignut hickory	*Carya glabra*
Sugarberry	*Celtis laevigata*
Fringe tree	*Chionanthus virginicus*
Loblolly bay	*Gordonia lasianthus*
Dahoon holly	*Ilex cassine*
American holly	*Ilex opaca*
Southern red cedar	*Juniperus silicicola*
Eastern red cedar	*Juniperus virginiana*
Sweet gum	*Liquidambar styraciflua*
Tulip poplar	*Liriodendron tulipifera*
Southern magnolia	*Magnolia grandiflora*
Sweet bay	*Magnolia virginiana*
Red mulberry	*Morus rubra*
Swamp tupelo	*Nyssa biflora*
Black gum	*Nyssa sylvatica*
Slash pine	*Pinus elliottii*
Loblolly pine	*Pinus taeda*
Longleaf pine	*Pinus palustris*
Pond pine	*Pinus serotina*
American sycamore	*Platanus occidentalis*
Cherry laurel	*Prunus caroliniana*
Black cherry	*Prunus serotina*
Sand live oak	*Quercus geminata*
Darlington oak	*Quercus hemisphaerica*
Laurel oak/ Diamond-leaf oak	*Quercus laurifolia*
Swamp chestnut oak	*Quercus michauxii*
Water oak	*Quercus nigra*
Live oak	*Quercus virginiana*
Coastal plain willow	*Salix caroliniana*
Cabbage palm	*Sabal palmetto*
Buckthorn	*Sideroxylon tenax*
Bald cypress	*Taxodium distichum*
American elm	*Ulmus americana*
Toothache tree	*Zanthoxylum clava-herculis*

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-20. Suitable landscaping plantings.

(a) *Ornamental non-native trees:*

Common Name	*Scientific Name*
Deodar cedar	*Cedrus deodora*

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

(b) *Native shrubs:*

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

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Common Name	*Scientific Name*
Walter's viburnum	*Viburnum obovatum*
Spanish bayonet	*Yucca aloifolia*
Moundlily yucca	*Yucca gloriosa*
Coontie palm	*Zamia pumila*

(c) *Ornamental non-native shrubs:*

Common Name	*Scientific Name*
Century plant	*Agave americana*
Formosa azalea	*Azalea indica*
Kurume azalea	*Azalea obtuse japonica*
Japanese boxwood	*Buxus microphyllus japonica*
Camellia	*Camellia japonica*
Flowering quince	*Chaenomeles japonica*
Fragrant wintersweet	*Chimonanthus praecox*
Sago palm	*Cycas revoluta*
Forsythia	*Forsythia suspensa*
Bigleaf hydrangea	*Hydrangea macrophylla*
Primrose jasmine	*Jasminum mesnyi*
Pfitzer juniper	*Juniperus chinensis*
Winter honeysuckle	*Lonicera fragrantissima*
Oleander	*Nerium oleander*
Tobira Pittosporum	*Pittosporum tobira*
Yew plum pine	*Podocarpus macrophyllus*
Formosa firethorn	*Pyracantha koidzumi*
India hawthorn	*Raphiolepis indica*
Double reeves spiraea	*Spiraea cantoniensis*
Bridalwreath spiraea	*Spiraea prunifolia*
Vanhoutte spiraea	*Spiraea x vanhouttei*
Sweet viburnum	*Viburnum odoratissimum*
Sandankwa viburnum	*Viburnum suspensum*
Laurustinus viburnum	*Viburnum tinus*

(d) *Native vines:*

Common Name	*Scientific Name*
Pepper vine	*Ampelopsis arborea*
Cross vine	*Bignonia capreolata*
Trumpet vine	*Campsis radicans*
Satin curls	*Clematis viginiana*
Carolina coralbead	*Cocculus carolinus*
Yellow jessamine	*Gelsemium semperviens*
Railroad vine	*Ipomoea pes-caprae*
Coral honeysuckle	*Lonicera semperviens*

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Common Name	*Scientific Name*
Virginia creeper	*Parthenocissus quinquefolia*
Greenbrier	*Smilax laurifolia*
Muscadine	*Vitis rotundifolia*
American native wisteria	*Wisteria frutescens*

(e) *Ornamental non-native vines:*

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

(f) *Herbaceous Plants:*

Common Name	*Scientific Name*
Pink milkweed	*Asclepias incarnata*
Butterflyweed	*Asclepias tuberosa*
False indigo	*Baptista alba*
Yellow canna	*Canna flaccida*
Beach croton	*Croton punctatus*
Blanket flower	*Gaillardia pulchella*
Dune sunflower	*Helianthus debilis*
Swamp rosemallow	*Hibiscus grandifloras*
Crimsoneyed mallow	*Hibiscus moscheutos*
Florida spiderlily	*Hymenocallis floridana*
St. John's wort	*Hypericum cistifolium*
St. Peter's wort	*Hypericum hypericoides*
Dixie iris	*Iris hexagona*
Southern blue flag	*Iris virginica*
Seashore mallow	*Kosteletzkya virginica*
Blazing star	*Liatris spicat*a
Powderpuff	*Mimosa strigillosa*
Evening primrose	*Oenothera humifusa*
Passion flower	*Passiflora incarnata*
Phlox	*Phlox sp.*
Saltmarsh flea-bane	*Pluchea odorata*
Pickerelweed	*Pontederia cordata*
Meadow beauty	*Rhexia alifanus*
Black-eyed susan	*Rudbeckia hirta*
Marsh gentian	*Sabatia stellaris*
Arrowhead	*Sagittaria lancifolia*
Golden horn	*Sarracenia flava*

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Common Name	*Scientific Name*
Lizards tail	*Saururus cernuus*
Ladies tresses	*Spiranthes praecox*
Wood-sage	*Teucrium canadense*
Thalia	*Thalia dealbata*
Fire flag	*Thalia geniculata*
Spiderwort	*Tradescantia virginiana*
Atamasco lily	*Zephyranthes atamasca*

(g) *Grasses:*

Common Name	*Scientific Name*
Chalky bluestem	*Andropogon capillipes*
Saltgrass	*Distichils spicata*
Gulf Coast spikerush	*Eleocharis cellulosa*
Love grass	*Eragrostis sp.*
Centipede grass	*Eremochloa ophiurides*
Yellow star grass	*Hypoxis juncea*
Rush	*Juncus bufonius*
Soft rush	*Juncus effusus*
Needlegrass rush	*Juncus roemerianus*
Sweet grass	*Muhlenbergia capillaris*
Panic grass	*Panicum sp.*
Seashore paspalum	*Paspalum vaginatum*
Fountain grass	*Pennisetum setaceum*
Starrush	*Rhynchospora colorata*
Beaksedge	*Rhynchospora decurrens*
Little bluestem	*Schizachyrium scoparium*
Sand cordgrass	*Spartina bakeri*
Salt meadow cordgrass	*Spartina patens*
Seashore drop seed	*Sporobolus virginicus*
St. Augustine grass	*Stenotaphrum secundatum*
Fakahatchee grass	*Tripsacum dactyloides*
Sea oats	*Uniola paniculata*
Spike grass	*Uniola sessiliflora*

(h) *Ferns:*

Common Name	*Scientific Name*
Southern woodfern	*Dryopteris ludoviciana*
Cinnamon fern	*Osmunda cinnamomea*
Roughhair maiden fern	*Thelypteris hispidula*
Southern shield fern	*Thelypteris kunthii*
Eastern marsh fern	*Thelypteris palustris*
Chain fern	*Woodwardia virginica*

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(i) *Groundcovers:*

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

(j) *Annuals, Perennials, and Bulbs:*

Common Name	*Scientific Name*
Agastache	*Agastache mexicana*
Ageratum	*Ageratum houstonianum*
Joseph's coat	*Alternanthera sp.*
Angelonia	*Angelonia angustifolia*
Common snapdragon	*Antirrhinum majus*
Angel wing begonia	*Begonia cocinea*
Fibrous begonia	*Begonia x spemperflorens-cultorum*
Swiss chard 'Ruby'	*Beta vulgaris*
Flowering cabbage & kale	*Brassica oleracea*
Potmarigold calendula	*Calendula officinalis*
Canna	*Canna x generalis*
Annual vinca	*Catharanthus roseus*
Coleus	*Coleus x hybridus*
Cyclamen	*Cyclamen persicum*
Dianthus	*Dianthus sp.*
Diascia	*Diascia barberae*
Babysbreath	*Gypsophila elegans*
Impatiens	*Impatiens sp.*
Sweet potato vine	*Ipomea batatas*
Sweet pea	*Lathyrus odoratus*
Linaria	*Linaria maroccana*
Sweet alyssum	*Lobularia maritima*
Annual stock	*Mathiola incana annua*
Daffodil	*Narcissus poeticus*
Nemesia	*Nemesia strumosa*
Nicotiana	*Nicotiana alata*
Penta	*Penta lanceolata*
Petunia	*Petunia grandiflora*
Annual phlox	*Phlox drummundi*
Portulaca	*Portulaca grandiflora*
Purslane	*Portulaca oleracea*
Blue salvia	*Salvia Victoria*

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

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-23. Prohibited invasive exotics.

Common Name	*Scientific Name*
Tree of heaven	*Ailanthus altissima*
Pindo palm	*Butia capitata*
Camphor tree	*Cinnamomum camphora*
Trifoliate Orange	*Citrus trifoliata*
Chinaberry tree	*Melina azedarach*
Callery ("Bradford") pear	*Pyrus calleryana*
Brazilian pepper tree	*Schinus terebinthifolius*
French tamarisk	*Tamarix gallica*
Chinese tallow tree	*Triadica sebifera*
Tung oil tree	*Vernicia fordii*
Mimosa	*Albizia julibrissin*
Coral ardisia	*Ardisia crenata*
Mexican milkweed 'Bloodflower'	*Asclepia curassavica*
Asparagus fern	*Asparagus aethiopicus*
Sweet autumn clematis	*Clematis terniflora*
Jimson weed	*Datura stramonium*
Air yam	*Discorea bulbifera*
Chinese yam	*Discorea oppositifolia*
English ivy	*Hedera helix*
Cogongrass 'Japanese blood grass'	*Imperata cylindrica*
Lantana (seed bearing varieties)	*Lantana camara*
Non-native lespedeza	*Lespedeza cuneata*
Chinese privet	*Ligustrum sinense*
Glossy privet	*L. lucidum*
Japanese privet	*L. japonicum*
Japanese honeysuckle	*Lonicera japonica*
Japanese climbing fern	*Lygodium japonicum*
Old world climbing fern	*Lygodium microphyllum*
White mulberry	*Morus alba*
Sword fern	*Nephrolepis*

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

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-24—10-30. Reserved.

ARTICLE II. FLOOD PROTECTION

DIVISION 1. IN GENERAL

Sec. 10-31. Statement of purpose.

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

(1) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

(5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-32. Findings of fact.

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

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-33. Objectives.

The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;

(4) To minimize expenditure of public money for costly flood control projects;

(5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(6) To minimize prolonged business interruptions; and

(7) To ensure that potential homebuyers are notified that property is in a flood area.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-34. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Jekyll Island, Georgia.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-35. Definitions.

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

(1) *Accessory structure* means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, and the like.

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(2) *Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter loadbearing wall, shall be considered new construction.

(3) *Appeal* means a request for a review of the floodplain manager's interpretation of any provision of this chapter.

(4) *Area of shallow flooding* means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(5) *Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 10-30.

(6) *Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

(7) *Base flood elevation (BFE)* means the elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

(8) *Basement* means that portion of a building having its floor sub grade (below ground level) on all sides.

(9) *Building* means any structure built for support, shelter, or enclosure for any occupancy or storage.

(10) *Critical facility* means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. The term "critical facility" includes the following:

a. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic or water-reactive materials;

b. Hospitals and nursing homes, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

c. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events;

d. Generating plants and other principal points of utility lines.

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(11) *Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

(12) *Elevated building* means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(13) *Existing construction* means for the purposes of determining rates, structures for which the start of construction commenced before June 1, 1984.

(14) *Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before June 1, 1984.

(15) *Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

(16) *Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

(17) *Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

(18) *Flood insurance rate map (FIRM)* means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

(19) *Flood insurance study* means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

(20) *Floodplain* means any land area susceptible to flooding.

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(21) *Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(22) *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(23) *Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(24) *Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

(25) *Historic structure* means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:

c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior; or

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

(26) *Limited detail study* means a method of calculating the one percent annual chance flood elevations and delineating the resulting floodplain along rivers and streams.

(27) *Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

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(28) *Manufactured home* means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

(29) *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(30) *Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on the flood insurance rate map are referenced.

(31) *National Geodetic Vertical Datum (NGVD) and North American Vertical Datum (NAVD)*, mean a vertical control used as a reference for establishing varying elevations within the floodplain.

(32) *New construction* means, for the purposes of determining insurance rates, structures for which the start of construction commenced after June 1, 1984, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced after June 1, 1984, and includes any subsequent improvements to such structures.

(33) *New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 1, 1984.

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

(35) *Recreational vehicle* means a vehicle which is:

a. Built on a single chassis;

b. Four hundred square feet or less when measured at the largest horizontal projection;

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

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

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

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

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

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

(40) *Substantial improvement.*

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

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

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

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

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

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

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

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

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

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

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-36. Violations, penalties and enforcement.

(a) It shall be unlawful for any person to fail to comply with the provisions of this chapter or with the terms of any written directive or variance issued or established by the authority pursuant to this chapter.

(b) Any person found in violation of any provision of this article 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.

(c) Nothing herein contained shall prevent the authority from taking such other lawful actions as is necessary or prudent as determined by the authority in its discretion to prevent or remedy any violation or threatened violation.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-37. Basis for area of special flood hazard.

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study (FIS), dated January 5, 2018, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and

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declared a part of this chapter. For those land areas acquired by a municipality through annexation, the current effective FIS, supporting data and any revision thereto, for the county dated January 5, 2018, are hereby adopted by reference.

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

(c) The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located at the Jekyll Island Fire Department.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-38. Establishment of building permit.

A building permit shall only be issued by Glynn County if the application is found to be in conformance with the provisions of this chapter prior to the commencement of any development activities.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-39. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-40. Abrogation and greater restrictions.

(a) This chapter is not intended to repeal, abrogate or impair any existing ordinance, easements, covenants or deed restrictions.

(b) However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-41. Interpretation.

In the interpretation and application of this chapter all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-42. Warning and disclaimer of liability.

(a) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes.

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(b) This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

(c) This chapter shall not create liability on the part of the authority or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-43—10-50. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 10-51. Designation of chapter administrator.

The executive director or their designee shall be designated as the floodplain manager. The floodplain manager is hereby appointed to administer and implement the provisions of this chapter.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-52. Application approval procedures.

(a) Application for approval shall be made to the floodplain manager and approved by the design review group (DRG), prior to submittal to Glynn County for building permit approval, and prior to any development activities. The application may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

(b) Specifically, the following information is required:

(1) *Application stage.*

a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

c. Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of this chapter;

d. 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 ordinance;

e. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and

f. Drainage plan with a description of onsite drainage facilities.

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(2) *Construction stage.*

a. For all new construction and substantial improvements, the permit holder shall provide to the floodplain manager an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed.

b. Where a structure is subject to the provisions applicable to coastal high hazards areas, after placement of the lowest horizontal structural members.

c. Any regulatory floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

d. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

e. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

(c) The floodplain manager shall review the submitted certification data set forth in subsection (b) of this section.

(1) Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed.

(2) Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop work order for the project.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-53. 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.

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(5) Provide relevant information related to compliance with this chapter 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 10-52(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 section 10-52(b)(1)c. and section 10-42(a)(3) or section 10-63(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 10-66.

(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 any altered or relocated watercourse is maintained.

(13) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain manager shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(14) All records pertaining to the provisions of this chapter shall be maintained in the office of the floodplain manager and shall be open for public inspection.

(15) If a portion of the structure is located in a area of special flood hazard, the entire structure shall comply with the requirements of this chapter.

(16) If a structure is located in multiple flood zones and/or BFEs, the entire structure shall comply with the most restrictive requirements of this article.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-54—10-60. Reserved.

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DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 10-61. General standards.

(a) In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage; according to principles of construction for coastal areas (FEMA 55) with no adverse impact upon the community;

(4) Elevated buildings. All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater (not applicable in coastal high hazard areas):

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

i. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

b. So as not to violate the lowest floor criteria of this chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;

(5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be elevated to one foot above freeboard and designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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(6) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-62. Specific standards.

(a) In all areas of special flood hazard designated as A1—30, AE, AH and A (with estimated BFE) zones, the following provisions are required:

(1) *New construction and/or substantial improvements.* Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 10-61(a)(4)a., elevated buildings. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be elevated, at or above, one foot above the base flood elevation.

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

(3) *Nonresidential construction.* New construction and/or the substantial improvement of any structure located in A1—30, AE or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the

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design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this article and shall provide such certification to the floodplain manager as set forth in this subsection and in section 10-53(a)(8).

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

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

i. Individual lots or parcels;

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

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

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

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

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

ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade, plus one foot.

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Reference section 10-41(a)(6))

d. All recreational vehicles placed on sites must be on the site for fewer than 180 consecutive days; fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions).

(5) *Floodway.* Located within areas of special flood hazard established in section 10-64, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering

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practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

b. Only if subsection (5)a. of this section is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this article.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-63. Building standards for streams without established base flood elevations and/or floodway (A zones).

(a) Located within the areas of special flood hazard established in section 10-37, where streams exist but no base flood data have been provided (A zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided, then the floodplain manager shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this article. Only if data are not available from these sources, then the provisions of subsections (a)(2) and (a)(3) of this section shall apply.

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

(3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than one foot above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A zone areas where a limited detail study has been completed.) Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 10-64(a)(4), elevated buildings. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than one foot above the highest adjacent grade at the building site.

(b) The floodplain manager shall require certification of the lowest floor elevation level and the record shall become a permanent part of the permit file.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-64. Standards for areas of special flood hazard (AE zones) with established base flood elevations without designated floodways.

Located within the areas of special flood hazard established in section 10-37, where streams with base flood elevations are provided but no floodways have been designated, (AE zones) the following provisions apply:

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

(2) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with section 10-61 and section 10-62.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-65. Standards for areas of shallow flooding (AO zones).

(a) Areas of special flood hazard established in section 10-37, may include designated AO zones, shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to one foot above the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least one foot above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 10-61(a)(4), elevated buildings. The floodplain manager shall require certification of the lowest floor elevation level and the record shall become a permanent part of the permit file. The floodplain manager shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) New construction or the substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one foot above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and

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methods of construction are in accordance with accepted standards of practice for meeting the provisions in this section and shall provide such certification to the official as set forth in this subsection and as required in section 10-52.

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

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-66. Coastal high hazard areas (V zones).

(a) Located within the areas of special flood hazard established in section 10-37, are areas designated as coastal high hazard areas (V zones). These areas have special flood hazards associated with wave action and storm surge; therefore, the following provisions shall apply:

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

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

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

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

(5) A registered professional engineer or architect shall certify, utilizing a V zone certificate and elevation certificate, that the design, specifications and plans for construction are in compliance with the provisions contained in this section;

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

a. No solid walls shall be allowed;

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

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

d. The enclosure must not exceed 299 square feet.

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

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

(9) There shall be no fill used as structural support. Noncompacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The authority landscape superintendent shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered:

a. Particle composition of fill material does not have a tendency for excessive natural compaction;

b. Volume and distribution of fill will not cause wave defection to adjacent properties; and

c. Slope of fill will not cause wave run-up or ramping;

(10) There shall be no alteration of sand dunes or vegetated wetlands, which would increase potential flood damage; and

(11) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 10-62(a)(4) are met.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-67. Standards for subdivisions.

(a) Standards for subdivisions are as follows:

(1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

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(3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(4) For subdivisions and/or developments, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions.

(5) New construction or substantial improvements of buildings located in subdivisions shall be elevated or floodproofed in accordance with section 10-61 and section 10-62.

(b) Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the as-built data to FEMA in order to obtain the final LOMR.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-68. Standards for critical facilities.

(a) Critical facilities shall not be located in the 100-year or 500-year floodplains, whenever practicable.

(b) Tide levels shall be considered when planning for new construction or substantial improvement of critical facilities.

(c) At minimum, new construction or substantial improvement of critical facilities shall be elevated or floodproofed in accordance with section 10-39 and section 10-40.

(d) Hazardous materials shall not be stored in the area of special flood hazard. The following materials are prohibited in the area of special flood hazard: Acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, prussic, magnesium, nitric acid, oxides of nitrogen, phosphorus, potassium, sodium, and sulfur.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-69—10-80. Reserved.

DIVISION 4. VARIANCES

Sec. 10-81. Procedures.

(a) The authority board shall hear and decide requests for appeals or variance from the requirements of this chapter.

(b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain manager in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the authority board may appeal such decision to the Superior Court as provided in the Official Code of Georgia Annotated (O.C.G.A.).

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(d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(e) In reviewing such requests, the authority board shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this chapter.

(f) Upon consideration of the factors listed in this section and the purposes of this chapter, the authority board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(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 article, the authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-82. Conditions for variances.

The provisions of this chapter 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.

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(d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-83—10-90. Reserved.

ARTICLE III. STORMWATER MANAGEMENT

DIVISION 1. GENERAL PROVISIONS

Sec. 10-91. 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-92. Findings of fact.

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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-93. 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, stature, or other provision of law.

(b) The requirements of this chapter 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-94. 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.

(b) Any powers granted or duties imposed upon the executive director of the authority or their designee may be delegated in writing to persons or entities acting in the beneficial interest of or in the employ of the authority.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-95. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article unless otherwise noted are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-96. Definitions.

(a) The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

(1) *Authority.* Jekyll Island Authority, its board of directors and staff.

(2) *As-built drawings.* Amended site plans specifying the locations, dimensions, elevations, capacities and operational capabilities of road and drainage structures and facilities as they have been constructed.

(3) *Best management practices (BMPs).* Structural devices to store or treat stormwater runoff or non-structural programs or practices both of which are designed to prevent or reduce the pollution of the waters of the State of Georgia and provide other amenities.

(4) *Buffer.* An area along the course of any state waters to be maintained in an undisturbed and natural condition.

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(5) *Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management Manual (GSMM).* The latest edition of all volumes of the CSS, a technical design supplement to the GSMM that was developed for coastal Georgia. The CSS addresses stormwater management practices and BMPs that are specific and applicable to coastal stormwater quantity and quality issues.

(6) *Construction.* Any alteration of land for the purpose of achieving its development of changing use, including particularly any preparation for, building of, or erection of a structure.

(7) *Cut.* A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

(8) *Design review group.* The Jekyll Island Design Review Group is established to review all proposed projects on Jekyll Island. In its review process, the group may at its discretion solicit additional technical assistance from other governmental agencies and or consultants for help in the review of each project.

(9) *Design storm.* The rainfall event of such size and frequency as described in the Georgia Stormwater Management Manual or Glynn County local design manual, which is used for the design of stormwater facilities.

(10) *Developer.* Any person who acts in his own behalf or as the agent of any lessee and engages in alteration of land or vegetation in preparation for construction activity.

(11) *Development.* Any action in preparation for construction activities which result in alteration of either land or vegetation other than such minor land disturbing activities as home gardens and individual home landscaping repairs or maintenance work which result in minor soil disturbance.

(12) *Discharge.* A general term applied to the removal of surface of subsurface water from a given area either by gravity or by pumping, commonly applied herein to surface water.

(13) *Drainage.* A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping, commonly applied herein to surface water.

(14) *Drainage structure.* Any stormwater conveyance structure as defined below, and any piping or ditching for stormwater management purposes.

(15) *Drainage system.* The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, retention facilities and the storm sewer system.

(16) *Erosion.* The process by which land surface is worn away by the action of wind, water, ice or gravity.

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(17) *Fill.* A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

(18) *Flood.* A temporary rise in the level of rivers, streams, lakes, marshes, groundwater, and ocean, which results in inundation of areas not ordinarily covered by water.

(19) *Floodplain.* Any land area susceptible to being inundated by flood waters from any source.

(20) *Georgia Stormwater Management Manual (GSMM).* The latest edition of all volumes of the GSMM, a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia.

(21) *Grading.* Altering ground surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

(22) *Hazardous materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, 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.

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(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 permit.* A permit issued by the U.S. Environmental Protection Agency (or by the State of Georgia under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(34) *Natural ground surface.* The ground surface in its original state before any grading, excavation or filling.

(35) *Nephelometric turbidity units (NTU).* Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

(36) *Non-stormwater discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.

(37) *Permit.* The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

(38) *Person.* Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of this state, any interstate body or any other legal entity.

(39) *Pollution.* The contamination or other significant alteration of any water's physical, chemical or biological properties, including, but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to render such waters harmful, detrimental or injurious to the public health,

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safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(40) *Pollutant.* Any impurity or waste material that degrades the physical, chemical, biological or radiological integrity of surface or subsurface waters.

(41) *Pretreatment.* The onsite reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in stormwater prior to or in lieu of discharging or otherwise introducing such pollutants into the publicly owned drainage system.

(42) *Project.* The entire proposed development project regardless of the size of the area of land to be disturbed.

(43) *Redevelopment.* A land development project on a previously developed site, but excludes ordinance maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

(44) *Right-of-way.* "Right-of-way" shall mean a strip or parcel of land occupied by or intended to be occupied by a street, crosswalk, pedestrian path, cart path, utility system, water main, sanitary sewer or storm drain sewer main, drainage ditches and watercourses or any other valid public use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a record or final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such other lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or other use involving maintenance by a public [agency, shall be dedicated or deeded to public] use by the maker of the plat on which such right-of-way is established.

(45) *Sediment.* Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

(46) *Sedimentation.* The action or process of forming or depositing sediment.

(47) *Stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(48) *Stormwater facility.* A facility which provides for storage of stormwater runoff and controlled release of this runoff during and after a flood storm.

(49) *Stormwater runoff.* The portion of a precipitation on the land which reaches the drainage system.

(50) *Stream.* Natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground.

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(51) *Structure.* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, tennis courts, fences, swimming pools, and buildings.

(52) *Subdivision.* Subdivision includes all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purposes, whether immediate or future, of sale, gift, or building development and includes all divisions or development of land involving a new street or a change in an existing street. It shall also include re-subdivision, the process of subdividing and the land or area subdivided; provided, however, divisions of land into parcels of five acres or more where no new street is involved are not included in this definition.

(53) *Watercourse.* Any natural or manmade conveyance channel, stream, river, creek, channel, ditch, swale, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which stormwater flows either continuously or intermittently and which has a definite channel, bed and banks, and including any areas adjacent thereto subject to inundation by reason of overflow or floodwater.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-97. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter 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 chapter.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-98—10-110. Reserved.

DIVISION 2. ILLICIT DISCHARGE PROHIBITION

Sec. 10-111. Purpose.

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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-112. Applicability.

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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-113. 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

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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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-114. 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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-115. 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.

(b) If the violator fails to comply with a suspension order issued in an emergency, the executive director or their designee may take such steps as deemed necessary to prevent or minimize damage to the drainage system or waters of the State of Georgia or of the United States, or to minimize danger to persons.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-116. Suspension due to the detection of illicit discharge.

(a) Any person discharging to the stormwater drainage system or watercourses in violation of this article may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge.

(b) The authority will notify a violator of the proposed termination of its stormwater drainage system access.

(c) A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this section, without the prior approval of the authority's designated representative.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-117. Access to facilities.

(a) This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(1) The authority's designated representatives shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authority.

(2) Facility operators shall allow authority personnel ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The authority's designated representatives shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the executive director or their designee to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The authority's designated representatives have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility 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 chapter or any order issued hereunder, or to protect the

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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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-118. Specification of best management practices (BMPs).

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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-119. Pollution prevention in new facilities.

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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-120. Pollution prevention in existing facilities.

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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-121. 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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-122. 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.

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(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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-123. 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 years.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-124. Enforcement.

Whenever the authority's designated representative finds that a person has violated a prohibition or failed to meet a requirement of this article, the authority's designated representative may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations shall cease and desist;

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(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) Payment of a fee to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

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

(c) Any person receiving a notice of violation may appeal the determination of the authority's designated representative. The notice of appeal must be received within ten days from the date of the notice of violation. Hearing on the appeal before the Executive Director of the Jekyll Island Authority shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the executive director shall be final.

(d) If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within ten days of the decision of the executive director upholding the decision of the authority's designated representatives, then representatives of the authority shall enter upon the subject lease and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow authority personnel or designated contractor to enter upon the premises for the purposes set forth above.

(e) Within 30 days after abatement of the violation by the authority, the responsible person will be notified of the cost of abatement, including administrative costs. The responsible person may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the reviewing authority or by the expiration of the time in which to file an appeal, the charges shall become a 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.

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(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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-125—10-140. Reserved.

DIVISION 3. POST CONSTRUCTION STORMWATER RUNOFF

Sec. 10-141. Purpose.

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 any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable; and

(4) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-142. Applicability.

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

(1) New development that involves the creation of 5,000 square feet or more of impervious cover, or that disturbs one acre or more of land;

(2) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;

(3) Any new development or redevelopment, regardless of size, that is defined by the authority to be a hotspot land use; or

(4) Land development activities that are smaller than the minimum applicability criteria set forth in items (1) and (2) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-143. Exempt activities.

The following activities are exempt from this article:

(1) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;

(2) Additions or modifications to existing single-family or duplex residential structures;

(3) Land management activities as approved by the authority; and

(4) Repairs to any stormwater management facility or practice deemed necessary by the authority.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-144. 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 chapter.

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(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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-145. Permit required.

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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-146. 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 this article 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-147. 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-148. 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.

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(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 chapter, the following items shall accompany a permit application: (i) stormwater management concept plan; (ii) record of a consultation meeting; (iii) stormwater management design plan; (iv) stormwater management system inspection and maintenance agreement and plan; (v) permit application and plan review fees; and (vi) 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;

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

(4) *Stormwater management design plan.* Subsequent to approval of the stormwater management concept plan, the owner or developer shall submit to the authority for review and approval by the DRG, a stormwater management design plan that how the proposed development project will meet the post-construction stormwater

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management and site planning and design criteria that apply to the development site. The stormwater management design plan shall include all of the information contained in the stormwater management concept plan, plus:

a. *Existing conditions hydrologic analysis:* The existing conditions hydrologic analysis shall include:

   i. Existing conditions map;

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

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

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

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

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

b. *Proposed conditions hydrologic analysis:* The proposed conditions hydrologic analysis shall include:

   i. Proposed conditions map;

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

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

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

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

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

c. *Post-construction stormwater management system plan:* The post-construction stormwater management system plan shall illustrate:

   i. Proposed topography;

   ii. Proposed drainage divides and patterns;

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iii. Existing and proposed roads, buildings, parking areas and other impervious surfaces;

iv. Existing and proposed primary and secondary conservation areas;

v. Plan view of existing and proposed low impact development and stormwater management practices;

vi. Cross-section and profile views of existing and proposed low impact development and stormwater management practices, including information about water surface elevations, storage volumes and inlet and outlet structures (e.g., orifice sizes);

vii. Plan view of existing and proposed storm drain infrastructure (e.g., inlets, manholes, storm drains);

viii. Cross-section and profile views of existing and proposed storm drain infrastructure (e.g., inlets, manholes, storm drains), including information about invert and water surface elevations; and

ix. Existing and proposed channel modifications (e.g., bridge or culvert installations).

d. *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 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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-149. 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 25 percent 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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-150. Waivers for providing stormwater management.

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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-151. Conditions of waiver.

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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-152. Mitigation requirements for waivers.

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.).

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-153. 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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-154. 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 developed inflow without overtopping the dam.

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

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

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

i. It includes green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, 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. It is designed to provide the amount of stormwater runoff reduction specified in the latest edition of the GSMM and CSS.

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

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

(3) *Water quality control.* In order to protect local aquatic resources from water quality degradation, post-construction stormwater runoff shall be adequately treated before it is discharged from a development site. Applicants can satisfy this criterion by satisfying the stormwater runoff reduction criteria. However, if any of the stormwater runoff volume generated by the RRv, as defined in the 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.

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

c. *Combination of measures:* Any combination of (a) through (c) above that is acceptable to the authority.

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

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

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

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

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

b. The authority may modify or waive this criterion on development sites where both the on-site and downstream stormwater conveyance systems are designed

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to safely convey the peak discharge generated by the extreme flood protection storm event to a receiving stream, tidal creek or other aquatic resource without causing additional downstream flooding or other environmental impacts, such as stream channel enlargement or degradation of habitat.

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

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

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

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-155. Notice of construction commencement.

(a) The applicant must notify the authority in advance before the commencement of construction so as to provide for scheduling of inspections. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions.

(b) The authority may issue a "stop work order" if the authority determines that the corrective actions will need to be made prior to continuance of other development activities on the site to ensure compliance with this article. In these cases, no added work shall proceed until any violations are corrected and all work previously completed has received approval by the authority.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-156. As built plans.

All applicants are required to submit electronic, geo-referenced "as built" plans for any stormwater management practices located on-site after final construction is completed in a format specified by the authority. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the authority is required before the release of any performance securities can occur.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-157. Maintenance covenants.

(a) Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the authority and recorded into the land record prior to final plan approval.

(b) As part of the covenant, a schedule shall be developed for when and how often 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-158. Records of installation and maintenance activities.

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 years. These records shall be made available to the authority during inspection of the facility and at other reasonable times upon request.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-159. 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Secs. 10-160—10-170. Reserved.

DIVISION 4. VIOLATIONS, PENALTIES AND ENFORCEMENT

Sec. 10-171. Unlawful conduct.

It shall be unlawful for any person to commence or conduct any development activity contrary to this chapter.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-172. Notice of violation.

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 property. The notice of violation shall contain:

(1) The name and address of the owner or applicant.

(2) The address when available or a description of the building, structure or land upon which the violation is occurring.

(3) A statement specifying the nature of the violation.

(4) A description of potential remedial measures necessary to bring the development activity into compliance with this article and a time schedule for the completion of such remedial action.

(5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

(6) A statement that the determination of violation may be appealed to the authority by filing a written notice of appeal within 15 days of service of notice of violation.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-173. Stop work orders.

(a) Persons receiving a notice of violation may be required to halt all construction activities. This "stop work order" will be in effect until the authority confirms that the development activity is in compliance and the violation has been satisfactorily addressed.

(b) Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this article.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-174. Civil and criminal penalties.

(a) In addition to or as an alternative to any penalty provided herein or by law, 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

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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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-175. Restoration of lands.

(a) Any violator may be required to restore land to its undisturbed condition.

(b) In the event that restoration is not undertaken within a reasonable time after notice, the authority may take necessary corrective action, the cost of which shall be recovered from the violator.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-176—10-180. Reserved.

ARTICLE IV. NOISE

Sec. 10-181. Penalties.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be fined or imprisoned as shall be provided and stipulated by law. A separate offence shall be deemed to have been committed each day during or upon which a violation occurs or it permitted to continue.
(Code 1981, § 8-104; Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-181. Regulations generally.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive or unreasonably loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort to any reasonable person of ordinary sensitivity residing within the authority limits.
(Code 1981, § 8-101; Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-182. Prohibited.

The following acts are declared to be loud, disturbing noises in violation of this article, but said enumeration shall not deemed to be exhaustive:

(1) *Motor vehicle horns.* The sounding of any horn on an automobile, motorcycle, or other motor vehicle on any street, or public place of the island except as a warning signal.

(2) *Radios, television sets and similar devices.* The using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to reasonably disturb the peace, quiet, and comfort of neighboring residents.

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(3) *Loudspeakers and amplifiers.* The using or operating of any loudspeaker or sound amplifying device mounted upon any vehicle within the authority limits for the purpose of broadcasting or advertising any information about any business or activity for any other purpose.

(4) *Construction equipment and activity.* The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads, or projects within the authority limits between the hours of 10:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the executive director.

(5) *Exhausts.* The discharging into the open air of the exhaust of any internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) *Animals and birds.* The keeping of any animal or bird which by frequent or continuous barking, chirping, or other means of communication unreasonably disturbs the comfort or repose of the residents of any residential neighborhood.

(7) *Vehicle repair in residential areas.* The repairing, rebuilding, or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such manner as to reasonably disturb the peace, quiet, and comfort of the residents of the area.

(8) *Schools and churches.* The creating of any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use, or adjacent to any hospital which unreasonably interferes with the workings of such institution, provided conspicuous signs are displayed in such streets indicating that same is a school or church street.

(9) *Hawkers and peddlers.* The selling of anything by outcry within the residential areas of the island, except at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events.

(10) *Drums.* The using of any drum or other instrument or devise for the purpose of attracting attention by the creation of noise upon the island.

(Code 1981, § 8-102; Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-183. Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this article:

(1) Noises of safety signals and warning devises.

(2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

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(3) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

(Code 1981, § 8-103; Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-184. Injunctions.

The operation or maintenance of any device, vehicle, or machinery in violation of any provision of this article which causes unreasonable discomfort to reasonable persons of normal sensitivities or which endangers the comfort, repose, health, or peace of residents of the island shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Code 1981, § 8-105; Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-185—10-190. Reserved.

ARTICLE V. BEACH AND RESOURCE PROTECTION

Sec. 10-191. Jekyll Island State Park Rules and Regulations.

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 10-192.

(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.

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(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.

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(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.

a. Anticoagulant rodenticides are known to be injurious or fatal to wildlife priority species identified in the Jekyll Island Conservation Plan and are specifically prohibited from use within the park.

(16) *Metal / mineral detecting.* Use of a mineral or metal detector, magnetometer, side scan sonar, sub-bottom profiler, magnet, or any other device for the detection of metals, minerals, artifacts, or lost articles or for treasure hunting is prohibited. This paragraph does not apply to:

a. A device broken down and stored or packed to prevent its use while in site areas.

b. Electronic equipment used only for the navigation and safe operation of boats or the detection of fish.

c. Equipment used for authorized scientific or administrative activities. Pest control on leased property. When necessary to maintain safe and sanitary and conditions for lessees, their employees, and their guests, removal of pest or nuisance 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 non-target wildlife.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-192. State beaches, rules and regulations.

All persons entering upon the public beaches, dunes, or structures erected thereon, within Jekyll Island shall comply with the following rules and regulations, and failure to do so shall constitute a violation of this article:

(1) *Placement of litter.* It is prohibited to throw, place, deposit, sweep or scatter, or cause to be thrown, placed, deposited, swept, or scattered, any paper, food, cigarette butts, bottles, cans, trash, fruit peelings or other refuse upon the beaches or structures erected thereon. Beach goers must have all of their trash securely contained at all times.

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(2) *Glass or fragile containers.* It is prohibited for any person to take or carry upon the beaches or structures erected thereon any glass or fragile containers.

(3) *Internal combustion engines.* It is prohibited for any person to possess or operate any generator, tool, or device that utilizes an internal combustion engine upon the beaches, dunes, or structures erected thereon except for authorized activities conducted by or for a state or local government entity.

(4) *Disturbing dune vegetation.* It is prohibited for any person to pick, gather, remove, or otherwise disturb the vegetation present on sand dunes, including sea oats, or walk in the dunes.

(5) *Pets.*

a. It is prohibited for pets to be off leash or running free on the beaches and dunes of Jekyll Island at any time. To protect nesting sea turtles and 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.

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(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 lanterns and flashlights that produce light not less than 560 nanometers wavelength from May 1 to October 31 of each year.

(13) *Unattended and abandoned property.* No personal property of any kind shall be abandoned or left unattended on the beaches or dunes. Unattended personal property shall be presumed to be abandoned after a period of 12 hours, or at any time after dark.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-193. Wildlife protected.

(a) It shall be unlawful to intentionally feed, trap, shoot, capture, take, or attempt to feed, trap, shoot, capture, take, harass, or molest in any manner any wildlife within public areas inside the boundaries of the park under the ownership, custody or control of the authority that would result in injury or destruction of said wildlife, or to intentionally damage the habitat or the nest of any such wildlife species; provided, this section will not operate to prohibit the collection of fiddler crabs, mud minnows and similar bait species for recreational fishing purposes provided such collection is carried out in accordance with applicable federal, state, and local law.

(b) It shall be unlawful to relocate or transport any living keyhole urchins (commonly known as "sand dollars"), butterflies, or fireflies, within the boundaries of the Park or to remove such animals from the park.

(c) For purposes of this article, the term "wildlife" shall have the same meaning as provided in O.C.G.A. § 27-1-2.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-194. Exceptions to rules.

(a) Notwithstanding the prohibitions of sections 10-193(a) and 10-193(b) of this article, the authority may authorize a holder of a valid license, permit, or stamp issued by the department of natural resources pursuant to O.C.G.A. tit. 27 or a permit issued pursuant to

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Section 10 of the Endangered Species Act to conduct scientific or conservation-related activities authorized under such license, permit or stamp where the authority determines such activities are in accordance with the objectives of the authority's conservation plan.

(b) The restrictions in this article do not apply to contractors, concessionaires, permittees, or employees of the authority or of other government entities authorized to conduct scientific or conservation-related activities in accordance with the objectives of the authority's conservation plan or other temporary activities or impacts pursuant to the authority's permission; provided the impacted areas are restored to at least the pre-impact conditions following the completion of such permitted activities or impacts. Nor shall these restrictions be construed to prevent emergency personnel or other duly authorized officials from responding promptly and effectively to threats to life, limb, or public health.

(c) Nothing contained in this article shall be construed as prohibiting recreational or commercial fishing, shrimping, crabbing, shellfish harvesting, or the limited capturing of "passage" peregrine falcons as regulated and permitted by the department of natural resources pursuant to O.C.G.A. tit. 27.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-195. Enforcement.

(a) The members of the uniform division of the department of public safety and the duly authorized agents of the authority shall have the authority to enforce the provisions of this article.

(b) It shall be unlawful for any person to violate the provisions of this article or to refuse the lawful orders of any person authorized to enforce the provisions of this article.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-196. Penalty for violation.

Penalty generally. Any person found in violation of any provision of this article 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) Where the basis for a violation is the disturbance of land or the removal of vegetation occurring on authority property that is identified as conservation priority area in the authority's conservation plan, the fine per violation will not exceed $1,000.00;

(2) Where the basis for a violation is the disturbance of land or the removal of vegetation occurring on all other areas of suthority property, the fine per violation will not exceed $500.00 per violation;

(3) The fine for a violation of section 10-192(a)(5) of this article pertaining to pets shall not exceed $200.00 for the first offense within a 12-month period and $400.00 for each subsequent offense occurring within a 12-month period of a preceding offense;

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(4) The fine for violating section 10-192(a)(1) shall not exceed $300.00 for a first offense, $600.00 for a second offense, and $1000.00 for a third or subsequent offense. Each instance of littering shall constitute a separate offense.

(b) In addition to the enforcement of this chapter by citation or accusation, the authority may take any action not prohibited by law to prevent or remediate a violation or threatened violation of this chapter, 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.

(c) Nothing herein contained shall prevent the authority from taking such other lawful actions as is necessary or prudent as determined by the authority in its discretion to prevent or remedy any violation or threatened violation of this article.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-197—10-210. Reserved.

ARTICLE VI. BEACH LIGHTING

Sec. 10-211. Definitions.

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

(1) *Artificial light* or *artificial lighting* means the light emanating from any manufactured device.

(2) *Beach* means the zone of sand from the low water mark of the ocean to the landward toe of the frontal dune. In cases with no identifiable frontal dune, beach means the zone of sand from the low-water mark of the ocean to the landward extent of sparsely vegetated sand.

(3) *Cumulatively illuminated* means illuminated by more than one artificial light sources that collectively illuminate any portion of the beach.

(4) *Directly illuminated* means an area illuminated as a result of glowing elements, lamps, globes or reflectors of an artificial light source, which is visible to an observer on the beach.

(5) *DNR* means the Georgia Department of Natural Resources - Wildlife Resources Division which is responsible for conserving and protecting wildlife species, including sea turtles.

(6) *Dune* means a natural or manmade mound or bluff of sand deposited along a coastline by wind action, which mounds are often covered with sparse, pioneer vegetation and are located landward of the ordinary high-water mark and may extend to the tree line.

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(7) *Frontal dune* means the seaward-most dune on the nesting beach and which has sufficient vegetation, height, continuity, and configuration to offer significant protective value of landward areas.

(8) *Ground-level barrier* means any vegetation, natural feature or artificial structure rising from the ground, which obstructs beachfront lighting from illuminating the beach-dune system.

(9) *Hatchling* means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

(10) *Indirectly illuminated* means an area illuminated as a result of the glowing elements, tamps, globes or reflectors of an artificial light source, which is not visible to an observer on the beach.

(11) *Landward toe* means the lowest elevation of the landward side of the frontal dune.

(12) *Nest* means an area where sea turtle eggs have been naturally deposited or subsequently relocated.

(13) *Nesting beach* means any beach capable of supporting sea turtle nests as determined by available data or any beach location where natural changes or engineered and permitted activities have created the potential for sea turtle nesting as determined by DNR. The authority may post a map of each year's nesting beaches on its website in advance of nesting season to identify the location of nesting beaches for that year's nesting season in consultation with DNR.

(14) *Nesting season* means the period of time between May 1st and October 31st of each year. The authority, in consultation with DNR, may declare an end to the period of local regulation prior to October 31st of each year after the last remaining nest on Jekyll Island has been inventoried pursuant to DNR's nesting protocols. Such a declaration would only apply to the beaches of Jekyll Island and pertain to this chapter specifically.

(15) *Nighttime* means the locally effective time period between sunset and sunrise.

(16) *Nonnesting beach* means any beach that is not a nesting beach.

(17) *Person* means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, or other legal entity, and all other groups or combinations thereof.

(18) *Private balcony* means a balcony or porch that is not considered a point of ingress and egress in local building code.

(19) *Sea turtle (marine)* means any marine-dwelling reptile of the families Cheloniidae or Dermocheiyidae found in state waters or using the beach as a nesting habitat, including the following species: Caretta (loggerhead), Chelonia mydas (green), DermocheSys coriacea (leatherback), Eretmocheiys imbricatta (hawksbill), and Lepidochelys kempii (Kemp's Ridley). For purposes of this ordinance, sea turtle is synonymous with marine turtle.

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(20) *Tinted glass* means any glass treated to achieve an industry-specified, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-212. Purpose and intent.

This article is intended to protect sea turtles on nesting beaches by averting adverse effects of artificial lighting during nesting season. Furthermore, this article is intended to avoid degradation in sea turtle nesting habitat due to light pollution and promote successful nesting activity and production of hatchlings.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-213. Prohibition of beachfront artificial lighting.

It shall be unlawful for a person to allow artificial light to directly, indirectly, or cumulatively illuminate the nesting beaches of Jekyll Island, including frontal dunes, during nighttime throughout the sea turtle nesting season, unless such lighting complies with the standards set forth in sections 10-117 and 10-118.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-214. Standards for permitted beachfront lighting on nesting beaches.

Beachfront artificial lighting is permitted on nesting beaches during the sea turtle nesting season at nighttime only under the following conditions:

(1) All artificial light fixtures, whether exterior or interior, shall be designed and positioned so that:

a. The point source of light, such as the bulb, fluorescent tube, or diode, or any mirrored reflective surface of the light fixture is not directly visible from the beach;

b. The beach is not directly or indirectly illuminated; and

c. The beach is not cumulatively illuminated.

(2) One or more of the following measures could be used as necessary to eliminate direct, indirect and cumulative beach illumination resulting from the interior light emanating from doors and windows that can be seen by an observer on the beach:

a. Position lamps and other moveable light fixtures away from windows;

b. Use window treatments to shield interior lights from the beach and, during the nesting season, draw operable coverings each night; or

c. Turn off unnecessary lights.

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(3) Exterior artificial light fixtures that can be seen by an observer on the beach shall be designed and oriented such that:

a. The point source of light, such as the bulb, fluorescent tube, or diode, or any mirrored reflective surface of the light fixture is not directly visible from the beach;

b. Fixtures are completely shielded by an opaque material blocking direct view of bulbs or diodes from the beach;

c. Fixtures project light in a downward direction only.

(4) Exterior artificial light fixtures which are prohibited from producing light that can be seen by an observer on the beach include the following:

a. Lighting that is decorative in purpose and intent.

b. Any light fixture that projects light in an upward direction.

c. Any light fixture that directly illuminates vegetation, buildings, trees, or other objects that can be seen by an observer on the beach.

d. Dune crossover lights.

e. Tree mounted lights placed higher than 15 feet above the ground surface.

(5) The only lamps/tubes/bulbs/diodes or other light sources that may be used in exterior light fixtures producing light that can be seen by an observer on the beach include:

a. Low-pressure sodium (LPS, 18 watts, 35 watts).

b. Amber or red LEDs producing light wavelengths not less than 560 nanometers).

c. Any lamp/bulb authorized by the DNR.

d. True red neon.

e. Other lighting sources that produce light wavelengths not less than 560nm.

(6) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional roles and must comply with conditions set forth in this section. Motion detector switches, that keep lights off except when approached and that switch lights on for the minimum duration necessary for security and safety, are desirable.

(7) Private balcony lights may only be low-mounted, not to exceed the height of the railing around the balcony, fully-shielded from view from the beach, and produce light that does not directly or indirectly illuminate any surfaces, other than the associated balcony, that can be seen by an observer on the beach. Private balcony lights must comply with the conditions set forth in this section.

(8) Lamps, bulbs, tubes, or diodes used to illuminate parking areas and roadways must comply with conditions set forth in this section when producing light that can be seen by an observer on the beach.

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(9) Parking area and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to minimize vehicular headlights from directly or indirectly illuminating the beach.

(10) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence.

(11) Swimming pool and pool deck lights shall be turned off when the pool is closed unless required for safety and security. Swimming pool deck lights must comply with conditions set forth in this section. Underwater swimming pool lights shall be designed and installed so as to avoid illuminating any buildings, trees, or other objects that can be seen by an observer on the beach, if avoidance of such illumination is not possible, then the wavelengths emitted by the underwater pool lights shall not be less than 560nm. Swimming pool owners are encouraged to seek a variance from the Glynn County Department of Public Health in order to conform to these standards.

(12) Tinted glass shall be installed on all windows and glass doors of single or multistory structures constructed within line-of-sight of the beach.

(13) Temporary lighting of construction sites that can be seen by an observer on the beach during the sea turtle nesting season must comply with conditions set forth in this section.

(14) Prior to beachfront construction or renovation of any beachfront structure or facility, the lighting plan for the subject parcel, including during the construction phase, must be approved by the authority and the DNR sea turtle biologist (primary), state herpetologist (secondary), or other staff as assigned by DNR.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-215. Standards for permitted beachfront lighting on nonnesting beaches.

(a) Beachfront artificial fighting is permitted on nonnesting beaches during the sea turtle nesting season at nighttime, except such lighting is prohibited when it can be seen by an observer on any nesting beach.

(b) When artificial lighting can be seen by an observer on a nesting beach, all such artificial lighting must comply with conditions in subsections (1) through (11) of the standards set forth in section 10-214 above concerning nesting beaches.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-216. Prohibition of certain beach activities utilizing artificial lights and lighting affecting sea turtles.

(a) The following activities involving direct illumination of the beach are prohibited on nesting beaches, dunes, and frontal dunes at nighttime during the sea turtle nesting season for protection of nesting female sea turtles, nests, and hatchlings:

(1) The operation of all motorized vehicles or motorized machines, except for those vehicles that are necessary for authorized public safety, law enforcement, or

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protected-wildlife related activities. Authorized vehicles operating on the beach on a routine, non-emergency, basis must be equipped with forward facing lights, sufficiently bright for safe operation, producing light wavelengths not less than 560nm.

(2) Any source of open flame except handheld lighters.

(3) The use of lanterns, flashlights, or any other portable light source except those producing light wavelengths not less than 560nm.

(4) The use of fireworks unless approved by the authority and properly permitted under state and local law.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-217. Variances.

(a) Requests for variances to this article must be presented in writing to the authority. Such requests must state the rationale and must show how failure to receive a variance will cause an undue hardship on the requestor.

(b) The authority will confer with the DNR regarding any variance requested and shall respond in writing to each request subsequent to said consultation within ten days, unless DNR or the authority requests additional time for study, in which case the requestor shall be notified.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-218. Noncompliance and enforcement.

(a) The authority shall have the power to enforce the provisions of this article by all legal or administrative means.

(b) Each violation of any provision of this article shall subject the person committing the violation to a fine up to $500.00 plus costs and any or all penalties to be imposed at the discretion of the judge. Each day of any such violation shall constitute a separate and distinct offense.

(c) No permit may be issued by the authority to improve or expand any facility that is in violation of this ordinance unless such violation has been corrected.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-219—10-230. Reserved.

ARTICLE VII. GREENSPACE PRESERVATION

Sec. 10-231. Generally.

(a) *Purpose and intent.* The purpose of this article is to provide for the creation, preservation and maintenance of certain open spaces, including golf courses and related facilities, and other unimproved areas on Jekyll Island as greenspaces for low-impact

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recreational activities, wildlife habitats and natural resource conservation areas. It is the intent of the authority to permit and encourage recreational, educational, natural resource conservation uses and related activities within these areas while discouraging commercial and residential development that tends to detract from those uses and activities.

(b) *Findings.* The authority finds that creating and maintaining greenspaces provides a substantial benefit to the Jekyll Island State Park and supports the mission and purpose of the authority by:

(1) Increasing outdoor recreation, natural resource conservation, and educational opportunities for visitors and residents;

(2) Providing for connectivity and diversity of wildlife habitats;

(3) Alleviating vehicle congestion and facilitating community connectivity on Jekyll Island through increased pedestrian and cyclist routes;

(4) Promoting flood resilience and stormwater management by preserving the pervious, vegetated, and predominantly unimproved character of open spaces and unimproved lands;

(5) Reducing potential overdevelopment and addressing carrying capacity concerns by limiting designated areas to certain recreation and conservation uses and related improvements and structures; and

(6) Mitigating adverse impacts to water quality, soil stability, tree canopy and vegetative cover for the management of stormwater.

(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Sec. 10-232. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

(1) *Educational facility* means a public or private building or structure and any adjacent accessory use areas, the primary purpose or use of which is the offering of classes, services, programs or presentations of academic, scientific or technical education, instruction or research.

(2) *General recreation* means outdoor activities and uses fostering constructive, restorative, and pleasurable human health benefits and requiring minimal facilities and impacts to cultural, environmental, or scientific values within the recreational area, including, for example, running, walking, hiking, cycling, picnicking, fishing, organized or individual sports and games, wildlife observation and related improvements, facilities and structures.

(3) *Golf course* means areas of land, including supporting and related buildings, equipment, facilities, improvements and structures, that are designed and used primarily for the game of golf in a series of holes each including at minimum a tee, fairway and putting green.

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(4) *Greenspace* means lands and waters characterized predominantly by open or unimproved vegetated areas, inclusive of any supporting or accessory structures and facilities, that are set aside for aesthetic, cultural, ecological, environmental, recreational, or social purposes.

(5) *Natural resource management* means the passive or active management, study, conservation, cultivation, preservation and restoration of native plant and wildlife species and habitats through methods that may include, but are not limited to, planting, invasive species control, mowing, prescribed fire, and topographic or hydrologic engineering.

(6) *Public utility facility* means any equipment, improvement, structure, system or device used to provide water, sanitary sewer, electric power, natural or propane gas, or similar utility services by an entity that provides a municipal or public utility service, regardless of whether such entity is regulated by the Georgia Public Service Commission, including without limitation, any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, transformer station, relay substation or similar structure.

(7) *Special event* means a public or private gathering of limited duration including without limitation, art exhibitions, banquets, business meetings, competitions, festivals, music concerts, fundraisers, parties, receptions, theatrical performances, shows, sporting events, weddings and similar events.

(8) *Telecommunications facility* means any equipment, system or device used to transmit, receive, produce or distribute a signal for telecommunications purposes via wireline, electronic or optical means, including without limitation cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, and similar related equipment and devices.

(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Sec. 10-233. Creation of greenspace preservation district.

There is created a greenspace preservation district (the "GP district") within Jekyll Island. The GP district boundaries are more particularly shown on Figure 1 of this article:

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(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

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Sec. 10-234. Prohibition on uses and improvements within the GP district.

(a) No use, activity, improvement or structure will be permitted within the GP district except in accordance with this article.

(b) The prohibition contained in section 10-234(a) will not be construed to prohibit the commencement, creation, erection or maintenance of any use, activity, improvement or structure related to the game of golf.
(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Sec. 10-235. Permitted uses and improvements within the GP district.

The following uses shall be permitted within the GP district:

(1) General recreation;

(2) Golf courses;

(3) Greenspaces;

(4) Installation and maintenance of underground public utility facilities;

(5) Installation and maintenance of underground telecommunications facilities;

(6) Natural resource management.
(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Sec. 10-236. Conditional uses and improvements within the GP district.

(a) The following uses may be permitted by the authority within the GP district:

(1) Educational facility;

(2) Public utility facility, provided that any building or structure:

i. Will be enclosed by a fence or wall between six feet and ten feet in height above finished grade;

ii. Will be enclosed by a planted native vegetative buffer of not less than five feet in depth and six feet in height and suitably maintained throughout the duration of such use or facility; and

iii. Will not permit the storage of vehicles or heavy equipment.

(3) Special events; and

(4) Telecommunications facility.

(b) Application for conditional uses and improvements. Any person desiring to conduct any use or make any improvement listed in section 10-236(a) within any portion of the GP district must first submit to the authority an application for such use or improvement on such forms as the authority may require along with a reasonable application fee as established from time to time by the authority in its discretion, such fee not to exceed $500.00 per application. In evaluating such application, the authority will consider, in

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addition to any customary criteria for evaluating event requests on Jekyll Island, the impact of the proposed use, activity or improvement on the GP district and its suitability in light of the purposes and intent of this article.
(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Sec. 10-237. Authorized uses subject to applicable laws.

(a) Any uses, activities, improvements and structures authorized pursuant to sections 10-235 and 10-236 of this article will be subject to all applicable laws, including these ordinances and the Jekyll Island Master Plan, and additional conditions, rules or regulations established or amended by the authority from time to time. Nothing in this article shall operate to relieve any person of the obligation to obtain any approval, certification, license, permit or similar authorization required or otherwise provided for by applicable laws.

(b) Nothing in this article shall limit or otherwise affect any right of the authority, or any concessionaire, lessee, licensee, vendor or other designee of authority, to charge and collect fees related to its programs or services not prohibited by applicable laws, including without limitation, cart rental fees, greens fees, parking fees, tour fees, user fees and any other fees or charges.

(c) Nothing in this article shall operate to alter, amend, modify or convert any designations or uses of lands established by the Jekyll Island Master Plan nor any authorizations, rights or obligations of the authority respecting the same.
(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Sec. 10-238. Violations, penalties and enforcement.

(a) It shall be unlawful for any person to knowingly make use of or impact any portion of the GP district except in accordance with this article and with the terms and conditions of any written authorization or approval issued pursuant to this article.

(b) Any person found in violation of any provision of this article 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, plus costs and any non-monetary penalties, to be imposed at the discretion of the judge or as otherwise provided by law. Each day such violation continues shall be a separate offense.

(c) Members of the uniform division of the department of public safety and individuals designated by the authority may enforce the provisions of this article by citation as provided generally for the prosecution of these ordinances.

(d) Nothing herein contained shall prevent the authority from taking such other actions it determines necessary or prudent in its discretion to prevent or remedy any violation or threatened violation where such actions are not prohibited by applicable laws. The authority

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shall also have the right to enforce compliance with the provisions of this article by all legal or administrative means, including without limitation, by filing an action in any court of competent jurisdiction to enjoin such unauthorized use or improvement.

(e) No authorization or approval for any use or improvement permitted under section 10-127(a), nor any expansion or modification of any such authorization or approval, may be issued to any person in violation of applicable laws, including these ordinances, unless and until such violation has been corrected.
(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Sec. 10-239. Severability.

The provisions of this article are severable, and if any of its provisions shall be held unconstitutional, illegal or otherwise unenforceable by any court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions. Insofar as the provisions of this article are inconsistent with the provisions of any other ordinance, the provisions of this article shall control within the GP district.
(Ord. No. O-2022-2, § 1(Att. 1), 10-18-2022)

Secs. 10-240—10-250. Reserved.

ARTICLE VIII. CLEAN COMMUNITY

Sec. 10-251. Short title.

This article shall be known and may be cited as the "Clean Community Ordinance."
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-252. 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 chapter is intended to provide for the uniform prohibition of any and all littering on public or private property.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-253. Definitions.

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.

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(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 meeting, theatrical performance, exhibition, or event of any kind, when it is held or given or takes place in connection with the dissemination of information, provided, however, that nothing contained in this section shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by law of this state or under any ordinance of Jekyll Island; or

d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes for the private benefit and gain of any person so engaged as an advertiser or distributor.

(4) *Contagious disease:* An infectious disease that is transmitted by contact with an infected individual or infected bodily discharges or fluids, by contact with a contaminated surface or object, or by ingestion of contaminated food or water.

(5) *Litter:* All forms of discarded or abandoned materials including, but not limited to, sand, gravel, slag, rubbish, waste material, tin cans, refuse, garbage, trash, debris, plastic decorations including artificial flowers or flower petals, animal waste, bottles, glass, cans, boxes, containers, unclaimed papers or paper products, all tobacco products, tires, appliances, furniture, tree and landscape materials, grass trimmings, leaves, mechanical equipment or parts, building or construction materials, wooden pallets, tools, machinery, wood, motor vehicles and motor vehicle parts or equipment, vessels, aircraft parts equipment, waste oil, batteries, antifreeze, sludge, or any other discarded material or substance of every kind and description.

(6) *Industrial waste:* All waste, including solids, semisolids, sludge and liquids, created by factories, processing plants or other manufacturing concerns.

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(7) *Discard:* To get rid of as unwanted any physical material, substance or thing which has been left, dropped, placed, thrown, dumped or otherwise disposed of in a manner or place that does not reasonably suggest an intent to preserve, protect or retain the use or possession of that which is left.

(8) *Disposal site:* A location for the final disposal of solid waste, putrescible waste, hazardous waste or other waste, except this term shall not be deemed to include land or a facility used for the disposal of solid waste or other waste from a single-family dwelling by the owner, occupant or lessee thereof.

(9) *Garbage:* The by-product of animal or vegetable food resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odor, or which during or after decay may serve as breeding areas or feeding material for flies, insects or animals.

(10) *Jekyll island:* A political subdivision of the State of Georgia, as defined in O.C.G.A. § 12-3-241.

(11) *Hazardous refuse:* Materials that are harmful to humans, animals, or environmental health, such as poisons, acids, caustics matter or solutions, chemicals, infected materials, offal, fecal matter, explosives, sewage sludge, radioactive materials and highly flammable substances.

(12) *Junked vehicle:* Any automobile, truck, van, boat, or trailer of any kind or type that is abandoned, wrecked, dismantled, partially dismantled, inoperative, or without a current and valid vehicle registration tag or otherwise illegal.

(13) *Newspaper:* Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine, regularly published with not less than four issues per year and sold to the public.

(14) *Noncommercial handbill:* Any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(15) *Nuisance:* A nuisance shall mean any condition which tends to the immediate annoyance of the public in general, or is manifestly injurious to the public health, or safety. A nuisance includes, but is not limited to, the keeping, depositing, or scattering on or over the property of dead animals, stagnant water, decayed vegetables or fruits, filthy privies, unkept stables, junk, trash, litter, or debris, or any dilapidated furniture, appliance, machinery, equipment, building material, junked

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vehicle, boat, or other item which is either in a wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building or a dwelling, or anything having an offensive odor.

(16) *Park:* A park, reservation, playground, beach, recreation center or any other public area in Jekyll Island, owned or used by Jekyll Island and devoted to active or passive recreation.

(17) *Person:* An individual, firm, company, partnership, corporation, association, institution, or other legal entity.

(18) *Public or private property:* The right-of-way of any road, street, highway, alley, or thoroughfare; any body of water or watercourse, including any river, channel, ditch, canal, stream, and marshland; any tidal or coastal water or the shores or beaches thereof; any park, playground, sidewalk, or public building and the grounds thereof; any refuge, conservation, or recreation area; any residential, private, or farm properties; any timberlands or forests; any dumpsters or litter receptacles; and any other site, place, or location of every kind and description.

(19) *Vehicle:* Every device in, upon or by which any person or property is or may be transported or drawn upon a road, a waterway, or used upon stationary rails or tracks.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-254. Littering.

(a) It shall be unlawful for any person or persons to dump, deposit, throw, leave, discard, place, discharge, dispose, drop or to cause or permit the dumping, depositing, placing, throwing, leaving, discarding, discharging, disposing, or dropping of litter on any property on Jekyll Island or the waters of Jekyll Island, unless:

(1) The property is designated by the authority or an agency of the State of Georgia for the disposal of litter and the person is authorized by the proper public authority to use such property; or

(2) The litter is placed into a litter receptacle or container installed on the property and the person is authorized or permitted to place litter in such litter receptacle or container.

(b) Whenever litter is thrown, deposited, dropped, discarded, discharged, disposed, or dumped from any motor vehicle, boat, aircraft, or other conveyance in violation of this section, or any other section of this division regarding littering, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that the operator of the conveyance has violated subsection (a) of this section or the relevant section regarding littering.

(c) Except as provided in subsection (b) of this section, whenever any litter which is dumped, deposited, thrown, left, discarded, placed, discharged, disposed, or dropped on public or private property in violation of this section, or any other section of this division

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regarding littering, is discovered to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated subsection (a) of this section or the relevant section regarding littering.

(d) No person shall drive or move any truck or other vehicle within Jekyll Island unless such vehicle is so constructed or loaded as to prevent any loads, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within Jekyll Island the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, concrete, liquid wastes, paints, or hazardous substances, litter or foreign matter of any kind.

(e) No person shall drive or move any loaded truck or other vehicle within or upon any Jekyll Island roadway or any other public road within Jekyll Island unless such vehicle and the load therein are covered by canvas or other protective material providing complete coverage, properly secured, so as to prevent any load, contents or litter from becoming loose, detached or blown from the vehicle or from dropping or escaping from the vehicle during movement of the vehicle. No person shall drive or move a vehicle that is open to air such as truck beds, open-top or open-side sport utility vehicles, and convertibles with unsecured trash or litter being open to air, nor shall they operate a vessel upon the water within Jekyll Island with unsecured trash or litter being open to air.

(f) Construction site operators must control waste, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, at the construction site.

(g) It shall be unlawful to throw, place, deposit, sweep or scatter, or cause to be thrown, placed, deposited, swept, or scattered, any paper, food, cigarette butts, bottles, cans, trash, fruit peelings, plastic flower petals and decorations, balloons, or other refuse upon the beaches or structures erected hereon. Beach goers must have their trash in a container at all times.

(h) It shall be unlawful to release balloons, helium or otherwise, and/or heat or flame operated devices sometimes referred to as "sky lanterns," "Chinese lanterns," or "floating lanterns," to include, with regard to balloons or lanterns, helium, foil, mylar, or "bio-degradable" devices or items from any location on Jekyll Island, including the beach, structures on the beach and waters adjacent thereto, and such activity shall be classified as "littering" and subject to the prohibition herein.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-255. Placement of litter in receptacles so as to prevent scattering.

(a) Persons placing litter in public receptacles or in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public or private property.

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(b) If a public trash or recycling receptacle is full, persons are responsible for finding another lawful place to dispose of litter properly.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-256. Maintenance of general property.

(a) The owner, occupant, or person in control of any private leasehold shall at all times maintain the premises free of litter; provided, however, this section shall not prohibit the storage of litter in authorized receptacles for collection.

(b) No person shall sweep into or deposit on any street, sidewalk, ditch, or gutter or into or adjacent to any drainage structure the accumulation of litter from any building or property.

(c) No persons shall sweep, blow or dump litter, leaves or other yard waste unto ditches, gutters, streets, sidewalks, roadsides, parks, or unto others' leaseholds.

(d) No person leasing or occupying a place of business shall sweep into or deposit in any gutter, street, ditch, or other public place within Jekyll Island the accumulation of litter from any building or lot or from any public or private road, sidewalk or driveway.

(e) Persons owning or occupying places of business within Jekyll Island shall keep their business premises free of litter.

(f) Merchants are required to use their own trash receptacles, unless otherwise arranged by written agreement with the authority.

(g) Beach village merchants shall not use trash disposal, compactor, or recycling facilities at or adjacent to beach village for the disposal of trash or refuse generated outside of their beach village premises.

(h) Trash must be collected from the location it is generated and shall not be moved from one location to another if trash collection is available at the location where the trash is generated.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-257. Special refuse disposal.

(a) *Contagious disease refuse.* The removal of clothing, bedding or other refuse from places where highly infectious diseases have prevailed shall not be placed in receptacles or bulk containers for regular collection. The producers of pathological wastes, or the owners of premises upon which pathological waste is produced shall arrange for disposal of such waste adhering to all federal, state and local laws.

(b) *Disposal of needles or hypodermic instruments.* Any person who uses, disposes of, or discards any hypodermic syringes, hypodermic needles, or devices for making hypodermic injections shall be required to dispose of these instruments into containers that are puncture resistant, leak proof on the bottom and sides, sealable, labeled and color coded as biohazardous materials. Any person who uses disposable needles shall be required to dispose

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of these in containers that are rigid, puncture resistant and leak proof, and which are taped closed or tightly lidded to completely contain the contents therein and prevent any spillage. Said containers shall be disposed of in a manner that adheres to all federal, state and local laws.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-258. Property management.

Within Jekyll Island State Park:

(a) It shall be unlawful for any person having an ownership or leasehold interest in property, having a contractual obligation to manage property, or occupying property for any purpose, including vacant lots or land, in such a way as to allow trash, garbage, litter, or miscellaneous refuse to accumulate or otherwise go uncollected.

(b) It shall be unlawful for any person having a leasehold interest in property, having a contractual obligation to manage property, or occupying property, to create, commit, conduct, promote, facilitate, permit, fail to prevent, let happen, or to allow to remain any nuisance in or on such property.

(c) Restaurants and other food establishments, including convenience stores, shall maintain at all times on their premises sufficient receptacles for the disposal and containment of trash, garbage, and miscellaneous refuse. It shall be the responsibility of these establishments to also ensure that the disposal and containment area(s), including all back-of-house areas, such as compactor enclosures, remain free from litter at all times.

(d) Dispersed litter, garbage, and miscellaneous refuse occurring anywhere on leased property or originating on leased property shall be the responsibility of the lease holder or occupant to promptly collect regardless of the means of dispersal, whether that be littering by clients or guests, wind, water, wildlife, or other causes.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-259. Abandoned motor vehicles.

It shall be unlawful to abandon any motor vehicle as provided in O.C.G.A. § 40-11-1.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-260. Commercial and non-commercial hand bills placement and disposal.

(a) No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within Jekyll Island.

(b) No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle.

(c) It shall be unlawful for any person to direct, order or instigate the placing of commercial or noncommercial handbills in violation of the section. Furthermore, in the prosecution for the violation of these sections, the fact that a person, a product or a place of

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business is advertised on a commercial or noncommercial handbill shall be prima facie evidence that the person advertised, or the proprietor 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-261. Posting notices prohibited.

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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-262. 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 30 days after receipt of written notice or if the same is returned to the post office

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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 littler as provided by this section 10-262 and the enforcement of this article by citation or accusation as provided by section 10-263 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-262nalties.

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 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 $1,000.00 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.

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(5) The judge of the magistrate court may publish the names of persons convicted of violating this chapter.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-264. Solid waste collection practices.

(a) The following practices and procedures shall be employed in order to facilitate the collection of solid wastes:

(1) *Solid waste fee.* There is assessed upon every occupied leasehold a fee for providing solid waste collection and disposal, recycling, and yard waste collection to be charged to each leaseholder in an amount to be set by the Jekyll Island Authority each year.

(2) *"Back-door" service required for rental properties.* Property used for any part of the year as a vacation rental must be enrolled in the "back door" service program for trash/recycling pickup continuously during the term licensed for property rental.

(3) *Refuse.* All refuse and recycling shall be placed and maintained in containers provided by the authority or their contract hauler. All containers shall be maintained at all times with tight-fitting lids or covers.

(4) *Placement of cans.* There shall be no placing of garbage cans on the street side of real property unless the cans are fully screened from view.

(5) *Garbage.* All garbage placed in containers for collection shall first be drained of all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic material.

(6) *Injurious trash items.* All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.

(7) *Hazardous refuse and building materials.* No hazardous refuse or building materials shall be placed in any household receptacle at any time.

(8) *Yard trash.* Other than for scheduled collection, yard debris shall be not be allowed to accumulate in a gutter, ditch, or in the street.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-265. Prohibited activities.

The following activities are hereby declared to be unlawful and in violation of this article.

(1) *Blockage of drainage.* No person shall place any refuse, trash, refuse receptacles, or containers on, over or near any storm drain or drainage ditches, or so close thereto as to cause such material to interfere in any way with such drainage.

(2) *Unauthorized storage.* Any accumulation of refuse or trash items on or originating from any lot, property, premises, public streets, alley or other public or private place

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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 10-267 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 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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-266. 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.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

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Sec. 10-267. Severability.

Should any section, subsection, sentence, clause or phrase of this chapter, 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 chapter, 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-268. Emissions of gases, vapors and odors.

(a) No person shall cause, suffer, or allow any emissions of gases, vapors, or odors beyond the property line from which such emissions occur to be in sufficient quantities and of such characteristics and duration:

(1) As is or is likely to be injurious to:

a. The public welfare;

b. The health of human, plant or animal life; or

c. Property;

(2) Which interferes with the enjoyment of life and property.

(b) Detectable odors emitted from the following sources of emission are hereby declared to be objectionable per se:

(1) Ammonia, bleaching powder or chlorine manufacture.

(2) Asphalt manufacture or refining.

(3) Blood processing.

(4) Bag cleaning.

(5) Celluloid manufacture.

(6) Coal tar products manufacture.

(7) Compost heaps.

(8) Crematory.

(9) Creosote treatment or manufacture.

(10) Disinfectants manufacture.

(11) Distillation of bones, coal or wood.

(12) Dyestuff manufacture.

(13) Fat rendering.

(14) Fertilizer manufacture and bone grinding.

(15) Glue or gelatin manufacture.

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(16) Incinerator or reduction of garbage, dead animals, offal or refuse.

(17) Oiled rubber or leather goods manufacture.

(18) Paint, oil, shellac, turpentine or varnish manufacture.

(19) Paper and pulp manufacture.

(20) Rubber or gutta percha manufacture.

(21) Sauerkraut manufacture.

(22) Shoe-blackening manufacture.

(23) Soap manufacture.

(24) Stockyards.

(25) Sulphuric, nitric or hydrocrochloric acid manufacture.

(26) Tanning, curing or storage of hides or skins.

(27) Tar distillation or manufacture.

(28) Tar roofing or waterproofing manufacture.

(29) Any other air contaminant discharged into open air of a character and in a quantity which is detrimental to or endangers the public health.

(Code 1981, § 7-101; Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-269—10-280. Reserved.

ARTICLE IX. SEA LEVEL RISE RESILIENCE

Sec. 10-281. Title.

This article, as the same shall be amended from time to time, shall be known as the "Sea Level Rise Resilience Ordinance."

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-282. 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."

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(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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-283. 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 chapter 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

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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 chapter 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-284. Using sea level rise projection data.

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

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-285. Enhanced buffer requirements.

(a) To limit the exposure of future buildings and infrastructure, including new roads and utilities, all new construction shall take place at least 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 75 feet from the edge of the marsh.

(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 article if the applicant for the variance can establish the following:

(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.

(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.

(c) This buffer shall not apply to the following:

(1) The maintenance, repair, or renovation of existing buildings, infrastructure, or historic resources, as approved by the authority.

(2) The legally permitted construction of buildings or infrastructure approved by the authority but not yet constructed prior to this chapter taking effect.

(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.

(4) Land-management activities, maintenance of public green spaces and associated public facilities and services, and other activities not related to permanent construction.

(5) The construction of parks, trails, boardwalks, and other structures related to outdoor recreation, environmental education, or similar public pursuit.

(6) Temporary construction associated with events, film production, or other legally permitted purpose approved by the authority.

(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 variance request and demonstrate how failure to receive a variance will cause undue hardship on the applicant.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-286. Severability.

If any section of this code section is declared unconstitutional or otherwise invalidated by any court of competent jurisdiction, then it is expressly provided that the remaining portions of this section that are not so invalidated are severable and shall remain in full force and effect.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Secs. 10-287—10-300. Reserved.

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ARTICLE X. WATER CONSERVATION

Sec. 10-301. Outdoor water use restrictions.

It shall be unlawful for any owner or occupant to utilize water outdoors inconsistent with the mandatory watering schedule stated in the Rules for Outdoor Water Use O.C.G.A. § 391-3-30, adopted by the Georgia State Board of Natural Resources.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-302. Water use during non-drought conditions and during drought response level 1.

Outdoor watering for purposes of planting, growing, managing or maintaining ground cover, trees, shrubs or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.

(1) Outdoor watering for the establishment of new plant material for the first month and hand watering new trees for one year for the purpose of reforestation is exempt from these requirements.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-303. Water use during drought response level 2.

(a) General outdoor water use, other than exempted activities, shall occur only as follows:

(1) Odd-numbered addresses: outdoor water use is allowed on Thursdays and Sundays.

(2) Even-numbered and unnumbered addresses: outdoor water use is allowed on Wednesdays and Saturdays.

(b) Outdoor watering for purposes of planting, growing, managing or maintaining ground cover, trees, shrubs or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.

(1) Outdoor watering for the establishment of new plant material for the first month and hand watering new trees for one year for the purpose of reforestation is exempt from these requirements.

(c) Specific categories of outdoor water use. The outdoor water uses listed in O.C.G.A. § 391-3-30-.03(1)(b) shall be allowed.

(d) The following outdoor water uses shall not be allowed, except as provided below:

(1) Washing hard surfaces such as streets, gutters, sidewalks and driveways, except when necessary for public health and safety;

(2) Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls;

(3) Use of fire hydrants, except for the purposes of firefighting, public health, safety, or flushing;

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(4) Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf carts;

(5) Non-commercial washing, or pressure washing, of buildings or structures, except for immediate fire protection; and

(6) Charity, or non-commercial fund-raiser, car washes.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-304. Water use during drought response level 3.

(a) *General outdoor watering.* Outdoor irrigation for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, as described in O.C.G.A. § 391-3-30-.03(1)(a), is not permitted.

(b) Specific Categories of Outdoor Water Use allowed. The outdoor water uses listed in O.C.G.A. § 391-3-30-.03(1)(b) shall be allowed, subject to the following additional requirements:

(1) Irrigation of personal food gardens shall be conducted between the hours of 4:00 p.m. and 10:00 a.m., unless done using drip irrigation or soaker hoses. Irrigation of personal food gardens using drip irrigation or soaker hoses may be done at any time;

(2) Hand watering with a hose with automatic cutoff or handheld container may be conducted between the hours of 4:00 p.m. and 10:00 a.m.;

(3) Irrigation of athletic fields or public turf grass recreational areas may be conducted between the hours of 4:00 p.m. and 10:00 a.m., subject to the two days a week odd-even schedule described in drought response level 2;

(4) Irrigation of golf courses shall be conducted in accordance with the "Golf Irrigation Prediction and Estimation Worksheet" and only between the hours of 4:00 p.m. and 10:00 a.m., provided, however, irrigation of golf course greens may occur at any time of day;

(5) Use of reclaimed waste water by a designated user from a system permitted by the Division to provide reclaimed waste water shall not be allowed for general outdoor watering as described in O.C.G.A. § 391-3-30-.03(1)(a). It shall be allowed for any use described in O.C.G.A. § 391-3-30-.03(1)(b) subject to the limitations in O.C.G.A. § 391-3-30-.07(4)(b);

(6) Installation, maintenance, or calibration of irrigation systems is allowed, provided that it is done by professional landscapers or golf course superintendents.

(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Sec. 10-305. Violations, penalties and enforcement.

(a) Any person found in violation of any provision of this article 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.

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(b) In addition to the enforcement of this chapter by citation or accusation, the authority may take any action not prohibited by law to prevent or remediate a violation or threatened violation of this chapter, 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.
(Ord. No. O-2022-1, § 4(Att. 4), 6-21-2022)

Chapter 12

FIRE PREVENTION AND PROTECTION*

Article I. Generally

Sec. 12-1. Purpose.
Sec. 12-2. Definitions.
Sec. 12-3. Adoption of fire codes by reference.
Sec. 12-4. Powers of the Jekyll Island Fire Department.
Secs. 12-5—12-25. Reserved.

Article II. Regulations

Sec. 12-26. Open burning.
Sec. 12-27. Emergency burn ban.
Sec. 12-28. Fire protection and suppression services fee.
Sec. 12-29. False alarms.
Sec. 12-30. Required permits and reports.
Sec. 12-31. System and device requirements.
Sec. 12-32. Installation of fire protection equipment.
Sec. 12-33. Penalties and enforcement.
Secs. 12-34—12-55. Reserved.

Article III. Fuel Storage

Sec. 12-56. Adoption of liquefied petroleum safety act by reference.
Sec. 12-57. Flammable liquids.

***Editor's note—**Ord. No. O-2022-1, § 5(Att. 5), adopted June 21, 2022, amended Ch. 12 in its entirety to read as herein set out. Former Ch. 12, §§ 12-19—12-26, 12-56, 12-57, pertained to similar subject matter, and derived from §§ 4-101—4-104, 4-106, 4-107, 10-101, 10-102 of the 1981 Code; Ord. of 9-26-1983, §§ 4-108, 4-109; Ord. of 3-30-1987, §§ 4-101—4-106, 10-102; Res. of 10-27-2014(1); Ord. No. O-2020-3, § 1, 9-15-2020; Ord. No. O-2021-1, § 1, 2-16-2021.

State law references—Regulation of fire and other hazards to persons and property generally, O.C.G.A. § 25-2-1 et seq.; statewide application of Statewide Fire Prevention Code, O.C.G.A. § 8-2-25(a); power of Jekyll Island-State Park Authority to establish fire department, O.C.G.A. § 12-3-235(22).

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ARTICLE I. GENERALLY

Sec. 12-1. Purpose.

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.

(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-2. Definitions.

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 emergency medical assistance. A false alarm shall not be deemed to have occurred when the responding agency is notified that no response is necessary before any act of response is substantially completed. Only those false alarms occurring on Jekyll Island are punishable by this chapter.

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(7) *Fire chief/director of public safety* means the chief of the Jekyll Island Fire Department. This individual reports directly to the Jekyll Island Authority's Deputy Executive Director.

(8) *Bureau of fire prevention* means the Fire Marshal Office of the Jekyll Island Fire Department. This position is responsible for enforcing the Georgia State Minimum Fire Safety Standards and performs fire prevention activities.

(9) *Corporation counsel* means the legal counsel for the authority.

(10) *Design professional* means an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the jurisdiction in which the project is being constructed, or other professional with qualifications or credentials acceptable to the jurisdiction in which the project is to be constructed.

(11) *False alarm* means an alarm activated by either environmental conditions, malicious tampering/playing, faulty equipment or testing without notification of the alarm monitoring company.

(12) *Fire alarm system* means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

(13) *Fire suppression system* means a fire suppression or control device that operates automatically when its heat-activated element is heated to its thermal rating or above, allowing water or fire suppression agent to discharge over a specified area.

(14) *Municipality* means the Jekyll Island Authority.

(15) *N.F.P.A.* means National Fire Protection Association (National Fire Codes).

(16) *Person* means any individual, association, partnership, firm or corporation, or any combination of one or more of them, and includes any officer, employee, department, agency or instrumentality of the state.

(17) *Recreational fire.* An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three feet (914 mm) or less in diameter and two feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-3. Adoption of fire codes by reference.

(a) There is hereby adopted by the Jekyll Island Authority for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes, laws and regulations known as the International Fire Code, 2018 edition and all future editions, with any Georgia Amendments as adopted by Georgia Department of

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Community Affairs, Georgia State Fire Marshal's Office Rules and Regulations and all current and future National Fire Protection Association Codes. Not less than one copy of the fire code has been and is now filed in the office of the fire marshal's office or at a location designated by the authority. In order to stay current with Code changes the authority shall immediately adopt any changes to the codes as adopted by the Georgia Department of Community Affairs, Georgia State Fire Marshal's Office and/or the National Fire Protection Association. The fire code is adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling within the limits of Jekyll Island.

(b) The fire code adopted herein is amended as follows in this article.
(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-4. Powers of the Jekyll Island Fire Department.

(a) The Jekyll Island Authority at its discretion shall provide and operate a fire department to be known as the Jekyll Island Fire Department ("Jekyll Island Fire Department").

(b) The Jekyll Island Fire Department shall have the powers of a fire department of a county, municipality, or other political subdivision as set forth in O.C.G.A. tit. 25, ch. 3, and such additional powers as may from time to time be provided by the authority or by law.

(c) The Jekyll Island Fire Department and the Jekyll Island authority and their members, officers and employees shall be immune from any and all actions brought as a result of damages sustained as a result of any fire or related hazard in accordance with O.C.G.A. § 25-2-38.1.

(d) The executive director of the authority shall prescribe the duties of the Jekyll Island Fire Department and all fire department personnel shall be employees of the Jekyll Island Authority.
(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Secs. 12-5—12-25. Reserved.

ARTICLE II. REGULATIONS

Sec. 12-26. Open burning.

(a) *Generally.* Except as hereinafter provided in subsection (b) of this section, no person shall kindle an open fire in any public or private place outside any building. Fires started in violation of this article shall promptly be extinguished by the person responsible for same upon notice by the fire chief or his duly designated agent. Under no circumstances are open fires of any kind allowed on the beach or dunes.

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(b) *Exceptions.* Open burning may be done as follows:

(1) With a permit:

a. Application for burning permits shall be on forms provided by the fire chief.

b. No permit shall be issued unless the issuing officer is satisfied that:

i. There is no practical available alternate method for the disposal of the material to be burned;

ii. No hazardous condition will be created by such burning;

iii. No salvage operation by open burning will be conducted; and

c. Any permit issued may be limited by the imposition of conditions to:

i. Prevent the creation of excessive smoke; or

ii. Protect property and the health, safety, and comfort of persons from the effects of the burning.

d. If it becomes apparent at any time to the fire chief that limitations need to be imposed for any of the reasons stated in subsection (b)(1)c. of this section, the fire chief or his duly designated agent shall notify the permittee in writing and any limitations so imposed shall be treated as conditions under which the permit is issued.

(2) Without a permit:

a. Jekyll Island authority performing prescribed burning in order to reduce fuel load for wood/forest fires.

b. The establishment of a supervised fire is allowed in a fire pit, chiminea, fire circle, or other such places provided or designated for such purposes on authority property or leased property, provided it is at least 15 feet from any structure.

c. Open fires may be set in performance of an official duty of any public officer of the authority, if the fire is necessary for one or more of the following reasons or purposes:

i. For the prevention of a fire hazard which cannot be abated by other means;

ii. For the instruction of public firefighters or industrial employees under supervision of the fire chief; or

iii. For the protection of public health.

d. Fires in approved devices may be used for the cooking of food, provided no smoke violation or other nuisance is created.

e. Underwriter's Laboratory or Factory Mutual approved devices may be used for heating by construction or other workers, provided no smoke violation or other nuisance is created.

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f. Open fires, such as campfires, may be set for recreational purposes in designated locations only, such as the campground, provided no smoke violation or nuisance is created.

g. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten feet of combustible construction, with the exception of:

i. One- and two-family dwellings.

ii. Where buildings, balconies and decks are protected by an automatic sprinkler system.

iii. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2.5 pounds [nominal 1 pound {0.454 kg} LP-gas capacity].

(c) *Supervision required.* Permitted or allowable fires must be under the continuous care and direction of a responsible person. All fires, matches, and smoldering material must be completely extinguished after use. Unattended fires shall constitute a violation of this chapter.
(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-27. Emergency burn ban.

(a) During the existence of an air pollution alert, excessively dry weather, or a drought, as may be declared by the executive director or their designee, all exceptions are void and no open fires shall be kindled.

(b) During periods of high fire danger, the authority may close all or a portion of the island to lighting or maintaining fires.
(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-28. Fire protection and suppression services fee.

(a) Persons holding interests in and to real property on the island, wherever found and no matter in whose possession such real property may be, shall be charged and shall be liable for a fire protection fee.

(b) The fire protection fee so charged shall be derived from a percentage of the assessed value, being a percentage of the appraised value, of each parcel of real property, which method of derivation is and shall be reasonably related to the cost of providing fire protection and suppression and other services by or through the fire department. The assessed value and appraised value of each parcel of real property shall be the same as the respective values for each such parcel of real property as shown on the appropriate official records of the county as of the day the fire protection fee is established.

(c) The fire protection fee shall be charged annually on a fiscal-year basis commencing on July 1 and ending on June 30.

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(d) For each fiscal year, the executive director of the Jekyll Island authority shall on or before the first business day in April of each calendar year:

(1) Establish the amount of the fire protection fee for each lessee of the Jekyll Island Authority for the next succeeding fiscal year; and

(2) Mail or otherwise send notices of the amount of the respective fee to each lessee of the authority.

(3) For each fiscal year, the fire protection fee shall be due and payable on or before the first business day in July of each calendar year, except for any fees not then established or determined.

(e) Persons charged and liable for the fire protection fee as of the day on which the fire protection fee shall be due and payable, shall be liable for the entire annual fee charged irrespective of whether their leasehold interest shall be sold, conveyed, aliened or assigned during the fiscal year for which the fee is charged.

(f) The fire protection fee shall be collected by officers designated by the authority. The fire protection fee may be paid in person at or mailed to the authority administration office at 100 James Road Jekyll Island, Georgia 31527, or by phone at 912-635-4000, or at any place hereafter designated by the executive director.

(g) Contesting of fee procedure.

(1) Any person charged a fire protection fee may contest the amount of such fee by filing with the executive director a written protest within 45 days next succeeding the day that notice of the fire protection fee is mailed or otherwise sent by the executive director to such person. If no such written protest, including all the required information as hereinafter set forth, is filed by the claimant within the prescribed time period, then such claimant shall be deemed to have waived any and all rights to contest the amount of the fire protection fee, and the amount of such fee shall become final.

(2) All protests shall be prepared in the form and contain such information as the executive director shall reasonably require and shall include a summary statement of all the grounds upon which the claimant relies and shall set forth with particularity the reasons for contesting the fee and all evidence of the claimant contesting the fee so charged. In the event the claimant desires a conference or a hearing with the executive director, the fact of such desire must be set out in the written protest, or the claimant shall be deemed to have waived any and all rights to have a conference or hearing with the executive director for the purpose of contesting the amount of the fire protection fee charged claimant. When any claimant requests such a conference or hearing, the executive director shall appoint a time and place for hearing the claimant's objections to the amount of the fire protection fee and shall give notice to such claimant no less than five days before the conference or hearing, stating the time and place of said conference or hearing.

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(3) The executive director shall consider only evidence relevant to the amount of the fee, and any other evidence or matter shall be disregarded. The executive director may request or permit additional evidence, either orally or in writing, which he may determine relevant and appropriate. Upon consideration of the evidence presented, the executive director may reduce or increase the amount of the fee so charged and shall set forth the reasons wherefore in writing. The determination of the executive director shall be the conclusive and final administrative determination of the authority.

(h) Any fire protection fee not paid by holders of leasehold interests on the island when due and payable shall become a lien on such leasehold interests from the day when such fee becomes due and payable until fully paid. For any fee not paid within 45 days next succeeding the day the fee becomes due and payable, the executive director shall cause by affidavit a notice of a lien upon the leasehold interest involved to be filed in the appropriate records of the clerk of the superior court of the county. Except as otherwise expressly provided by law, this lien shall be superior to all other liens, except liens for state and county taxes and taxes levied for any and all school purposes.

(i) Discharge of lien procedure.

(1) Upon final payment of the fire protection fee, any and all interest which may have accrued, and any and all collection costs and fees incurred by the authority in the connection with the same, such lien shall be discharged and the executive director shall cause the notice of the lien filed in the records of the clerk of the superior court of the county to be cancelled of record within ten days after final payment.

(2) The cancellation required shall be in the following form:

Clerk, Superior Court of Glynn County

You are authorized and directed to cancel of record the notice of lien rights which the Jekyll Island-State Park Authority has filed on the leasehold interest owned by (name of owner) on (give date) and recorded by you in Book _____, Page _____, of notices kept by you.

This _____ day of _____, 20____.

(j) Enforcement of lien. Where any lessee holding a leasehold interest fails to pay the amount of the fire protection fee due and payable for such leasehold interest, the executive director is empowered to enforce such lien in any manner allowed by Georgia law.

(k) All notices regarding any and all matters in this section shall be mailed to each lessee of the authority as shown by the records of the authority, and such lessee shall be solely responsible for the payment of the fire protection fee unless the records of the authority are otherwise corrected; provided, however, the executive director may mail notices to and accept payment from an agent of any lessee of the authority as the executive director shall determine appropriate.

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(l) The fire protection fee shall be exclusive of and in addition to any and all other fees, rents and payments made to the authority or to which the authority is entitled, and without limitation of the foregoing, shall be separate from and in addition to any public safety service fee that is either currently charged or may in the future be charged.
(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-29. False alarms.

(a) The following rules shall govern the use of alarm systems on Jekyll Island.

(1) No person shall make, cause to be made or suffer to be made any false alarm from any location on Jekyll Island.

(2) No person shall allow, sound or permit the sounding of any burglar or fire alarm or any motor vehicle burglar alarm in the city, which is audible outside the building or vehicle it is installed in unless such alarm is automatically terminated within 15 minutes of activation.

(3) No company or individual shall connect or cause to be connected, by any means whatsoever any alarm system or alarm that transmits directly into the Glynn-Brunswick 911 Center or to any telephone line located at the Jekyll Island Fire Department, or, Georgia State Patrol Dispatch Center. However, it shall not be a violation of this ordinance for an alarm system to be connected or to transmit, first directly to any alarm monitoring company, then to the appropriated dispatch center phone number-maintained Glynn-Brunswick 911 Center or Georgia State Patrol Dispatch Center for such purpose of receiving alarms.

(4) No individual or company shall test or cause to be tested any alarm system on Jekyll Island without at least 30 minutes prior notification of the test to the Glynn-Brunswick 911 Center and the Jekyll Island Fire Department. Failure to make such prior notifications will be subject to a $300.00 fine for each occurrence.

(b) Responsibility for false alarms under this chapter shall be borne by the person or persons occupying or having the right to occupy the premises, unless otherwise stated herein. Responsibility for false alarms under this chapter that occur at a hotel, motel, or short-term rental property shall be borne by the owner of the leased property.

(c) The following penalties will be assessed for each violation within a 12-month period:

(1) First and second false alarms: Written warning.

(2) Third false alarm: $150.00.

(3) Fourth false alarm: $300.00.

(4) Fifth false alarms and thereafter: $500.00.

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(d) Written warnings for first and second false alarms shall be hand delivered or mailed to the location of the false alarm. Failure to make, deliver, mail or receive any warning shall not affect any subsequent enforcement efforts or the penalty for any subsequent false alarm. The fire marshal or his/her designee shall be given the power to issue warnings related to false alarms at their discretion upon each violation.

(e) False alarms: Requirements and penalties for alarm contractors.

(1) Shall provide each alarm customer with a copy of this section and shall obtain a written acknowledgment of receipt of a copy of this false alarm ordinance signed by the customer.

(2) Shall retain on file for the duration of each alarm contract a copy of this section containing the signed acknowledgment of the customer.

(f) Each and every time a violation occurs, it shall be deemed a separate offense. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy there from of any person for injury or damage arising from any violation of this section or other law.

(g) Any person charged with a violation of this false alarm ordinance may offer proof at any hearing relating to such violation that the false alarm in question was caused by:

(1) A lightning strike or other act of God;

(2) The act of some third party whom the person could not control, but which shall not include invited guests, licensees, or short-term tenants of hotels, motels, or short-term rental properties; or

(3) Failure of an alarm contractor to repair the alarm system which made the false alarm after being employed by the person to make such repair; provided however, the person has again made a good faith attempt to have the alarm system repaired after the false alarm which is the subject of the charge.

(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-30. Required permits and reports.

(a) *Fire alarm system and fire suppression system permits.*

(1) Where fire alarm and fire suppression systems are required to be installed, those systems should be installed by a licensed individual or company, and the building owner/agent shall obtain a permit from Jekyll Island Fire Marshal's Office prior to installation. All work must be performed by a licensed individual or company that is licensed by the appropriate authority to install said system. Any person or company not obtaining a permit shall be in violation of this chapter.

a. The owner/agent must submit an alarm or suppression system permit application with three sets of shop drawings, showing all devices (sensors, detectors, manual activation devices, and remote and main control panels) locations along with specification sheets on the individual devices be used.

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b. Alarm system permits for commercial alarm systems: Design must comply with N.F.P.A. 72.

c. Suppression system permits shall comply with N.F.P.A. 13, 13D or 13R and hood systems shall comply with N.F.P.A. 96.

d. An acceptance/certification test will be required after installation is completed. Jekyll Island fire marshal shall be present and confirm the testing has been completed.

e. Other specifics may be required by the appropriate fire code section.

(b) *Required reports.*

(1) Any company performing annual or service inspections on fire sprinkler systems, fire alarms, or fire suppression systems shall within seven working days of completing the service or inspection file a copy of the report with the Jekyll Island Fire Marshal's Office.

(2) Any company or individual not meeting this deadline is in violation of this chapter. In addition, a complaint will be filed against the company with either the Georgia Fire Marshal's Office or the Georgia Secretary of State's Office for failure to comply with local ordinances.

(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-31. System and device requirements.

Schedule for the system and device recertifications:

(1) Fire extinguishers shall be checked monthly by building occupants with annual inspections by a licensed fire extinguisher technician every 12 months. In addition, they should be serviced after every use or extinguisher loss of pressure. To verify said certification a "tag" indicating the certification shall be properly installed per N.F.P.A. 10.

(2) Fire sprinkler systems shall be properly tagged and serviced/inspected every 12 months per N.F.P.A. 13.

(3) Fire alarm systems shall have an annual inspection/service every 12 months per N.F.P.A. 72.

(4) Commercial hood fire suppression systems shall be annual inspection/serviced every six months or after every activation per N.F.P.A. 96.

(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-32. Installation of fire protection equipment.

(a) Fire hydrants, fire department connection, standpipes, and post indicator valves:

(1) All new residential and commercial developments from the date of this article shall have fire hydrants every 500 feet apart on at least an eight-inch water main or as sized and determined by the authority having jurisdiction.

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(2) A site plan showing the proposed locations of all new and existing fire hydrants, post indicator valves, and fire department connections within 1,000 feet of a commercial building.

(3) All fire hydrant or fire department connections shall be meet all the fire code requirements pertaining to obstructions.

(4) All new Installs of fire hydrants shall be mapped by Glynn County G.I.S. Department before acceptance inspection.

(5) No commercial building shall be allowed to start construction until all fire hydrants are installed and operational.

(6) All fire department connections shall be equipped with locking caps as determined by the fire marshal to protect against obstructions. The building owner is responsible for purchasing and maintaining these devices.

(b) Emergency building access:

(1) An emergency key box is required for all commercial buildings to enable emergency fire department access. The fire department has adopted the use of a specific system to be used. The building owner is responsible for purchasing and maintaining the key boxes. This system expedites the entry to the building while minimizing damage otherwise necessary to make entry.

(2) The fire marshal shall provide guidance to the building owner on the specific details necessary to meet the type and installation requirements.

(3) The occupant of the building shall provide a copy of the master key for the building to be placed in the Knox box by the fire department after it is installed.

(4) The occupant or building owner shall provide a new master key for the key box anytime the locks are changed out.

(5) The fire department shall perform maintenance on the key box every six months.

(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Sec. 12-33. Penalties and enforcement.

(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.

(b) In addition to the enforcement of this chapter by citation or accusation, the authority may take any action not prohibited by law to prevent or remediate a violation or threatened violation of this chapter, 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.

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(c) The provisions of this article shall be enforced by the fire chief or fire marshall and such subordinate officers of the fire department and officers and staff of the authority as are necessary to effectuate the requirements set forth in this article.
(Ord. No. O-2022-1, § 5(Att. 5), 6-21-2022)

Secs. 12-34—12-55. Reserved.

ARTICLE III. FUEL STORAGE*

Sec. 12-56. Adoption of liquefied petroleum safety act by reference.

There is hereby adopted by the authority, for the purpose of prescribing regulations governing the storage of fuel oil and LP gas, the Liquefied Petroleum Safety Act of Georgia, O.C.G.A. § 10-1-260 et seq., together with all rules and regulations promulgated and/or adopted thereunder of said Act's rules and regulations, not less than one copy has been and is now filed in the office of the authority headquarters; and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling within the limits of the authority.
(Code 1981, § 10-101)

Sec. 12-57. Flammable liquids.

(a) This section and the fire codes shall apply to all persons, firms, corporations, partnerships and governmental agencies storing, handling or using flammable liquids within the boundaries of the territory under the jurisdiction of the authority as of the date of the ordinance from which this section is derived. The term "flammable liquids" means any liquid having a flashpoint below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit.

(b) This section shall not apply to:

(1) The storage of flammable liquids by aircraft, marine and automobile service stations authorized to do business on the island by virtue of lease agreements contemplating flammable liquid storage, entered into with the authority;

(2) Flammable liquids in fuel tanks of a motor vehicle, aircraft or boat;

(3) Flammable or combustible paints, oils, varnishes and similar mixtures used for painting or maintenance when not kept for periods in excess of 30 days; or

(4) Beverages.

***State law references—**Liquefied Petroleum Safety Act, O.C.G.A. § 10-1-260 et seq.; conflicting local ordinances or regulations prohibited, O.C.G.A. § 10-1-270.

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(c) Existing flammable liquid storage equipment which is not in strict compliance with the terms of this section may be continued in use provided that in the opinion of the executive director it does not constitute a distinct hazard to life or adjoining property. When the executive director deems that continued storage of flammable liquid in violation of the terms of this section will constitute a distinct hazard to life or adjoining property, he will notify the owner or user of the stored flammable liquid that the continued storage has been determined to be a hazard to life or adjoining property and specify the reasons for such finding in writing. After such notice, the owner or user will have one day to remove the stored liquid.

(d) Underground flammable storage tanks and containers meeting the standards of nationally recognized testing agencies, used solely for the storage of flammable liquids consumed on the premises, of a capacity of 100 gallons or less shall be considered as meeting the requirements of this section.

(e) The executive director shall have the power to grant exemption from application of this section upon request in writing to do so when such request shows that the enforcement of the section will cause unnecessary hardship to the petitioner; provided that said request shall not be granted where the requested use will, in the opinion of the executive director, constitute a distinct hazard to life or adjoining property. The particulars of such exemptions shall be entered upon the approval granted. A copy thereof shall be returned to the entity making the request by the executive director.

(f) An owner, lessee, agent, operator or occupant aggrieved by any order issued pursuant to this section may file an appeal to the authority within ten days from the service of such an order, and the authority shall hear such appeal at the next occurring regular meeting of the authority, notice to be given to the petitioner as to the time and place. Such appeal shall stay the execution of such order until it has been heard and reviewed, vacated or confirmed. The authority shall at such hearing confirm, modify, revoke, or vacate such order. Unless revoked or vacated, such order shall then be complied with.

(g) Nothing contained in this section shall be deemed to deny the right of any person, firm, corporation, partnership, governmental association or voluntary association, to appeal from an order or decision of the authority to a court of competent jurisdiction. Such appeal shall stay the execution of such an order until it has been heard and reviewed by the court, vacated or confirmed.

(Code 1981, § 10-102; Ord. of 3-30-1987, § 10-102)

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Chapter 14

LAND DEVELOPMENT AND USE REGULATIONS*

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***Editor's note—**Ord. No. O-2022-1, § 6, adopted June 21, 2022, repealed §§ 14-1—14-12, 14-63—14-65, 14-89—14-96, 14-121, which pertained to flood prevention and derived from Ord. of 2-1-1998; Res. of 1-16-2018. Section 7 of same ordinance renumbered and restated §§ 16-9—16-13 as new §§ 14-1—14-5 and §§ 16-70—16-74, 16-92—16-104, 16-122—16-124, 16-147—16-150, 16-169—16-176 as new §§ 14-21—14-25, 14-31—14-43, 14-51—14-53, 14-61—14-64, 14-71—14-14-78.

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Sec. 14-53. Wellhead protection.
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Article VI. Satellite Dish Regulation

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ARTICLE I. IN GENERAL

Sec. 14-1. All residential property—Applicable requirements and general restrictions.

(a) *Building permits.* No building, fence, wall or other structure shall be commenced, erected or maintained, nor shall any change or alteration therein be made until application for and granting of a building permit have been made by the authority.

(b) *Plot and building plans.* All applications for building permits shall be accompanied by plot plans and building plans, in duplicate, drawn to scale, showing the actual dimension, size and location of the dwelling and/or accessory building to be erected. The building plans shall include floor plans, elevation specifications, which will be submitted to the authority and passed upon by the authority as to design and construction. No building shall be erected until the building plans have been approved by the authority. The required submittal of plans and specifications shall consist of no less than the following:

(1) Foundation plan with section details.

(2) Floor plans for all floors.

(3) Elevation drawings for all exterior walls.

(4) Roof plan and miscellaneous details.

(5) Section drawing through building.

(6) Plot plan showing location of building on the lot with all setbacks indicated.

(7) Show all large or important trees, if any, and indicate driveways, service court, accessory building, on-lot parking, etc.

(c) *Grade line.* The grade line shall be established by the authority and shall not be changed without its written consent. The term "grade line" means the grade of the lot and elevation of the first floor on each such residential lot.

(d) *Landscape development.* Landscape development plans shall be submitted in duplicate to and approved by the authority before any landscaping is actually executed. This submittal need not be included with construction plans, but is required prior to landscaping operations. Large trees shall be preserved wherever possible, because of their beauty and value in conservation, health and community well-being.

(e) *Facing of dwelling and access or entry driveways.* All dwellings and structures shall face generally toward the front property line. The front property line for all corner lots or lots abutting on more than one street shall be designated by the authority. The access or entry driveway must enter a lot from the street immediately adjacent to the front property line. On lots having a side or rear property line abutting a street, a driveway into the attached or detached garage from the side or rear street may be permitted upon the written consent of the authority.

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(f) *Off-street parking areas.* Each lessee shall provide off-street parking areas on his leased lot or group of lots, for his own vehicles and two additional; any private garage or carport erected on the property shall be counted as such areas for the number of vehicles they will accommodate.

(g) *Porches.* Any one-story or two-story enclosed or open porch shall be considered part of the building in the determination of the required setbacks, and shall not project into the required front, side or rear yards further than the required setbacks.

(h) *Carports.* Any carport shall be considered part of the building in determination of the required setbacks, and shall not project into the required setbacks.

(i) *Terraces.* A paved terrace may not project further out from the main building more than 50 percent of the required setback of front, side or rear property line. The term "paved terrace" means an open terrace with any type of roof or awning over it. If the terrace is covered in any manner, the setback restrictions as delineated in subsection (g) of this section shall apply.

(j) *Fences, walls and hedges.* No fence of any kind, style, design, nature or composition whatsoever shall be erected, constructed, placed or installed until application shall have been made to the authority for a permit authorizing the installation of such fence and until the same shall have been granted. All of the terms in this subsection and derivations thereof are hereinafter collectively referred to as "install" or "installation".

(k) *Types of structures specifically prohibited.* Three-sided or lean-to buildings, iron clad buildings and buildings with exposed foundation piers are specifically prohibited in any residential area. Contractor's tool house or other construction facilities may not be retained as permanent structures, except that with the written approval of the authority, sound, well-built structures that can be made to match or blend with the main building by the proper use of wall, roof, floor and foundation materials and likewise painted may be used.

(l) *Toilets.* No toilets shall be maintained outside of the buildings erected upon any lots or area, and except as otherwise provided by this Code, all sewerage shall be disposed of in septic tanks of standard design, to be constructed and maintained by the lessee of the lot, until facilities for the handling of sewerage may be developed and made available to lot owners by the authority. All septic tanks and/or grease traps shall have adequate leach lines and the construction shall be in accordance with the laws and rules and regulations of the public authorities having jurisdiction of the same. Sewerage facilities under this restriction shall meet the requirements of the department of natural resources of the state.

(m) *Livestock.* No livestock or live fowl (except domestic pets such as cats and dogs) shall be kept upon any lot without the written consent of the authority.

(n) *Advertising signs on residential lots.* No placards or advertising signs, other than those relating to the subletting or assignment of the lease or estate of any holder of any lots shall be erected or maintained on any lot or any of the streets or alleys or parkways in said subdivision, and such signs, when allowed, shall never exceed eight square feet in size and shall be removed as soon as the property is first or assigned.

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(o) *Illumination.* Any light used to illuminate a sign, parking area or for other purposes, shall be so arranged as to reflect the light away from the nearby residential properties and streets.

(p) *Use of property.* No use is to be made of said residential property which is unlawful, nor which shall constitute a nuisance or injure the value of any neighboring property.

(q) *Easements.* The authority expressly reserves a perpetual easement or right-of-way in, on, under and over a strip five feet in width along the side and rear lot lines of each lot, for the purpose of establishing, constructing and maintaining or authorizing others to establish, construct or maintain any utility, including poles, conduits, wires for electrical light, power and telephone service, and for the construction and maintenance or authorization of same by others of water mains, sanitary sewers, storm sewers and pipelines for supplying gas, and for the construction and maintenance of any other public or quasi-public utility. The authority shall have the right to enter and authorize other persons to enter onto said reserved strip of land for any of the purposes for which the easement and rights-of-way are reserved.

(r) *Right to enter.* The authority reserves the right to enter upon any lot not built upon for the purpose of grading same, clearing or underbrushing, digging of drainage ditches, if necessary; and dispose of such grade or underbrush as is considered desirable.

(s) *Right to extend and change layout.* The authority reserves unto itself, its successors and assigns, the right to:

(1) Extend the various subdivisions to any and all portions of the island, including the reclamation of marshland;

(2) Extend, alter and relocate any proposed project;

(3) Establish new projects of recreation, public or private nature;

(4) Alter any block or portion of the plat in which lots have not been leased, including the relocation of streets and alleys or the elimination thereof, and the consolidation of blocks for the purpose of utilizing the same for parks or other purposes deemed to be beneficial to the development, and leaving always ample roadways or streets for the convenience of the lot lessees;

this reservation to extend to such limits as the authority may be authorized by the Act.

(t) *Enforcement of restrictions.* Each lot on the island is leased and granted with the foregoing restrictions as to uses and structures, which are covenants running with the land and which shall continue throughout the life of the lease or grant, and the right is expressly reserved by the authority, its successors and assigns, to enforce the same in the event of a violation of said restrictions or any of them by the lessee or grantee in any of the following manners: By written demand said authority may require the holder of any lot within 30 days to remove or change any structure or any part thereof, which shall violate these restrictions or any of them; upon the failure of any holder to remove or change any or all structures to eliminate such violations, the authority, its successors or assigns, shall have the right to enter the said premises and, at the expense of the owner, remove, alter or correct any

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structure thereon which shall violate the terms of these restrictions, or in the alternative, after 30 days' notice said violation and upon the failure of the holder to remove any existing violation, the authority may proceed by law or equity to compel the compliance of the terms hereof; it being further agreed that the failure of the authority for any period of time to enforce any or all of the said conditions and restrictions shall not constitute a waiver of the rights herein reserved; and in spite of any and all delays the authority, its successors and assigns, may, at any time, enforce each and all of the said conditions and restrictions, it being the express understanding and agreement that these restrictions shall be binding upon each and every lessee or grantee, its, his, or hers or their heirs, successors, administrators, and assigns, without the express notice and whether or not said restrictions are contained in any assignment deed or grant under or through which said party may be holder.

(u) *Legal transfers contain restrictions verbatim or by reference.* All leases, assignments, conveyances and deeds giving or affecting the right to any lot shall contain the foregoing restrictions verbatim or by reference.

(v) *Restrictions run with the land.* The foregoing covenants and restrictions, being for the benefit of all holders of the property herein, are to run with the land and shall be binding upon all parties or persons asserting any claim to any rights or in rights of possession of said land until February 15, 2049.

(w) *Right to prosecute for violations of restrictions.* If any parties or persons asserting any claim to or right in or rights of possession of any lot in said subdivision shall violate any of the covenants and restrictions therein contained, the right is reserved in any other such part and the authority to prosecute any proceedings at law or in equity against the parties or persons violating or attempting to violate any such covenants or restrictions to compel a compliance therewith or to recover damages or receive other redress for the injury occasioned by such violation.
(Code 1981, § 12-109; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-2. Inspections and certificate of compliance.

After the approval of plans and specifications, and the issuance of a building permit by the authority to any party, the authority shall, during construction, make such periodic inspections as it may deem necessary. Upon completion of any structures for which a building is granted, the authority shall make a final inspection, and if the structures are in accordance with the plans and specifications as approved, upon request, the authority shall issue to the lessee or assignee a certificate of compliance for such structures; until or unless subsequent additions, alterations, or changes are made upon said structures, this certificate of compliance shall be conclusive evidence of the full and complete compliance of structure for which the building permit was granted with all the requirements and provisions of the authority as set forth in its residential lease and these restrictions insofar as location, design, size and construction of the buildings are concerned.
(Code 1981, § 12-110; Ord. No. O-2022-1, § 7, 6-21-2022)

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Sec. 14-3. Permanent reference monuments.

(a) Permanent reference monuments, in accordance with the county ordinances and regulations governing the filing of plants of survey, have been established throughout all residential subdivisions. These subdivision plats of survey are filed in the records of the clerk of the superior court of the county, plat book No. 1.

(b) Before construction is started on any property, the lessee will be required to have permanent property corners located or set by a competent registered surveyor.

(c) It is suggested that while the surveyor is doing this work that he be instructed to take the existing grades on the property, adjoining street elevations and location of important trees, and from this data provide the lessee and his architect with a plot plan showing this information.

(d) The authority will assist all private surveyors as much as possible pursuant to locating permanent reference monuments, elevation benchmarks, and establishment of finish grades upon the property.
(Code 1981, § 12-111; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-4. Setbacks and grades.

(a) Particular attention shall be given to front, side and rear setbacks in relation to their effect on existing or future buildings on adjoining lots, and appearance from the principal streets.

(b) Where buildings have already been constructed on adjoining property, new buildings shall be made to conform approximately to established setbacks.

(c) It is important that the finish grade of the property be kept at a sufficiently high level (even at the necessity of having to do considerable filling) to ensure good surface drainage away from the building and from the property, to prevent flooding in periods of heavy rainfall, and to ensure efficient operation of septic tanks and grease trap drain lines during periods when the water table is normally high. Care shall be taken to prevent surface drainage from entering upon adjacent property.

(d) The first floor level should be set sufficiently high as to ensure that there is no possibility of damage from excessive dampness or even flooding during period of heavy rainfall. This is particularly important on houses which have a solid concrete slab-on-grade for the first or main floor.
(Code 1981, § 12-112; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-5. Septic tanks and grease traps.

Except as otherwise provided by article VI of this chapter the following shall apply:

(1) All sewerage or other waste water shall be disposed of through septic tank action and grease traps into nitrification or drain tile fields and percolated into the soil. The construction of these facilities shall meet the requirements of the state department of natural resources.

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(2) Plans and specifications for standard designs of sewerage disposal systems for average residential purposes as approved by the state department of natural resources are hereby incorporated and no deviation from the plans are acceptable without special consideration and approval thereof. The selection of the proper size septic tank and correct quantity of drain tile shall normally be selected from the table based upon the number of persons living in the house or reasonably contemplated to live in the house. Unusual conditions encountering soil with poor permeability or high water table may require special design after making the proper soil analysis test.

(3) Waste from ordinary kitchen sinks shall be carried through a grease trap into separate drain tile field. Standard grease traps and accessories are likewise included in these approved designs.

(4) Waste from laundry equipment and from kitchen garbage disposal devices will necessitate specially designed sewerage disposal facilities.

(Code 1981, § 12-113; Ord. No. O-2022-1, § 7, 6-21-2022)

Secs. 14-6—14-20. Reserved.

ARTICLE II. FENCES

Sec. 14-21. Modification.

No fence, whether existing as of the date of the ordinance from which this article is derived or hereafter installed, shall be altered or modified in any manner whatsoever (including location thereof) until application shall have been made to the authority for a permit authorizing such alteration and until the same shall have been granted.

(Code 1981, § 12-201; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-22. Permits.

(a) Application for a permit to install or alter a fence may be made by the submission to the authority of a written request, signed by the lessee of the residential lot upon which the fence is to be installed or upon which is located the fence to be altered.

(b) The following must be submitted with each request:

(1) A description of the fence (or the alteration of the fence) for which the permit is requested;

(2) A scaled plot plan of the lessee's residential lot, showing the property lines of the lot;

(3) The location and identification of all utilities, including waste and sewer lines, telephone and power lines and poles and television cables, within the lot; and

(4) The proposed location of the fence or the area alteration.

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(c) The application fee, which must be submitted with the request and shall be nonrefundable, shall be an amount which shall be from time to time established by the island authority.
(Code 1981, § 12-202; Amd. of 3-20-1992, § 3; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-23. Prohibited.

(a) Except for chainlink or cyclone fences, no permit shall be granted for a fence or alteration thereof made of plastic, metal or wire alone or in a combination with other materials, except where wire or metal may be used for structural support in the fence, e.g. in a masonry fence, but will not be a visible surface material.

(b) No permit shall be granted for a fence or alteration thereof incorporating broken glass or any other hazardous material or for a fence to be installed or altered in such a way as to be hazardous to the health or safety of individuals or animals.

(c) The authority reserves the right to withhold a permit if a fence, installed or altered as described in the permit application, would in the reasonable opinion of the authority be inconsistent with the residential character of the island to the extent that the property interests of subdivision neighbors might be adversely affected thereby.
(Code 1981, § 12-203; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-24. Location; authority easement rights.

(a) It shall be the responsibility of the lessee, upon granting of the permit, to ensure that the approved fence is located, as installed or altered, within the boundaries of the lessee's lot, consistent with the provisions of section 14-1(r).

(b) No grant of any permit to install or alter a fence shall constitute a waiver or infringement by the authority of its perpetually reserved easements or rights-of-way in, on and under the side and rear lot lines of each residential lot, said easements or rights-of-way being expressly reserved in section 14-1(r) (formerly section II, paragraph 17 of the general notice and property restrictions of the island authority) which is incorporated by reference in each residential lot lease.

(c) No grant of any permit to install or alter a fence shall constitute a waiver of infringement by the authority of the right of the authority and persons authorized by it as reserved in section 14-1(r) (formerly section II, paragraph 17 of the general notice and property restrictions of the island authority), to enter onto said easements or rights-of-way for the purposes for which the same are reserved, which purposes shall include, but not be limited to, reading of utility meters, collection of trash and garbage, and inspection of utilities.

(d) In the event that any fence, as installed or altered, shall encroach upon such an easement or right-of-way or shall otherwise constitute an obstruction to the performance of the activities for which said easements or rights-of-way were reserved, it shall be the

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responsibility of the lessee of the lot upon which such fence exists, when notified by the authority of such encroachment or obstruction, to remove or alter such fence so as to eliminate such obstruction or encroachment, all at the sole cost and expense of the lessee.
(Code 1981, § 12-204; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-25. Maintenance.

It shall be the responsibility of any lessee upon whose lot a fence exists to maintain the same in good repair and in a neat, clean and safe condition as required by the provisions of section 20-49(2) (formerly paragraph 2, page 2 of the General Notice and Property Restrictions of the Jekyll Island-State Park Authority) and by the provisions of each residential lot lease. Failure so to do shall be a violation of this article, and a default of such lessee's lease.
(Code 1981, § 12-205; Ord. No. O-2022-1, § 7, 6-21-2022)

Secs. 14-26—14-30. Reserved.

ARTICLE III. SIGNS

Sec. 14-31. Purpose and intent.

The intent of this article is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within the island. By specifying criteria for all signage as stated herein, this article is intended to serve the following purposes:

(1) Maintain the established coastal character of the island by regulating all exterior signage in a manner which promotes low profile signage of high quality design;

(2) Protect and maintain the visual integrity of roadway corridors within the island by establishing a maximum amount of signage on any one site to reduce visual clutter;

(3) Establish locations and setbacks for signage which are designed to protect motorists from visual distractions, obstructions and hazards;

(4) Enhance the appearance of the physical environment by requiring that signage be designed as an integral architectural feature of the site and structure to which such signage is intended to identify, and sited in a manner which is sensitive to the existing natural environment;

(5) Provide for signage which satisfies the needs of the local business community for visibility, identification and communication;

(6) Foster civic pride and community spirit by maximizing the positive impact of development;

(7) Establish alternative provisions for structures within the Jekyll Island Historic District where demonstrated unique dimensional circumstances do not easily permit compliance with the general requirements of this article; and

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(8) Establish procedures for removal of nonconforming signs, enforcement of these regulations, maintenance of existing signs and consideration of variances and appeals.

(Ord. of 1-19-2010(1), § 1; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-32. Permits.

(a) *Required.* It shall be unlawful for any person to erect, construct, alter or relocate any sign within the island without having first obtained a permit from the code enforcement officer, therefor, except as provided for in this article.

(b) *Work to be performed by owner, lessee or licensed contractor.* The work necessary to construct, install, erect, illuminate, paint or modify signage within the island shall comply with the following requirements:

(1) Work which may be performed by a property owner or lessee:

a. Painting the face of any freestanding or wall sign; or

b. Erection of any temporary sign permitted under section 14-35.

(2) Work which shall be performed by a sign contractor, general contractor or building contractor licensed on the island to perform such work:

a. Construction, installation, erection or electrical connection of any sign which is internally illuminated;

b. Construction, installation or erection of any freestanding sign requiring wind load calculations, over the height of six feet;

c. Construction, installation or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway;

d. Construction, installation or erection of any projecting sign permitted under section 14-37; or

e. Construction installation or erection of any sign not described in subsection (b)(2)a of this section.

(c) *Application.* All applications for permits under this section shall be filed with the code enforcement officer by either a contractor licensed to erect signs on the island, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:

(1) Names, addresses and telephone numbers of owners of property;

(2) Name, address and telephone number of licensed sign company erecting the sign;

(3) The street address or legal description of the property upon which the proposed sign is to be located;

(4) The height, size, shape, style, colors, materials and location of the proposed sign;

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(5) Written permission of the owner, his lessee or agent, to erect the proposed sign;

(6) A plan, sketch, blueprint or similar presentation drawn to scale, showing all pertinent structural and electrical details, wind pressure requirements and materials in accordance with the authority's adopted design guidelines;

(7) A statement verifying the height, size, shape and location of existing signage on the premises.

(d) *Issuance.* The procedure for issuing a sign permit shall be as follows:

(1) Upon receipt of an application for a sign permit, the code enforcement officer shall review the plans, specifications and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected.

(2) No new sign permit shall be issued for a freestanding sign or primary wall sign on property upon which any nonconforming sign is located, until such nonconformity is corrected.

(3) If the proposed sign is in compliance with this article and all other applicable laws and codes of the authority, a sign permit shall be issued upon receipt of the permit fee.

(4) The issuance of any sign permit shall be conditioned upon the restoration of any building facade which has been damaged by placement of a previous sign. Such restoration shall include, but not be limited to, patching, repainting and concealing visible electrical components, when applicable.

(e) *Fees.* Permit fees under this Code shall be in an amount as established from time to time by the island authority.

(f) *Exemptions.* Exemption from the requirement to obtain a sign permit shall be permitted under the following circumstances:

(1) The erection, construction, installation of any sign described in section 14-33(a); or

(2) The repair, maintenance or repainting of any existing sign which is deemed conforming or allowed to continue as nonconforming under provisions of this article.

(g) *Expiration.* A sign permit shall expire after one year.

(Ord. of 1-19-2010(1), § 2; Res. of 8-21-2017(1); Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-33. General provisions.

(a) *Exempt signs.* The following signs are exempt from the permitting requirements of this article, provided that such signs are not installed or constructed so as to create a hazard of any kind. The following signs must comply with applicable construction standards and obtain electrical permits if required by the authority:

(1) Identification signs of two square feet or less and having no individual letters, symbols, logos or designs in excess of eight inches in vertical or horizontal dimension.

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(2) "No Trespassing" or "No Dumping" signs of two square feet or less.

(3) Directional or instructional signs, where vehicle or pedestrian movement is involved.

(4) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property.

(5) Freestanding memorial signs or tablets, and names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials and attached to the surface of a building or walkway.

(6) Legal notices and official instruments.

(7) Decorative flags and bunting for a celebration, convention or commemoration of significance when authorized by the inspector for a prescribed period of time.

(8) Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate.

(9) Merchandise display behind storefront windows so long as no part of the display moves or contains flashing lights.

(10) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.

(11) Public warning signs to indicate the dangers of swimming, animals or similar hazards of two square feet or less.

(12) Works of art that do not constitute advertising.

(13) Signs carried by a person.

(14) Under-canopy signs for commercial uses placed behind the right-of-way line for pedestrian use, perpendicular to the storefront and less than four square feet.

(15) Credit card or membership signs of two square feet or less, one of each different organization permitted for each street frontage.

(16) A maximum of two menu boards or price lists for drive-through facilities of no more than 24 square feet each, located adjacent to and oriented toward the drive-through area.

(17) Real estate and construction-real estate signs of six square feet in area or less allowed under section 14-35(d) and (e) which advertise the sale or long-term lease of premises. The term "long-term" means annual.

(18) Menus of less than two square feet mounted at the entrances to restaurants.

(19) Temporary window signs allowed under section 14-35(c).

(20) Flags allowed under section 14-37(d).

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(21) Noncommercial signs which express an opinion rather than promote or advertise a specific business, group or organization, of up to six square feet in size.

a. *Political or campaign signs.* No more than one political sign per candidate or ballot issue shall be placed per lot or parcel. Campaign signs must be removed within five days after the election or such sign will be deemed abandoned.

b. *Opinion sign.* No more than one opinion sign shall be placed per lot or parcel.

(22) Yard sale signs of two square feet in area or less, which are located on the property upon which a permitted sale is being conducted and only on the days for which the yard sale is permitted.

(b) *Prohibited signs.* It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described as follows:

(1) Commercial signs adjacent to residentially zoned land. No freestanding identification sign shall be located within 50 feet of any residentially zoned property, except signs advertising uses allowed outright or by special exception in that residential zone that conform with the section of this article relating to that use.

(2) Traffic or pedestrian hazards. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring or method of illumination. Any sign which obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting visibility requirements of this Code. Specifically prohibited are signs using:

a. Lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color;

b. Bare bulbs in excess of nine watts; and

c. Words and traffic control symbols so as to interfere with, mislead or confuse traffic, such as "Stop," "Look," "Caution," "Danger" or "Slow."

(3) Signs attached to trees or utility poles.

(4) Signs attached to or painted on vehicles which are obviously parked or advertise in such a way so as to advertise to the passing motorist or pedestrian.

(5) Signs that are in violation of the design guidelines adopted by the island authority board of directors.

(6) Signs with visible moving, revolving or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for traditional barber poles.

(7) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.

(8) Strings of lightbulbs used on nonresidential structures for commercial purposes, other than traditional holiday decorations.

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(9) Signs, commonly referred to as wind signs, consisting of one or more pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.

(10) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live plants, insects or animals.

(11) Signs that emit audible sound, odor, or visible matter such as smoke or steam.

(12) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe; made of combustible materials that are attached to or in close proximity to fire escapes or firefighting equipment; or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the authority.

(13) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.

(14) Signs, within five feet of public right-of-way or 100 feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.

(15) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

(16) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.

(17) Signs that are painted, pasted or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs unless special written permission is granted from the code enforcement officer.

(18) Billboards and off-site advertising signs.

(19) Roof signs.

(20) Abandoned signs.

(21) Residential/nonresidential real estate "Sold" signs which remain on display for more than 30 days after the date of closing.

(22) Signs displaying copy that is harmful to minors as defined by this Code.

(23) Signs erected on public property, or on private property (such as private utility poles) located on public property, with the exception of signs erected by public authority for public purposes, and sandwich board signs located on the sidewalk.

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(24) Signs, bills or other advertising matter posted upon any permanent or temporary structure or building, pole or tree located in any street, park or other public way or place within the island.

(25) Signs, handbills, circulars, dodgers or other advertising which are distributed or placed on any public or private property in such a manner that the same may be blown, carried by water or otherwise scattered by the elements, or so as to constitute litter.

(26) Handbills or other similar form of advertising matter distributed by throwing or placing the same on or into any vehicle within the island.

(27) Banners or signs placed across any public street, park or other public way or property without first having obtained written permission from the code enforcement officer.

(28) Signs having fluorescent colors.

(29) Signs erected within any navigable waterway so as to be located beyond any established bulkhead line, and oriented so as to be visible to those traveling the waterway.

(30) Real estate signs which advertise the rent of premises.

(31) Any other signs that are not specifically permitted or exempted by this article.

(c) *Construction and maintenance standards.* All permitted signs shall be constructed and maintained in accordance with the following standards:

(1) *Code compliance.* All signs shall be constructed and maintained in accordance with the provisions and requirements of the building code, electrical code and all other applicable codes, ordinances or requirements.

(2) *Copy.* All copy shall be maintained so as to be legible and complete.

(3) *Structure.* Signs shall be maintained in a vertical position unless originally permitted otherwise, and in good and safe condition at all times.

(4) *Damage.* Damaged faces or structural members shall be replaced in a timely manner.

(5) *Safety.* Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

(d) *Modification of existing conforming signs.* The modification of existing conforming signs may be permitted under the following conditions:

(1) Modifications shall not result in a sign which violates requirements of this article.

(2) Modifications which alter height or sign area shall require a sign permit, as provided in section 14-32.

(3) Modifications shall be consistent and compatible with the existing sign, including colors, illumination, materials, shape and style.

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(4) Modifications shall be subject to the appropriate and applicable provisions of this article.

(e) *Maximum window signage.* Window signage shall not exceed 50 percent of the total window surface area of any one building elevation. Such signage shall include permanently affixed window signs, temporary window signs, neon displays, fixtures suspended behind and within three feet of the window, or any other sign displayed so as to be visible from the exterior of the building. Window signs shall be arranged so as to provide visibility through windows at eye level, between four and six feet in height. In all cases, window signs shall be included in the total permitted wall sign area allocated to any one building elevation.

(f) *Design requirements for tenant wall signage and tenant panels in freestanding signs for any multitenant development.* All tenant wall signage and tenant panels in freestanding signs within a multitenant development, including shopping centers and office complexes, shall comply with the following requirements:

(1) Signage for tenants in multitenant developments with approved signage programs shall be required to comply with those programs, even when such programs are more restrictive than those permitted under this article.

(2) Signage for tenants in multitenant developments without approved signage programs, but with an established pattern of sign style, location and size, shall be required to conform to such pattern. An established pattern shall be identified as the predominant style, location and size utilized by a minimum of 50 percent of the tenants.

(3) In multitenant developments where no established pattern exists as described in subsection (f)(2) of this section, the owner of the development, association or tenants shall be required to submit a sign program to the authority for approval prior to issuance of any new sign permits. Such program shall address size, location, style and materials.

(Ord. of 1-19-2010(1), § 3; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-34. Permitted.

(a) *Individual commercial, office or industrial uses.*

(1) Freestanding signs to be ground signs.

a. Sign area and use.

1. One freestanding sign per parcel for the primary street frontage shall be permitted of the maximum area allowed as follows:

(i) Sites on designated arterial roadways: 100 square feet.

(ii) Sites on all other roadways: 75 square feet.

(iii) This will include lighting and landscape improvement.

2. Freestanding sign over 36 square feet shall be ground signs.

3. Should be illuminated with full cutoff fixtures, which cast light only upon the sign.

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b. Height and setback. Freestanding signs shall:

1. Not exceed eight feet in height.

2. Be set back five feet from the right-of-way.

(2) Wall signs for commercial and industrial uses.

a. Sign area and height.

1. Maximum sign area shall be determined by multiplying the building front foot by 1.5 feet.

2. Maximum sign vertical dimension shall not exceed 25 percent of the building height.

3. Signs mounted above 20 feet are not permitted.

4. Signs placed above awnings shall form a harmonious horizontal band.

5. Signs on building without awnings should provide continuity of scale with adjacent stores.

b. Supplementary wall signage. Shall be blade signs only, mounted at seven feet six inches or above.

c. Two signs are permitted for business.

(3) Wall signs for office uses. Sign area and height is as follows:

a. One wall sign consisting of any combination of building identification and tenant signage not to exceed 32 square feet may be permitted in lieu of freestanding signage permitted in subsection (a)(1) of this section.

b. Such signage shall conform to design and height requirements described in subsection (b)(2)a of this section.

c. Wall signage for individual tenants may be permitted in accordance with subsection (b)(2) of this section.

(4) Blade signs are encouraged for business.

(b) *Shopping centers.* Shopping centers may be permitted signage under this section. However, the criteria in this subsection are to be considered guidelines for maximum signage. All shopping center signage shall be reviewed and approved by the authority as to final size, location and coordination, colors, design and materials as part of the site development plan approval process.

(1) *Freestanding signs to be ground signs.*

a. *Sign area and use.*

1. Shopping center identification signage of 100 square feet or less.

2. Signage over 64 square feet shall be ground signs.

3. Should be illuminated with full cutoff fixtures, which cast light only upon the sign.

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b. *Height, setback and spacing.*

1. Maximum height shall be eight feet.
2. Freestanding signs shall be set back a minimum of:
   (i) 50 feet from side lot lines, or equidistant from side lot lines.
   (ii) Set back from the right-of-way.
3. Freestanding sign structures on the same ownership parcel shall be a minimum of 700 feet apart and located within a 20-foot strip of land parallel to and adjoining the right-of-way frontage.

(2) *Wall signs for individual tenants.*

a. *Sign area and height.*

1. Maximum sign area shall be determined by multiplying 80 percent of the tenant front feet by two feet. In the case of corner stores, additional signage may be allowed only where the same or similar facade treatment is used on both front and side. Sign area is not transferable between facades.
2. Maximum sign height shall be determined as follows:
   (i) For businesses having less than 50 tenant front feet, maximum height two feet.
   (ii) For anchor businesses with specialized architectural facades which identify them as such, maximum heights not to exceed 25 percent of the building height.
3. Signs mounted above 20 feet are not permitted.
4. Signs placed above awnings shall form a harmonious horizontal band.
5. Signs on building without awnings should provide continuity of scale with adjacent stores.

b. *Supplementary wall signage.*

1. Additional wall sign area of one square foot per tenant front foot shall be allowed for miscellaneous wall signage to include window signs, poster frames and similar signs supplementary to identification signs.
2. Freestanding signs.
   (i) Sign area and use. Multitenant complex entrance signs of one freestanding sign shall be permitted as follows:
      A. Any combination of identification and tenant signage not to exceed 100 square feet. No more than six major tenants of no less than six square feet, each, may be identified.
      B. Complexes of 50,000 square feet to 100,000 square feet:
         i. Any combination of identification and tenant signage not to exceed 64 square feet.

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ii. No more than four major tenants of no less than six square feet each, may be identified.

C. Signage over 64 square feet shall be ground signs.

(ii) Height, setback and spacing.

A. Maximum height shall be eight feet.

B. Freestanding signs shall be set back a minimum of:

i. 25 feet from side lot lines.

ii. Five feet from right-of-way.

C. Freestanding sign structures on the same ownership parcel shall be a minimum of 400 feet apart and located within a 20-foot strip of land parallel to and adjoining the right-of-way frontage. Use of more than one freestanding sign shall be permitted provided the sign area of all freestanding signs is reduced to 75 percent of the maximum permitted sign area.

3. Wall sign area and use for individual tenants in multitenant complexes. Individual tenants in complexes may utilize wall signage of up to one square foot for each two feet of tenant front foot. Such signage shall comply with a uniform sign program approved by the city. This program shall specify size, shape, type, color and location of signage allowed.

(3) *Directory signage for multitenant complexes.*

a. *Sign area and use.* One wall or freestanding directory sign for each building not to exceed two square feet for each tenant, or 24 square feet in total area, whichever is less. Such signage shall be oriented to parking and pedestrian areas for directional purposes only, and shall not be oriented outside of the complex.

b. *Design and height requirements.*

1. The maximum height of any individual letter within the permitted area shall not exceed four inches.

2. Freestanding directory signs shall not exceed eight feet in height.

(c) *Residential zones.*

(1) *Multifamily development.*

a. *Freestanding signs to be ground signs.*

1. *Sign area and use.*

(i) One freestanding sign for each street frontage shall be permitted as follows:

A. Uses of 12 units or less: 16 square feet.

B. Uses of 13 units or more: 32 square feet.

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(ii) The sign may be a single sign with two faces of equal size or two single-face structures of equal size located on each side of the entrance.

2. *Height and setback.*

(i) Maximum height shall be three feet for signs erected with a setback of less than five feet.

(ii) Maximum height shall be eight feet for signs erected with a setback of five feet or greater.

(iii) Minimum setback from side lot lines shall be ten feet.

3. *Design requirements.* Freestanding signs shall be ground signs in accordance with section 14-33(f).

b. *Wall signs.* One wall sign may be utilized in lieu of a freestanding sign of a maximum size as specified in subsection (c)(1)a of this section. No projecting or roof signs shall be permitted. Any internal illumination of signs shall be approved by the code enforcement officer.

(2) *Nonresidential uses.* The freestanding sign areas in this subsection (c)(2) shall be permitted for nonresidential uses in residential zones. Height, setback and design requirements shall be according to subsections (c)(1)a.2 and 3 of this section.

a. Child care, nursery school: 32 square feet.

b. Home occupation: one square foot, affixed on the wall adjacent to the front entrance of the building.

c. Churches. See subsection (c)(2)f of this section.

d. All other nonresidential special exception uses: 32 square feet.

e. All residential special exception uses:

1. 16 square feet for uses consisting of 12 units or 24 beds or less;

2. 32 square feet for uses consisting of 13 units or 25 beds or more.

f. Houses of worship. Houses of worship may be permitted signage under this section in accordance with the following criteria:

1. Freestanding signs.

(i) Sign area, height and setback.

A. The maximum area shall be 100 square feet.

B. The maximum height shall be eight feet.

C. The setback shall be back of the right-of-way and ten feet from side lot lines.

D. Signage over 64 square feet shall be ground signs.

(ii) Freestanding signs shall be ground signs in accordance with section 14-33(f).

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2. Wall signs.
   (i) Sign area and height.
      A. Maximum area shall be 48 square feet.
      B. Maximum height of any individual letter shall be two feet. Religious symbols or logos may exceed this height, however, their area shall be counted towards permitted sign area.
   (ii) Design requirements.
      A. Consist of individual letters.
      B. Shall be illuminated by means of reverse channel opaque faced individual letters or external flood lighting.
      C. Shall primarily be made of wood or metal, or other materials simulating wood or metal. Solid plastic sign faces shall be prohibited.

g. Motor vehicle service stations/convenience stores with fuel operations. Motor vehicle service stations and convenience stores with fuel operations may be permitted signage under this section in accordance with the following criteria:
   1. Freestanding signs shall be ground signs.
      (i) Sign area and use. One freestanding sign per parcel for the primary street frontage shall be permitted with the maximum area as follows:
         A. Sites on designated arterial roadways: 100 square feet.
         B. Sites on all other roadways: 75 square feet.
         C. Signs over 64 square feet shall be ground signs.
      (ii) Height and setback.
         A. Freestanding signs shall not exceed eight feet in height.
         B. Freestanding signs shall be set back from the right-of-way.
   2. Wall signs.
      (i) Sign area and height.
         A. Maximum sign area shall be determined by multiplying the building front foot by 1.5 feet.
         B. Maximum sign vertical dimension shall not exceed 25 percent of the building height.
      (ii) Supplementary wall signage. Additional wall sign area of one square foot per tenant front foot shall be allowed for miscellaneous wall signage including window signs, poster frames, and similar signs supplementary to identification signs.
      (iii) Design criteria. Corporate stripes, logos, designs and colors proposed for the principal structure or the canopy over fuel operations, as permitted by subsection (c)(2)g.3 of this section, shall be counted as part of the overall permitted sign area.

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3. Wall signs for canopies over fuel operations. No additional sign area is permitted for canopies over fuel operations. However, permitted wall sign area for the principal structure or building may be transferred to the canopy, provided that canopy signage is only situated on the sides of the canopy facing a right-of-way.

(Ord. of 1-19-2010(1), § 4; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-35. Temporary signs.

(a) *Temporary freestanding signs.*

(1) Any new or relocated use in a nonresidential zone whose allowable freestanding sign has not yet been erected may utilize one conforming temporary freestanding sign for a period of not more than 30 days or until installation of the allowable freestanding sign, whichever shall occur first.

(2) Temporary freestanding signs shall conform to all authority codes and criteria, including, but not limited to, those cited or set forth as follows:

a. Structure tie-down pursuant to wind loads in the building code.

b. Electrical system, if any, pursuant to the provisions and requirements of the electrical code.

c. Maximum sign area shall be 32 square feet, maximum height shall be eight feet.

d. No more than one such sign shall be permitted for each lot or parcel.

e. Copy on signs shall be maintained in a legible condition.

f. External illumination shall be confined to sign face area.

(3) A sign permit shall be obtained for use of a temporary freestanding sign, and shall include the following:

a. A diagram indicating the manner in which the sign will be anchored to meet the specifications outlined in subsection (a)(2) of this section.

b. A plot plan showing that the proposed location is:

1. In compliance with the visual clearance requirements of this Code.

2. Provides for connection to a ground fault interrupter circuit receptacle if the sign is illuminated. Any connection cord shall conform to the electrical code, and shall not cross any driveway, walkway, parking lot, traffic area or drainage area. Use of multiple cord connections shall be prohibited.

3. Not in a required parking area.

(b) *Banners/temporary exterior wall signs.* Banners or other temporary wall signs shall be permitted under the following conditions:

(1) In conjunction with a grand opening for a new use, for a period not to exceed 15 consecutive days and utilized within the first three months of business for the use.

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(2) For sidewalk sales and other outdoor sales as authorized by inspection department.

(3) Maximum sign area shall be 32 square feet.

(4) One temporary wall sign or banner per street frontage shall be permitted to be displayed during special events. Such signs may carry business or product logos, and generic messages commemorating the event and/or welcoming visitors. The sign shall not convey specific sales information, such as prices or specials. The official dates and duration of events specified shall be those which are designated on the events calendar of the authority. All temporary wall signs or banners allowed under this subsection (b) may be installed up to five days prior to the event, and shall be removed no later than 48 hours following the event.

(5) Temporary banners and wall signs may be used for properties located in the historic district for no more than 45 days during any calendar year. Use of such temporary banners and wall signs shall be permitted in lieu of temporary wall signs and banners described in subsection (b)(4) of this section. If a temporary banner or wall sign is not removed by the end of the last day specified on the sign permit, the business holding such permit shall forfeit its right to any additional temporary banner or wall sign under this subsection (b) for the remainder of the calendar year.

(6) Temporary banners and wall signs permitted by this subsection (b) shall require a sign permit and the applicable permit fee.

(7) Temporary banners and wall signs permitted by this subsection (b) for individual shopping centers tenants shall be affixed to the building above or in front of the tenant space.

(c) *Temporary window signs.* Paper or other temporary signs may be affixed or otherwise attached to or displayed within glass display windows of commercial establishments without obtaining a sign permit. However, the total square footage for temporary window signage shall not cause the total signage on any elevation to exceed the maximum permitted wall sign area for that elevation. Notwithstanding the maximum permitted wall sign area requirement, no temporary window sign shall exceed 50 percent of the total window surface area of any one building elevation, in accordance with section 14-33(e).

(d) *Real estate signs.* Real estate signs shall be permitted under the following conditions:

(1) One nonilluminated sign shall be allowed for each street frontage of the subject property only, except as described in subsections (d)(4) and (5) of this section.

(2) Freestanding signs shall be:

a. Set back five feet from public right-of-way, or zero feet where the density of existing vegetation on undeveloped parcels would preclude compliance with the five-foot setback. In such case, the sign shall be placed parallel to the roadway.

b. Set back 25 feet from side property lines, or equidistant between side property lines.

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c. A maximum height of five feet in residential zones and eight feet in nonresidential zones.

(3) Maximum sign area shall be:

a. Single-family and duplexes (individual lots): six square feet.

b. Lots with four units or less: 16 square feet.

c. All nonresidential areas, and overall projects (e.g., PUDs, subdivisions and multifamily complexes with more than four units) in residential zones: 32 square feet.

(4) Properties with more than 500 feet of street frontage may have more than one sign as provided herein. The number of signs shall be based on the following for each street frontage:

a. Less than 500 feet: one sign.

b. 500 or more: two signs.

(5) Real estate signs for multiple lot projects shall comply with requirements of subsection (d)(6)e of this section.

(6) Design criteria for real estate signs.

a. Real estate signs of six square feet in area or less shall be exempt from the design criteria of this subsection (d)(6).

b. Real estate signs which are used for six months or less shall comply with the following requirements:

1. Such signs shall be exempt from the design criteria of this subsection (d)(6);

2. Such signs shall be authorized by a temporary sign permit for a period not to exceed 180 days; and

3. Such signs shall comply with the standard temporary sign detail specified in subsection (d)(6)e of this section.

Use of a real estate sign on any property for more than 180 days as authorized by a temporary sign permit shall require compliance with the criteria specified in subsection (d)(6)c or d of this section.

c. Real estate signs on vacant land shall comply with the following requirements:

1. Such signs shall be exempt from the design criteria of this subsection (d)(6);

2. Such signs shall be authorized by a permanent sign permit;

3. Such signs shall be constructed by a registered sign contractor; and

4. Such signs shall comply with the standard temporary sign detail specified in subsection (d)(6)e of this section.

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d. Real estate signs on developed land, including leasing signs, shall comply with the following design criteria:

1. Such signs shall be monument style or landscaped to screen all visible means of support;
2. Such signs shall be finished on all sides;
3. Such signs shall visually appear to be permanent signs;
4. Such signs shall be constructed and installed by a registered sign contractor; and
5. Such signs shall comply with the requirements of the island's building code for permanent signs.

(e) *Construction-real estate signs.* Construction-real estate signs, as described in this article, shall be permitted under the following conditions:

(1) For subdivisions, planned developments and all other projects, only one nonilluminated sign shall be permitted regardless of the number of builders or brokers, unless otherwise specified in this subsection.

(2) Freestanding signs shall be:

a. Set back five feet from the right-of-way, or zero feet where the density of existing vegetation on undeveloped parcels would preclude compliance with the five-foot setback. In such case, the sign shall be placed parallel to the roadway.

b. Set back 25 feet from side property lines, or equidistant between side property lines.

c. A maximum height of eight feet.

(3) Maximum sign area shall be 100 square feet.

(4) The location of permitted signage shall be along the frontage of the roadway with the greatest functional classification to which the project abuts.

(5) Within planned developments having multiple subphases containing varying unit types, one additional sign may be permitted notwithstanding signage noted in subsection (e)(1) of this section, for each subphase. Such signage shall conform with subsection (e)(2), (3) and (4) of this section.

(6) Construction-real estate signs shall not be erected more than 60 days prior to the beginning of construction, and shall be removed within 30 days after construction or build-out is completed. Such signage shall be removed immediately if construction has not begun after 60 days, or if construction is halted thereafter for a period of more than 30 days.

(7) Subcontractor and other additional signs of two square feet or less shall be permitted in addition to total sign area and shall be affixed to, or immediately adjacent to, the main sign structure. Additional signs exceeding two square feet shall be counted toward total sign area.

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(8) Design criteria for construction-real estate signs.

a. Construction-real estate signs of six square feet in area or less shall be exempt from the design criteria of this subsection (e)(8).

b. Construction-real estate signs which are used for six months or less shall comply with the following requirements:

1. Such signs shall be exempt from the design criteria of this subsection (e)(8);

2. Such signs shall be authorized by a temporary sign permit for a period not to exceed 180 days; and

3. Such signs shall comply with the standard temporary sign detail specified in subsection (e)(8)d of this section.

Use of a construction-real estate sign on any property for more than 180 days as authorized by a temporary sign permit shall require compliance with the criteria specified in subsection (e)(8)c of this section. Temporary construction-real estate signs on property for more than 180 days may be exempt from the design criteria of this subsection (e)(8), subject to extension of the temporary sign permit by the administrative official. Such extensions shall be limited to site developments and subdivisions which take longer than six months to construct. Extensions shall not be granted for signs which display the sale, rental or leasing of dwellings and/or structures in improved subdivisions.

c. Construction-real estate signs in improved land shall comply with the following design criteria:

1. Such signs shall be monument style or landscaped to screen all visible means of support;

2. Such signs shall be finished on all sides;

3. Such signs shall visually appear to be permanent signs;

4. Such signs shall be constructed and installed by a registered sign contractor; and

5. Such signs shall comply with the requirements of the authority's building code for permanent signs.

(f) *New employment signs.* New businesses shall be permitted to use new employment signs under the following conditions:

(1) Only one nonilluminated sign shall be permitted on any premises.

(2) The sign shall be a banner or freestanding sign of up to 32 square feet.

(3) Freestanding signs shall be set back from the right-of-way.

For purposes of this subsection (f), the term "new business" means a business which is opening at a location in conjunction with the construction of a new facility or the substantial

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renovation of an existing facility. The term "new business" specifically excludes businesses existing on site prior to the time of construction or substantial renovation and businesses which are merely changing ownership or name.
(Ord. of 1-19-2010(1), § 5; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-36. Special event signs.

Temporary signs for special events shall be permitted as described in this section. For purposes of this section, the term "special event" means any public or private event of limited duration in which the general public is invited to participate, and other event of limited duration that is otherwise unrelated to the primary use of the property.

(1) *Setbacks, height, maximum signage.*

a. The setback shall be 25 feet from side property lines or equidistant between side property lines.

b. The maximum height shall be five feet in residential zones and eight feet in nonresidential zones.

c. The maximum signage shall be:

1. Residential: 75 square feet.

2. Nonresidential: 100 square feet.

(2) *General restrictions.*

a. No special event sign may be used for the purpose of off-site advertising or any other purpose prohibited in section 14-33(b).

b. No sign prohibited in section 14-33(b) shall be authorized under this section as a special event sign.

c. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.

d. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the inspector prior to posting any sign on the undeveloped property.

e. The erection and removal of all special event signs shall be the responsibility of the person sponsoring the special event, except for political campaign signs which shall be the responsibility of the candidate for whom the sign was placed.

f. Special event signs shall be erected not more than five days prior to the special event. All special event signs shall be removed within 48 hours after the special event for which the sign was authorized.

g. Special event signs used on public rights-of-way for directions to event or advertising of the event shall be limited to a maximum of five signs.

(Ord. of 1-19-2010(1), § 5.5; Ord. No. O-2022-1, § 7, 6-21-2022)

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Sec. 14-37. Historic district.

(a) *Freestanding signs.*

(1) Sign area and use. One freestanding sign per parcel not to exceed 100 square feet.

(2) Height and setback.

a. Freestanding signs shall not exceed eight feet in height.

b. Freestanding signs shall be set back from the right-of-way if possible.

(b) *Wall signs for historic district area.* Sign area and height for individual tenants is as follows:

(1) The sign shall not exceed 32 square feet in area.

(2) The maximum sign vertical height shall not exceed 25 percent of building height.

(c) *Directory signage.*

(1) Sign area and height. One wall or freestanding directory sign for each building or for each main entrance to an internally accessed area of building not to exceed two square feet for each tenant or 24 square feet in total area, whichever is less. Such signage shall be oriented to parking and pedestrian areas for directional purposes only, and shall not be oriented outside of the district.

(2) Design and height requirements.

a. The maximum height of any individual letter within the permitted sign area shall not exceed four inches.

b. Freestanding directory signs shall not exceed eight feet in height.

(d) *Neon signs.* Neon shall not be permitted on any parcel located within the historic district.

(e) *Special event signs.* See section 14-36.

(f) *Sandwich board signs.* The sign area and use for this type of sign is as follows:

(1) No more than one sandwich board sign per parcel is allowed.

(2) Signs shall be a maximum of five feet in height.

(3) Signs shall be located to allow five feet of walking area.

(4) Shall comply with temporary sign codes, section 14-35, if applicable.

(g) *Miscellaneous signs.* Any type sign not included in this section shall need special written permission for usage within the historic district by the director of historic resources. (Ord. of 1-19-2010(1), § 6; Ord. No. O-2022-1, § 7, 6-21-2022)

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Sec. 14-38. Miscellaneous signs.

(a) *Awnings.* Use of awnings shall be regulated as follows:

(1) *Construction.* Fixed awnings shall be entirely supported from the building. All combustible materials used in the construction of awnings must be protected with not less than one hour of fire resistance. All glazing in fixed awnings must be of wired glass.

(2) *Height.* Maximum height, measured on a vertical plane from the point of attachment at the top of the awning to a point horizontal to the lowest edge of fabric, shall not exceed five feet or 35 percent of the building height, whichever is greater. Fixed awnings on private property must be at least seven feet, eight inches in the clear. Fixed awnings extending into a public right-of-way must be at least eight feet in the clear, between the lowest point or projection and the sidewalk immediately below. If a valance is attached to an awning, no portion of said valance may be less than seven feet in height.

(3) *Setbacks.* Awnings are allowed to project three feet into required yards, provided such projection does not exceed 50 percent of the minimum yard dimension. Where existing buildings have setbacks of less than five feet from the property line, awnings may project to two-thirds of the width of the sidewalk.

(4) *Copy on awnings.* The use of copy on an awning shall be regulated by the applicable provisions of this article for wall signs, including the requirement to obtain a sign permit. Copy on sides of awnings shall be prohibited unless the parcel has multiple street frontages. Copy may be permitted on awnings which legally extend into a public right-of-way.

(5) *Awning above the first story.*

a. Should be placed at separation of individual stores.

b. Awning may extend 42 inches from facade.

(6) *Illuminated awnings.* Illuminated awnings shall only be permitted on parcels which have frontage on a designated arterial roadway. Additional, illuminated awnings shall be prohibited for the following uses:

a. Offices.

b. Residential uses.

c. Nonresidential uses in residential areas.

(b) *Neon.* Use decorative neon for increased visibility shall be regulated under the following:

(1) Neon wall signs shall be regulated by the applicable provisions of this Code for wall signs.

(2) Decorative neon suspended behind windows and visible from the right-of-way shall be considered wall signs, and included in the total permitted wall sign area.

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(3) Neon shall not be permitted on any parcel located within the historic district.

(4) Exposed neon shall be prohibited.

(5) Decorative neon shall only be permitted on parcels which have frontage on a designated arterial roadway.

(c) *Changeable copy signs.* Changeable copy signs shall be regulated under the guidelines in this subsection. This subsection shall not include electronic message boards which are prohibited under this article, except time-temperature-date displays.

(1) *Freestanding signs.*

a. Motor vehicle service stations and convenience stores with gas pumps may utilize up to 100 percent of permitted sign area for changeable prices of gasoline only.

b. Movie theaters and other performance/entertainment/convention facilities may utilize up to 80 percent of permitted sign area for display of names of films, plays or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.

c. Houses of worship may utilize up to 50 percent of permitted sign area for changeable copy.

d. Changeable copy signs shall be prohibited for office, industrial and residential uses.

(2) *Wall signs.*

a. Use of changeable copy signs as part of permitted wall sign area is prohibited, except as described in subsection (c)(2)b of this section.

b. Movie theaters may use up to 80 percent of permitted wall sign area for display of names of films, plays or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.

(d) *Flags.*

(1) No more than three flags or insignias of governmental, charitable, religious, fraternal, corporate or other organizations may be displayed on any site development. The maximum width from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or in the absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground. The display of flags within any multitenant development shall be designed for the use by the entire development, rather than for use by any individual tenant for the tenant's space.

(2) Flags or insignias which read "Model," "Open," "Open House" or any other phrase which identifies property for real estate purposes may be displayed in the locations and numbers set forth in this subsection (d)(2). The maximum height of such flags shall be eight feet and maximum size shall be 15 square feet.

a. Main entrance to a residential subdivision or planned residential development: two flags.

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b. Entrance to a multifamily project or subphase of a planned residential development: two flags.

c. Single-family or duplex model home lot: two flags.

d. Townhouse/condo or villa model: two flags.

(e) *Directory signs.* Permanent directory signage for properties in unified development with arterial road frontage and designed without direct access to the arterial road may be permitted by the authority upon request of the property owner.
(Ord. of 1-19-2010(1), § 7; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-39. Nonconforming signs.

(a) *Intent.* It is the intent of this article to allow nonconforming signs permitted before the adoption of this Code to continue for a 12-month period.

(b) *Removal of nonconforming signs.* All nonconforming and nonpermitted signs, except as provided herein, shall be removed within one year or as otherwise provided under section 14-39.

(c) *Continuance of nonconformities.* Use of a nonconforming sign may be continued, subject to the following regulations:

(1) No nonconforming sign shall be enlarged or increased in any way from its lawful size at the time of the adoption of this Code, nor shall a nonconforming sign be relocated from its location at the time of adoption of this Code.

(2) Nonconforming signs or sign structures that are defined as abandoned signs under this article shall not be permitted for reuse.

(3) Use of a nonconforming sign shall immediately terminate upon a change of business, business ownership or business name, regardless of whether ownership of the lot on which the nonconforming sign is located has been transferred.

(4) Except as otherwise provided herein, nonconforming signs specifically identified as prohibited signs by this article shall be eliminated no later than one year after the date of adoption of this Code. Thereafter, all such nonconforming signs shall be deemed unlawful and prohibited and subject to the enforcement provisions of this article.

(5) Signs existing as of the date of this amendment, whose height and/or sign area do not exceed 115 percent of that allowed by section 14-34, shall be deemed conforming. Installation or construction of all new signs, and any modification or replacement of signs permitted under this subsection (c), shall comply with all applicable height, sign area and other requirements of section 14-34.

(6) Any sign that is nonconforming and is determined by the administrative official to be in good repair shall be permitted to continue past the compliance deadline established by this article. Signs that have substantial rust, missing parts, dents or other structural or aesthetic deficiencies shall not be considered in good repair.

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(7) Nonconforming real estate or construction signs shall be removed no later than one year after the date of adoption of this amendment. Thereafter, all such nonconforming signs shall be deemed unlawful and prohibited and subject to the enforcement provisions of this article.

(d) *Repairs, maintenance and improvements.* Normal repairs, maintenance and improvements may be made, however, the cost of such improvements made during any one-year period shall not exceed 25 percent of the replacement cost of the sign at the end of the one-year period.

(e) *Reconstruction after catastrophe.* If any nonconforming sign is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of repair and reconstruction will exceed 50 percent of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of this Code.

(f) *Casual, temporary or illegal use.* The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.

(Ord. of 1-19-2010(1), § 8; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-40. Enforcement.

(a) *Authority.* The code enforcement officer shall be empowered to enforce this Code.

(b) *Removal of prohibited signs.*

(1) Prohibited signs on public property or rights-of-way shall be removed immediately, and may be removed by the authority or its agent without notice.

(2) Temporary signs and parasite signs shall be removed within 48 hours after receipt of written notification of the code enforcement officer or building official.

(3) Abandoned signs shall be removed by the owner, agent or person in charge of the premises within 30 days after receipt of written notification by the code enforcement officer or building official.

(c) *Removal of unsafe signs.* Should any sign become unsecured or in danger of falling, in disrepair or deteriorated, or otherwise unsafe in the opinion of the building official, the owner thereof, or person or firm maintaining it, shall, upon receipt of written notification from the building official immediately, in the case of imminent danger, or within ten days in other instances, secure the sign or cause it to be placed on good repair in a manner approved by the building official, or said sign shall be removed by the owner thereof. If such order is not complied with, the authority may remove the sign at the expense of the owner and may place a lien for the cost thereof upon the property on which the sign was located together with any other cost incurred by the authority by filing such lien. The lien may be foreclosed in the same manner provided by law for the foreclosure of mortgages and the authority shall have the right to receive all costs of court including reasonable attorney fees.

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(d) *Removal of illegally erected signs.* Where this article requires work to be done by a licensed contractor and such work is not performed by a licensed contractor, the owner or lessee of the property where such illegally erected sign is located shall have, either:

(1) The sign immediately removed; or

(2) A licensed contractor secures a permit for such sign.

Island inspections of the sign shall be performed.

(e) *Termination of unlawful illumination.* Upon receipt of written notification by the department that a sign is unlawfully illuminated in violation of this article, the owner, his agent, or person in control of the premises, shall immediately terminate the prohibited illumination or animation of such sign.

(f) *Violation; penalties; continuing violations and penalty therefor.* Violations of this Code, including those sections authorizing authority removal of signs or other penalties, shall be subject to a fine not to exceed $50.00 per day or as shall be provided and stipulated by law. A separate offense shall be deemed committed each day during or upon which a violation occurs or is permitted to continue.
(Ord. of 1-19-2010(1), § 9; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-41. Special setbacks.

(a) *Nonconforming lots.* On existing lots of substandard width, where existing conditions or requirements conflict with the ability to meet the signage setback requirements of this article, the authority may allow the setback to be reduced to the largest dimension available.

(b) *Setback on wide rights-of-way.* Front setback requirements for signs may be waived by the authority where properties front on a dedicated right-of-way with sufficient width to accommodate any foreseeable future widening and still maintain a minimum 20-foot distance between the sign and the nearest edge of the travel lanes.
(Ord. of 1-19-2010(1), § 10; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-42. Variances and appeals.

(a) *Technical appeals.* Appeals from technical decisions of the administrative official or any other official empowered to rule on sign issues shall be in writing to executive director.

(b) *Variances.* Variances from the requirements of this article shall be processed by written justification to the building official.
(Ord. of 1-19-2010(1), § 11; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-43. Severability.

(a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.

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(b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a) of this section, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a) of this section, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 14-33. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 14-33 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 14-33.

(d) *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.
(Ord. of 1-19-2010(1), § 12; Ord. No. O-2022-1, § 7, 6-21-2022)

Secs. 14-44—14-50. Reserved.

ARTICLE IV. WELLS

Sec. 14-51. Permission required.

It shall be unlawful to dig, construct, fit or have made any well, either shallow or deep, on authority property without written permission of the authority. All right, title and interest in and to any such well shall be and is hereby reserved in the authority.
(Code 1981, § 12-401; Ord. No. O-2022-1, § 7, 6-21-2022)

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Sec. 14-52. Capping.

The authority shall have the sole discretionary power to cap or in any manner render inoperative any illegal wells whose capping is not covered by state law.
(Code 1981, § 12-402; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-53. Wellhead protection.

(a) *Definitions.* When used in this section the following words and phrases shall be the meanings given in this subsection:

Authority public water system means the public water system belonging to or otherwise operated by the island authority.

Control zone means that property lying within a 15-foot radius of the wellhead as described in these definitions.

Hazardous waste or material means any material or waste which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible incapacitation or illness; or

(2) Pose a substantial present or future potential hazard to human health or to the environment when improperly used, treated, stored, transported, disposed of or otherwise managed.

Sanitary landfill means a disposal site where solid wastes, or hazardous wastes including putrescible wastes, or hazardous wastes, is disposed of on land by placing earth cover thereon.

Wellhead means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

Wellhead protection zone means that property lying within a 100-foot radius of the wellhead as described in these definitions.

(b) *Purpose.* This section shall be known as the "wellhead protection ordinance." The purpose of this section is to ensure the provisions of a safe and sanitary drinking water supply for the island authority and the general public served. Therefore, wellhead protection zones surrounding the wellheads for all wells or springs which are supply sources for the island authority public water system shall be established and managed by specific designation, restriction and regulation of property uses activities, and conditions to be maintained within such zones.

(c) *Establishment of a wellhead protection zone.* There is hereby established a use district known as a wellhead protection zone, identified and described as all the area within a circle of any authority public water system supply wellhead and the radius which is 100-feet.

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(d) *Permitted uses.* The following uses shall be permitted within wellhead protection areas: Any use necessary for the repair, care and maintenance of water production facilities and telecommunication antenna including buildings, structures, piping, water conveyance systems, electrical power supply and equipment or any other activity essential to the production, treatment, pumping and storage of potable water for the island public water system.

(e) *Prohibited uses.* The following uses or conditions shall be and are hereby prohibited within the wellhead protection zones, whether or not such use or condition may otherwise be included as a part of a use permitted under subsection (d) of this section:

(1) Surface use or storage of hazardous material, expressly including commercial use of industrial pesticides;

(2) Septic tanks or drain fields appurtenant thereto;

(3) Impervious surfaces other than roofs of buildings, streets, driveways and walks serving buildings permitted under subsection (d) of this section;

(4) Sanitary landfills;

(5) Hazardous waste disposal sites;

(6) Stormwater infiltration basins;

(7) Underground storage tanks;

(8) Sanitary sewer lines within 125 feet of a wellhead;

(9) Control zone shall be protected from any uses other than those directly dealing with the care and maintenance of the wellhead;

(10) Drainage ditches which may contain or concentrate surface runoff from commercially or residentially used pesticides and herbicides or other hazardous wastes.

(f) *Administration.* The policies and procedures for administration of any wellhead protection zone established under this section, including without limitation those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be as provided in this chapter, as the same is presently enacted or may from time to time be amended. See chapter 6 and article III of chapter 20.
(Ord. of 2-14-2005, § 12-403; Ord. No. O-2022-1, § 7, 6-21-2022)

Secs. 14-54—14-60. Reserved.

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ARTICLE V. SANITARY SEWERAGE

Sec. 14-61. Connection of toilet facilities.

(a) All owners of leaseholds or greater estates and all holders of usufructuary interests in lands lying within the boundaries of the territory under the jurisdiction of the authority as of March 13, 1972, (hereinafter sometimes for convenience collectively referred to as "owners" or "owner's") shall:

(1) Connect the toilet facilities installed within any structure located on said lands as affected by such estates or interests directly with the authority's sanitary sewer main within the period commencing on the 15th day after the date of service of official notice so to do and ending at 12:00 midnight on December 31, 1972, provided said sanitary sewer main is within 25 feet of either of the owner's front, rear or side lot property lines;

(2) If said sanitary sewer main is not within 25 feet of either of the aforesaid property lines, connect such toilet facilities directly with said sanitary sewer main within 365 days from the date the same is brought within 25 feet of said property lines;

(3) If their said property lines lie within 25 feet of said sanitary sewer main and their property has not been improved by a structure within which is installed toilet facilities, then the owners shall connect during the course of construction such toilet facilities directly with said sanitary sewer main; or

(4) If their said property lines are more than 25 feet distant from said sanitary sewer main and their property has not been improved by a structure containing toilet facilities, the owners shall connect the toilet facilities in any structure hereafter constructed on such property with said sanitary sewer main within 365 days from the date said sanitary sewer main is brought within 25 feet of their said property lines.

(b) Nothing contained herein shall be construed:

(1) To relieve owners who acquire leasehold or greater estates or usufructuary interest in lands or owners having toilet facilities in a structure now connected to said sanitary sewer main of the responsibility of connecting the toilet facilities in any new structures hereafter constructed with said sanitary sewer main regardless of the distance between said property lines and said sanitary sewer main, the power and duty to require that the same be done being hereby expressly reserved to and imposed upon the authority;

(2) To alter or constitute a waiver of any provisions contained in a written agreement (deed, lease, rental agreement or other instrument in writing) between owners and the authority requiring that owners shall connect such toilet facilities to said sanitary sewer main; or

(3) To relieve owners in situations other than those described in subsections (a) and (b)(1) and (2) of this section of connecting the toilet facilities in any hereafter

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constructed structures on their property to said sanitary sewer main regardless of the distance between the owner's said property lines and said sanitary sewer main.

(Code 1981, § 12-501; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-62. Discontinuance of use of private sewage disposal facilities.

At such time as the connection is made with the authority's sanitary sewer main as provided in section 14-61 the owners shall abandon any septic tanks, cesspools, and other similar private sewage disposal facilities which theretofore served the property and the contents of such facilities shall be removed and immediately thereafter the same shall be filled with suitable material.

(Code 1981, § 12-502; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-63. Tampering with sewer main.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb said sanitary sewer main or appurtenance thereof without first obtaining a written permit from the authority. The owner of any such estate or holder of any such interest shall make application for such permit to the executive director on a special form furnished by the authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the authority. A permit and inspection fee in an amount as established from time to time for said sewer permit shall be paid to the authority at the time the application is filed.

(Code 1981, § 12-503; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-64. Owner responsibility for costs.

All cost and expense incident to the installation and connection of such structure's sewers shall be borne by the owner of such estate or the holder of such interest, as the case may be, who shall indemnify and save harmless the authority from any loss or damage that may directly or indirectly be occasioned by the installation of such structure's sewers.

(Code 1981, § 12-504; Ord. No. O-2022-1, § 7, 6-21-2022)

Secs. 14-65—14-70. Reserved.

ARTICLE VI. SATELLITE DISH REGULATION

Sec. 14-71. Definitions.

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

Leaseholder means the lessee to any residential property on the island.

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Professional satellite dish installer means:

(1) A person or legal entity authorized by the manufacturer or provider of a satellite dish to install a particular satellite dish; or

(2) Any other person or legal entity which is in the business of installing satellite dishes, carries commercial liability insurance in amounts of no less than $500,000.00 per occurrence, and has entered into a work order or agreement with a leaseholder to perform satellite dish installation services on the island.

Satellite dish means any object whether to be affixed to a structure or constituting a stand-alone structure that is intended to receive or transmit radio, telephone, television/telecommunication signals or satellite transmissions or communications.
(Ord. of 3-21-2011, § 2; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-72. Intent.

It is the intent of the authority to ensure the safe installation of satellite dishes on the island while maintaining the attractive visual appearance of the island.
(Ord. of 3-21-2011, § 1; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-73. Responsibilities of—Installers.

Any professional satellite dish installer must:

(1) Possess a valid business license;

(2) Be in the business of installing satellite dishes;

(3) Carry commercial liability insurance in amounts of no less than $500,000.00 per occurrence;

(4) Carry any required or available manufacturer certifications for installing the applicable satellite dish;

(5) Securely anchor all satellite dishes to the structure constituting the main dwelling, or the ground if approved by the authority, in compliance with manufacturer specifications and any applicable laws or regulations;

(6) Provide the leaseholder with a copy of manufacturer specifications.
(Ord. of 3-21-2011, § 3; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-74. Same—Property leaseholder.

(a) Any leaseholder having a satellite dish installed shall obtain a permit from the authority. The permit application shall require a letter or other documentation from the professional satellite dish installer stating that the installer meets the requirements of section 14-73(1) through (4). The authority in its discretion may preapprove professional satellite dish installers who regularly work on the island and provide evidence to the authority that they meet the requirements of section 14-73(1) through (4). Such preapproval would eliminate the need for documentation of such professional satellite dish installer's

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compliance with this article. The one-time fee for the permit shall be $20.00, covering the cost of inspection of installation of the satellite dish. This fee may be amended by resolution.

(b) If a satellite dish is being installed for the purpose of replacing an existing satellite dish, the existing satellite dish must be removed from the property within ten days of the installation of the new dish.

(c) Leaseholder must remove any satellite dish within 30 days of discontinuing service from said dish, and restore the structure or real property to which it was affixed to a condition reasonably the same as existed prior to the installation of the satellite dish.

(d) Leaseholder must provide documentation, at the time of inspection, relative to the proper installation procedures as provided by the manufacturer of the satellite dish.
(Ord. of 3-21-2011, § 4; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-75. Location and screening.

(a) Satellite dishes shall be mounted on the main dwelling unless otherwise approved.

(b) When approved, satellite dishes may be located on the ground.

(c) When installed on the ground, the satellite dish shall be set back five feet from the right-of-way and ten feet from side and rear property lines unless otherwise approved.

(d) When installation on the ground is visible from a road adjacent to the property, the dish shall be reasonably screened by landscaping or fencing as approved by the authority's director of landscape and planning.
(Ord. of 3-21-2011, § 5; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-76. Existing nonconforming installations.

Currently existing, nonconforming installations completed before the adoption of this article will be allowed to continue for a 12-month period, at which time compliance will be required.
(Ord. of 3-21-2011, § 6; Ord. No. O-2022-1, § 7, 6-21-2022)

Sec. 14-77. New installation noncompliance and enforcement.

(a) When a new installation is found to be in noncompliance, the authority shall provide written notification to the property leaseholder that the noncompliance must be corrected within ten calendar days.

(b) Such notice of noncompliance shall be sent by certified mail or statutory mail, addressed to said leaseholder, at his last known address, or by posting on the premises.

(c) Failure by leaseholder to correct any item of noncompliance with this article shall be construed to be an item of default of the lease for these premises and shall be resolved as set forth in section 1-8 and by law as applicable.
(Ord. of 3-21-2011, § 7; Ord. No. O-2022-1, § 7, 6-21-2022)

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Sec. 14-78. Variances.

(a) Requests for variances to this article must be presented in writing to the island authority. Such requests must state the rationale and must show how failure to receive a variance will cause an undue hardship on the requestor.

(b) The island authority shall respond to the request, in writing within ten days.
(Ord. of 3-21-2011, § 8; Ord. No. O-2022-1, § 7, 6-21-2022)

Chapter 16

LEASED PROPERTY*

Article I. Leases with Jekyll Island State Park Authority

Sec. 16-1. All property held in trust.
Sec. 16-3. Applicable law.
Sec. 16-4. Applicable restrictions, conditions, limitations, easements, rights, and privileges.
Sec. 16-5. Authority property.
Sec. 16-6. Violations, penalties and enforcement.
Secs. 16-7—16-20. Reserved.

Article II. Property Boundary Survey

Sec. 16-21. Purpose.
Sec. 16-22. Survey required.

*__Editor's note—__Ord. No. O-2022-1, § 7, adopted June 21, 2022, repealed §§ 16-1—16-8, 16-45—16-48, which pertained to applicability to county zoning; Class A Limited Residence Areas (A-L), special restrictions; Class A, Multiple Residence Areas (A-M) special restrictions; Class B, Limited Residence Areas (B-L) special restrictions; Class B, Multiple Residence Areas (B-M) special restrictions; Class C, Limited Residence Areas (C-L) special restrictions; Class C, Multiple Residence Areas (C-M) special restrictions; all residential property—applicable building restrictions; residential home occupation and derived from §§ 12-101—12-108, 12-114—12-114.3 of the 1981 Code; Ord. of 1-19-2010(2), §§ 12-114—12-114.3; Res. of 10-27-2014(1). See Chapter 14 for similar provisions. Section 7(Att. 7) of same ordinance added a new chapter 16 to read as herein set out.

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ARTICLE I. LEASES WITH JEKYLL ISLAND STATE PARK AUTHORITY

Sec. 16-1. All property held in trust.

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.
(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

Sec. 16-2. 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.

(2) It shall be the responsibility of the occupants of any lot or parcel of lease property upon the island to preserve and maintain the cleanliness, orderliness and good appearance of the property which they occupy.

    a. No unclean, unsightly or unkempt conditions of buildings or grounds which shall tend to destroy the beauty of the island as a whole or the specific area will be permitted.

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b. Furthermore, no occupant of the lease property upon the island shall through his activity destroy or detract from the cleanliness, orderliness or beauty of the island or each areas by placing or leaving therein or thereon debris or refuse or unsightly objects of any kind, it being understood that each occupant has not only the duty of maintaining the cleanliness, orderliness and beauty of the lot or parcel he may occupy, but also has the further duty of not defacing or in anywise detracting from the beauty of the remainder of the island.

(3) Every occupant of the leased property shall be responsible for conducting himself in a fashion consonant with the use and purposes of the entire island. Furthermore, no occupant shall maintain any plants or animals or keep or operate any device or thing of any sort whose normal activities or existence is in any wise noxious, dangerous, unsightly, or of a nature as will necessarily diminish or destroy the enjoyment of other occupants or the general public at any point throughout the island.

(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

Sec. 16-3. Applicable law.

All violations of the conditions and limitations set forth in section 16-2 above shall be dealt with in accordance with the laws of the State of Georgia and the ordinances of Glynn County and any and all ordinances of the authority.

(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

Sec. 16-4. Applicable restrictions, conditions, limitations, easements, rights, and privileges.

The restrictions, conditions, limitations, easements, rights, privileges, set forth in this Code of Ordinances supersedes that general notice and property restrictions, recorded on December 27, 1954, in book 7-Q, page 316, in the Office of the Clerk of Superior Court of Glynn County, Georgia.

(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

Sec. 16-5. Authority property.

(a) It shall be unlawful for any person or entity to convert public authority property to private use unless specific written authorization from the authority has first been had and obtained. This prohibition shall include, but not be limited to, easements, rights-of-way and authority land not under lease to an individual.

(b) It shall be unlawful for the occupants of any lot or parcel of leased property to make any alteration to any property that is not their leased property. This prohibition includes property of the authority as well as property of neighboring leaseholders. Alterations include, but are not limited to:

(1) Trimming or removal of trees, plants, vegetation, or other natural features; and

(2) Installation of structures, fences, pools, or other objects.

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(c) The authority may enter into a memorandum of understanding with leaseholders in cases where an encroachment from leased property onto authority property is deemed to be in the best interests of the authority.
(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

Sec. 16-6. Violations, penalties and enforcement.

(a) Any person found in violation of any provision of this article 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 occurrence shall be deemed a separate offense.

(b) In addition to any penalty assessed by the judge upon conviction of a violation of this article, the authority may impose additional penalties or requirements, including, but not limited to, the following:

(1) Issuing a cease-and-desist letter to the leaseholder responsible for the violation to prevent further encroachment and damage to authority property;

(2) Imposing an assessment to the leaseholder responsible for the violation for the full cost to the authority to remediate the damage to authority property or recover any costs to the authority resulting from such violation;

(3) Assessment of the costs on utility bills invoiced to the leaseholder responsible for the violation; and

(4) Placement of a lien on the property of the leaseholder responsible for the violation to recover the costs to the authority.

(c) Liability disclaimer: This section is adopted to address the interest of protecting the public lands of the authority. The use of property by a leaseholder of said property that is not included in their lease, presents a threat to the open space, environment and public interest of the island. The authority, by regulating limitations on the encroachment upon property that the leaseholder does not have a right to alter or occupy is merely trying to protect the public lands of the authority. The authority has no liability under any theory of liability and the authority assumes no liability for the damage caused by encroachments off of leased property.
(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

Secs. 16-7—16-20. Reserved.

ARTICLE II. PROPERTY BOUNDARY SURVEY

Sec. 16-21. Purpose.

(a) 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.

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(b) 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.
(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

Sec. 16-22. 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 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 6-3, 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.

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(f) Exemptions.

(1) Transfer and sale of individual condominium units shall not require a property boundary survey unless the entire condominium association is being transferred or sold.

(Ord. No. O-2022-1, § 7(Att. 7), 6-21-2022)

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Chapter 18

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

Sec. 18-1. Disorderly conduct.
Sec. 18-2. Discharging firearms, air guns, etc.
Sec. 18-3. Throwing of missiles.
Sec. 18-4. Ball playing.
Sec. 18-5. Reserved.
Sec. 18-6. Weeds.
Sec. 18-7. Reserved.
Sec. 18-8. Reserved.
Sec. 18-9. Tampering with signs.
Sec. 18-10. Freshwater fishing.
Sec. 18-11. Temporary shelter.
Sec. 18-12. Damaging vegetation.

Article II. Gatherings for the Purpose of Public Expression

Sec. 18-13. Authority to review applications.
Sec. 18-14. Use of public spaces and facilities.
Sec. 18-15. Application—Procedure; content.
Sec. 18-16. Same—Review by the authority.
Sec. 18-17. Revocation.
Sec. 18-18. Administrative review of denial; hearing procedure.
Sec. 18-19. Time allotment.
Sec. 18-20. Violations.
Sec. 18-21. Exceptions.
Sec. 18-22. Indemnification and hold harmless agreement.

***State law reference—**Magistrate court of the county to hear and try cases of persons charged with violation of authority ordinances, O.C.G.A. § 12-3-236.1(b).

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ARTICLE I. IN GENERAL

Sec. 18-1. Disorderly conduct.

It shall be unlawful for any person within the authority limits to engage in any violent, tumultuous, obstreperous, or similar disorderly conduct tending to infringe on the peace and repose of the citizens of the island. Fighting between two or more persons in which physical contact is made, except that which occurs at boxing exhibitions duly authorized by the authority, shall be deemed to be disorderly conduct within the meaning of this chapter.
(Code 1981, § 15-101)

Sec. 18-2. Discharging firearms, air guns, etc.

(a) No person shall, while upon the island, discharge any firearm, air gun, BB gun or any other weapon projecting any lead, missile or projectile; provided, however, that this chapter 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 or when engaged in such hunting as may be expressly authorized by the authority and which shall otherwise be lawful.

(b) The violation of this chapter by any person shall cause such person to be liable to the authority for a fine in the amount of $500.00 in the manner as shall be provided or stipulated by law, and the authority is hereby authorized to invoke any and all such remedies as may by law be available to it to enforce the collection thereof, including but not limited to the appropriate proceedings in courts of competent jurisdiction in the state.
(Code 1981, § 15-102)

Sec. 18-3. Throwing of missiles.

It shall be unlawful for any person upon the island to throw any stone, rock or other missile upon or at any vehicle, building, tree or other public or private property, or upon or at any person in any public or private way or place.
(Code 1981, § 15-103)

Sec. 18-4. Ball playing.

It shall be unlawful for any person to play ball by throwing, catching, pitching, or batting a ball on any public street, alley or sidewalk of the island.
(Code 1981, § 15-104)

Sec. 18-5. Reserved.

Editor's note—Ord. No. O-2022-1, § 8, adopted June 21, 2022, repealed § 18-5, which pertained to drinking in public and derived from § 15-105 of the 1981 Code; Res. of 6-28-1982; Res. of 10-27-2014(1).

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Sec. 18-6. Weeds.

(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:

Weeds means jimson, burdock, ragweed, thistle, cocklebur, dandelion or other unsightly growths of like kind.

(b) *Prohibited.* It shall be unlawful for any owner or resident of any lot, area, or place located upon the island to permit any weeds, grass or deleterious, unhealthful growths to obtain a height exceeding ten inches on such property.

(1) *Notice to remove.* It shall be the duty of the authority to notify, in writing, the owner or occupant of any premises upon which weeds or other prohibited flora are permitted to grow in violation of the provisions of this chapter that such growths must be removed, cut, and/or destroyed within ten days from the date of such notice. Notice shall be by registered mail, addressed to said owner or occupant, at his last known address.

(2) *Action upon noncompliance.* Upon failure, neglect or refusal of any owner or occupant so notified to remove, cut or destroy such weeds or other unsightly growths within the designated time period, the executive director, or his designated representative, is authorized and empowered to provide for the removal, cutting or destruction of such growths by or for the authority. The actual cost of such weed removal shall be assessed against the lessee from the authority upon whose premises the work is done, and, in the event the bill for such charges remains unpaid for ten days after it has been rendered, an additional charge as may from time to time be established by the island authority shall also be assessed against the lessee.

(Code 1981, § 15-107; Amd. of 3-20-1992, § 11)

Sec. 18-7. Reserved.

Editor's note—Ord. No. O-2022-1, § 8, adopted June 21, 2022, repealed § 18-7, which pertained to accumulation of junk and derived from § 15-109 of the 1981 Code.

Sec. 18-8. Reserved.

Editor's note—Ord. No. O-2022-1, § 8, adopted June 21, 2022, repealed § 18-8, which pertained to abandonment of motor vehicles and derived from § 15-109 of the 1981 Code.

Sec. 18-9. Tampering with signs.

It shall be unlawful to remove, deface, or destroy any authority authorized placard or poster.

(Code 1981, § 15-110)

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Sec. 18-10. Freshwater fishing.

It shall be unlawful to fish at any time on any lake that is on or directly adjacent to a golf course fairway. It also shall be unlawful to fish on any other lake 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 on which fishing is otherwise not permitted.
(Code 1981, § 15-111; Ord. of 7-25-1988)

Sec. 18-11. Temporary shelter.

Temporary tents or shelters and the like are permitted on the beaches and other public areas, provided that said temporary tents and shelters are removed at the cessation of the personal activity.
(Code 1981, § 15-112; Res. of 10-27-2014(1))

Sec. 18-12. Damaging vegetation.

It shall be unlawful to cut, pick or in any manner damage the vegetation, except as provided in section 18-6, on authority property.
(Code 1981, § 15-113)

ARTICLE II. GATHERINGS FOR THE PURPOSE OF PUBLIC EXPRESSION*

Sec. 18-13. Authority to review applications.

The authority and its executive director are vested with the responsibility to receive applications for, and to accede to or deny, permits for conduct in public spaces and facilities, as outlined in section 18-14. The executive director of the authority shall determine to permit or refuse to permit any such conduct in or about public spaces solely on the basis of the factors or combination of factors set out hereinafter, and in light of a presumption that all peaceable expression not inconsistent with the goals of this article shall be permitted at all reasonable times and places.
(Code 1981, § 10A-101(2); Ord. No. O-2022-1, § 9, 6-21-2022)

Sec. 18-14. Use of public spaces and facilities.

No person shall, without first being permitted by the executive director of the authority after application made according to the requirements set out hereinafter, engage in any of the following demonstrative, informative, celebratory or other form of public expression, collectively referred to hereinafter as an "event":

(1) Conduct a public assembly, parade, demonstration or other like event, either fixed or processional, involving more than 25 individuals for a common purpose, due to either

*__Editor's note—__Ord. No. O-2022-1, § 9, adopted June 21, 2022, renumbered §§ 20-19—20-28 as §§ 18-13—18-22 as herein set out.

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prior planning or spontaneous gathering, on, over, upon, or burdening the public properties of the authority, or utilizing the facilities thereon, which has the effect, intent, purpose, or propensity to attract the notice of people who are not a part of such public assembly, parade, demonstration or event;

(2) Bring, land, or cause to ascend, descend or alight any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation on, over or upon the public properties of the authority, or facilities thereon;

(3) Bring a nondomestic, supervised, and controlled or restrained animal for limited noncommercial or promotional purposes on, over, or upon the public properties of the authority, or facilities thereon;

(4) Station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure on, over, or upon the public properties of the authority;

(5) Create or emit any electronically amplified sound, on, over, or upon the public properties of the authority, except from a radio, recorder or other device, which is possessed and used by an individual for his own enjoyment and is operated in such a manner so as to not interfere with the use and enjoyment by any other person; or

(6) Conduct any exhibit, music, or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission on, over, or upon the public properties of the authority; or station or use any electrical or electronic device or equipment that would require outdoor auxiliary power.

(Code 1981, § 10A-101(3); Ord. No. O-2022-1, § 9, 6-21-2022)

Sec. 18-15. Application—Procedure; content.

(a) Within no less than 20 days prior to an event, the person associated in fact, whether or not a legally recognized entity, who wish to conduct such event shall apply to the authority for a permit. Such application shall at a minimum include:

(1) The name and address of the applicant. If the applicant is an association of persons in fact or in law, the application shall contain:

a. A description of the entity;

b. The name of said entity, if named;

c. The registered or recognized address of the entity, if any;

d. The name of the person making the application on behalf of said entity;

e. Such person's relationship to said entity; and

f. Some demonstration or recitation of the authority of the person making the application to act on behalf of the entity.

(2) A plan for review by the authority, which plan will include:

a. The anticipated number of persons participating in the event;

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b. The date of the event;

c. The hours of each day the event will be conducted;

d. The exact location of said event, or, if the event is processional or mobile, the route of the event;

e. Whether sound amplification equipment will be employed, and if so, what type;

f. Whether artificial lighting will be employed, and if so, please state whether temporary static structures will be constructed or employed;

g. Whether vehicles will be employed, and if so, a description of same sufficient to permit the authority to evaluate the permitting factors set out hereinafter;

h. A description of the anticipated need for safety, police, medical, sanitation and other required personnel and equipment, with the anticipated needed numbers and posting by location and time of such personnel and equipment;

i. A description of provisions necessary to the safety and welfare of the participants in the event and members of the public in the area where the event will be conducted and routes of access thereto; and

j. Whether the event will require that public spaces or facilities to be used or burdened, or the routes and means of access thereto and therefrom, be temporarily diverted from their dedicated or customary uses, or public or pirate users thereof be diverted or excluded from, or limited in their use or enjoyment of, or their access to or through, said spaces or facilities, before, during, or after the event.

(3) A disclosure as to whether the applicant or entity for whom the application is being made has in the past conducted or participated in an event of a substantially similar nature to that which is the subject of the instant application, and, if so, where and when such prior event took place, and whether as a result of such event the applicant or entity became the subject of any legal action, civil, criminal or administrative, whether or not then operating under the same name, as plaintiff or defendant.

(4) A disclosure as to whether the applicant or entity for whom the application is being made has defaulted upon or is in arrears as to any judgment civil, criminal or administrative rendered against the applicant or entity, or is in violation of any injunction or restraining order entered against the applicant or entity, whether or not then operating under the same name, as a result of participation in any prior event or a substantially similar nature to that which is the subject of the instant application, and if so, a description of said judgment or order and an explanation for noncompliance.

(5) An indemnification and hold harmless agreement in favor of the authority, its elected officials, officers, agents and employees, in a form satisfactory to the attorney for the authority.

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(b) If, as a direct consequence of exigent, unanticipated, or other circumstances beyond the control of the applicant, applicant is unable to file an application not less than 20 days before an event, nothing herein shall be construed as precluding the filing of an application at a later time, but in such case the time limits for review by the authority, and for review and appeal in the case of a denial of a permit, shall remain the same.

(c) Where an event conducted on, over, upon, or burdening public properties, or employing the facilities thereon, which is also to substantially involve or take place partly or wholly upon private property with the consent of the owners thereof, such owners or their authorized representatives must join as an applicant for any permit for such event.
(Code 1981, § 10A-101(4); Ord. No. O-2022-1, § 9, 6-21-2022)

Sec. 18-16. Same—Review by the authority.

(a) Within ten working days of receipt of an application, the executive director of the authority shall review the application in light of all of the contents thereof and render a decision and communicate same to the applicant, either permitting the event as planned or denying a permit for same. If the permit is denied, the executive director of the authority shall provide the applicant, in writing, a statement of the reasons therefor. (First class mail to the address provided by applicant, postmarked no more than ten working days after receipt of the application, shall be sufficient for this purpose, though not the exclusive means of notice.)

(b) Nothing in this process shall prevent the executive director of the authority, at his sole option and within the ten-day period for approval or denial, to confer with the applicant with respect to modifications of the applicant's plan for the event, and amend the application to reflect such modifications if agreed to by the applicant. However, the applicant may neither supplement nor amend its application within said ten-day period except at the invitation of the authority. Any attempt to do so sua sponte shall be deemed a separate and new application.

(c) The executive director of the authority may deny the application for a permit upon any of the following reasons or combination of reasons:

(1) The application does not contain all required information, or that information set out is so incomplete, vague, or ambiguous as to prevent full and proper review by the authority;

(2) The application contains material omissions, falsehoods, or misrepresentations;

(3) The applicant or entity represented by applicant is incompetent to contract, sue, or be sued;

(4) The person applying lacks authority to represent the entity for which the application is made;

(5) The applicant or entity represented by applicant has on prior occasions damaged public property, or has not paid in full for such damages, or is in arrears as to any

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judgment civil, criminal, or administrative rendered against the applicant or entity, or is in violation of any injunction or restraining order entered against the applicant or entity, whether under the same name or another;

(6) The applicant or entity represented by applicant has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;

(7) The plan of the event as proposed is likely to present an unreasonable danger to the health or safety of participants in the event or other members of the public (though not through the agency of any predicted reaction by onlookers or members of the public);

(8) The plan of the event as proposed is likely to unduly restrict and/or congest traffic (vehicular or pedestrian) on any of the public roads, rights-of-way, sidewalks or waterways in the immediate vicinity of such event;

(9) The plan of the event as proposed is likely to constitute an unreasonable disturbance of the peace, or would unreasonably burden lawful commerce in the area at the time of the proposed event, or would unreasonably intrude upon the privacy or property of citizens in the area of the proposed event (though not through the agency of any predicted reaction by onlookers or members of the public);

(10) The plan of the event as proposed includes activities which are prohibited by laws of the United States, the state, or ordinances of the city, county or the authority, or activities which constitute nuisance or tortuous conduct with respect to public or private property or persons;

(11) The plan of the event as proposed would conflict with previously planned programs or events organized and conducted by the authority and previously scheduled for the same time and place;

(12) The plan of the event as proposed is prohibited by or is inconsistent with the classifications and uses of the proposed or desired location; or

(13) A fully executed prior application for permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of that particular space.

(d) It is the specific intent of the authority in enacting this article to regulate only the time, place and manner of events and not to regulate the content or message of any speech or expressive conduct. The factors which the authority finds express and support the substantial and compelling interests of the authority in the preservation of the rights and liberties of its citizens and the safety, health, and good order of its society, are the only bases upon which the executive director of the authority shall decide to issue or deny a permit applied for hereunder, and no such decision shall be made or justified based upon the anticipated or predicted content of the speech or expressive conduct of any applicant.
(Code 1981, § 10A-101(5); Ord. No. O-2022-1, § 9, 6-21-2022)

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Sec. 18-17. Revocation.

Notwithstanding the grant of any permit as provided herein, law enforcement authorities shall have the authority to terminate an event at any time, or prevent its initiation, should traffic, weather or other conditions develop which present an imminent and undue danger to those participating in the event pursuant to said permit, to the public at large, or should any consideration or combination of considerations enumerated in this article as grounds for denial of a permit arise or first become apparent to law enforcement authorities after the grant of a permit. If in preparation for or after the start of an event for which a permit has been issued, participants in said event violate the terms of the permit or deviate in material fashion from the plan submitted in application for the permit, law enforcement authorities shall have the authority to terminate the event.
(Code 1981, § 10A-101(6); Ord. No. O-2022-1, § 9, 6-21-2022)

Sec. 18-18. Administrative review of denial; hearing procedure.

(a) Upon receipt of any decision by the executive director of the authority denying an application, the applicant may within five calendar days file an appeal of said denial with the governing board of the authority, which appeal shall be in writing and be sent to the authority by certified mail or hand delivery.

(b) The written appeal must state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of determination to which appeal is being made, and any other papers relevant to the denial of the permit.

(c) Within seven days of the receipt of a written appeal, the board secretary shall set a hearing date. The board secretary shall cause notice of the hearing to be served upon the applicant by certified U.S. mail. Such notice shall include the date, time and location of the hearing.

(d) At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence concerning the appeal.

(e) Within seven calendar days after the conclusion of the hearing, the governing board of the authority shall make a written decision on the appeal, which shall affirm, modify, or reverse the decision being appealed. The notice of the decision shall be sent to the applicant at the address set forth on the application for permit by certified U.S. mail and shall set forth the reasons for the decision.

(f) The decision of the governing board of the authority shall be binding on all parties, subject to the right of appeal as provided by O.C.G.A. § 5-4-1 et seq.
(Code 1981, § 10A-101(7); Ord. No. O-2022-1, § 9, 6-21-2022)

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Sec. 18-19. Time allotment.

At or prior to the expiration of the time allotted and permitted for an event, the permittee shall have completely vacated the permitted location or facility so allow any subsequent permittee to occupy and conduct an event at said location without delay.
(Code 1981, § 10A-101(8); Ord. No. O-2022-1, § 9, 6-21-2022)

Sec. 18-20. Violations.

Whenever in this article any act is prohibited or is made or declared to be unlawful or an offense, or whenever herein the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of such provision shall be an ordinance violation punishable by a fine of $500.00, or by imprisonment not to exceed 60 days, or both. Any person who violates this article may be subject to immediate arrest. The imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit issued pursuant to this article.
(Code 1981, § 10A-101(11); Ord. No. O-2022-1, § 9, 6-21-2022)

Sec. 18-21. Exceptions.

This article shall not apply to any of the following:

(1) A governmental agency, including its employees or officials, acting within the scope of its functions or conducting official governmental business;

(2) Events that are sponsored by the authority within the scope of its functions;

(3) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities; and

(4) Funeral processions.
(Code 1981, § 10A-101(12); Ord. No. O-2022-1, § 9, 6-21-2022)

Sec. 18-22. Indemnification and hold harmless agreement.

The following table is the indemnification and hold harmless agreement for events on the island:

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Indemnification and Hold Harmless Agreement

_____ (hereinafter referred to as "Applicant"), having filed an application with the Jekyll Island-State Park Authority requesting a permit to conduct an event pursuant to the Code of Ordinances of the Jekyll Island-State Park Authority, hereby agrees, in consideration of said permit being granted, to hold harmless and indemnify the Jekyll Island-State Park Authority, the State of Georgia, its officers, agents, and employees from and against all liability, loss, costs, damages, fees and expenses (including attorney's fees) as a result of any claim, suit, claims settlement, award, penalty, fine, defense or judgment because of loss, damage, harm, or injury to any person, property or right arising out of, related to, or in consequence of the granting of the permit or the event authorized by said permit. This indemnity shall apply whether or not the loss or damage is caused or alleged to be caused in whole or in part by the joint or concurrent act or omission (whether negligent or otherwise) of Applicant or the Jekyll Island-State Park Authority, the State of Georgia or their agents, employees, invitees, permittees, or guests. This indemnity shall not extend to acts caused by the sole negligence of any person or party claiming benefit of this agreement.

Applicant further promises and covenants to bear all the costs of cleanup, repairs, and restoration necessitated by the event.

This _____ day of _____, 20____.

_____

Signature

_____

Print Name

If applicable, state name of entity on whose behalf you are signing and capacity in which same is being done.

_____

_____

_____

Sworn to and subscribed before me this _____ day of _____, 20____.

_____

Notary Public

My Commission Expires

(Code 1981, exh. A; Ord. No. O-2022-1, § 9, 6-21-2022)

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Chapter 20

RESIDENTIAL REGULATIONS*

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***Editor's note—**Ord. No. O-2022-1, § 9(Att. 9), adopted June 21, 2022, renumbered §§ 20-19—20-28 as §§ 18-13—18-22 and repealed the former Ch. 20, §§ 20-47—20-52, 20-78—20-94, and enacted a new Ch. 20 as set out herein. The former Ch. 20 pertained to public properties, streets and roads and derived from §§ 11-101—11-105 of the 1981 Code; Ord. of 7-1-1989, § 11-106; Ord. of 1-13-2010, §§ 1—14, apps. A—C.

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ARTICLE I. GENERALLY

Sec. 20-1. Purpose.

(a) The Jekyll Island residential development standards and codes have been adopted for the purpose of interpreting, applying, supplementing, and implementing residential neighborhood design consistent with the history, character and architecture of Jekyll Island.

(b) These residential development standards recognize the importance of promoting the public health, safety and general welfare of Jekyll Island:

(1) To establish rules and responsibilities for the use, construction, repair, renovation, of buildings on leased property;

(2) Providing standards for the review, approval, inspection and enforcement of applicable residential development codes and standards;

(3) Establishing and defining duties and powers with respect to these regulations;

(4) Providing appeal procedures and remedies; and

(5) Providing penalties for violations of this article.

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

(d) 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.
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-2. Applicability.

(a) New homes constructed within an existing neighborhood shall comply with the standards in this chapter.

(b) Improvements to existing homes with a project cost greater than 50 percent of the home's value, will be subject to the standards for new construction.

(1) The home's value shall be based on the Glynn County appraised value;

(2) An applicant may submit an appeal to the authority to base the home's existing value established by an independent real estate appraiser licensed by the State of Georgia, the cost of which shall be borne by the applicant.

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(c) As established in Chapter 6, Section 6-3, Building Codes, there are three classifications of requirements for building permits as described in the following tiers:

(1) *Tier 1.* No building permit is required for the following work:

a. Exterior or interior painting;

b. Finish flooring replacement;

c. Routine maintenance on roofing, electrical, gas, mechanical and plumbing systems;

d. Routine landscaping;

e. Removal and replacement of appliances; and

f. Similar work on existing buildings as determined by the code compliance officer.

(2) *Tier 2.* A building permit is required with a review by the code compliance officer for the following work:

a. Major alterations of electrical, plumbing and mechanical systems;

b. Structural alterations;

c. Window replacement, for wind code regulations;

d. Residential remodels and additions;

e. Commercial remodels and additions;

f. Accessory buildings;

g. Carports and garages;

h. Lot excavation, grading or filling;

i. Fence permits;

j. Pool permits; and

k. Temporary sign and event signs.

(3) *Tier 3.* A building permit is required with review by the design review group (DRG) for the following work:

a. New residential construction;

b. New commercial construction;

c. Demolition permits;

d. Permanent sign permits; and

e. Projects referred to the DRG by the code compliance officer.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-3. Lots.

(a) Lots within existing neighborhoods may not be subdivided.

(b) Any lessee may not use more than two lots as a site for a single dwelling.

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(c) Lots leased within existing neighborhoods are:

(1) Restricted to constructing single-family detached homes and accessory structures in single-family districts.

(2) A new duplex may be built to replace an existing duplex only in those districts that specifically permit duplexes.

(d) Lot coverage of hardscape including buildings, walks, driveways, patios, and terraces is limited to 50 percent of the entire lot area.
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Secs. 20-4—20-20. reserved.

ARTICLE II. USE AND DESIGN STANDARDS FOR ALL RESIDENTIAL PROPERTY

Sec. 20-21. Generally.

All new homes, with the exception of accessory structures, shall have their main entrance open to the street front.
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-22. Building height.

(a) No building shall be erected or structurally altered to exceed 35 feet in height, measured from the ground.

(1) The existing elevation shall be determined from either of the following:

a. The elevation of the top of the lowest floor's slab of the existing improvement or structure; or

b. The elevation of the crown of an existing improved street, public or private, that abuts or is nearest to the property on which the proposed structure is planned.

(b) The minimum height of the main level shall be no less than nine feet.

(c) No floor above the main level shall be less than eight feet.
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-23. Building setbacks for main residential building.

(a) The minimum front yard setback shall be a minimum of 25 feet.

(b) Front yard setbacks shall be measured from the property line to the front of the building.

(c) For lots which have frontage on more than one street, the minimum setback from each street shall be a minimum of 25 feet.

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(d) Side. The minimum side yard setback from any side property line shall be ten feet.

(e) Rear. The minimum rear yard setback from the rear property line shall be 25 feet for properties that are not a corner lot.

(f) Porches, patios, terraces, and balconies may not encroach within any front, side or rear yard setbacks.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-24. Accessory structures.

(a) *Setbacks.*

(1) *Front.* The setback from the front property line shall be a minimum of 60 feet.

(2) *Side and rear.* The minimum setback for any side or rear property line shall be ten feet, unless the side or rear property line abuts upon a street. If the side or rear property lines abut upon a street, the accessory building may not be erected nearer than 25 feet from either side or rear property lines.

(3) All accessory structures, must be located no closer to the front property line than the front plane of the main dwelling unit.

(4) All accessory structures shall be attached to a foundation, anchored or otherwise tied down.

(5) A garage may be detached from, or attached to, the rear or side of the main dwelling unit; provided, a garage shall comply with all requirements for an accessory structure if detached from the main dwelling unit.

(6) Accessory structures located behind the main dwelling unit, shall have a minimum rear yard setback of ten feet.

(7) Accessory structures located behind the main dwelling unit, shall be set back a minimum of 15 feet from the rear of the main dwelling unit.

(b) *Height.*

(1) Accessory structures located on a lot with a single-story main dwelling unit shall not be taller than the main dwelling unit.

(2) Accessory structures located on a lot with a multi-story main dwelling unit shall not be taller than 60 percent of height of main dwelling or 21 feet, whichever is lower.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-25. Parking, driveways, and paths.

(a) Garages may be accessed from a driveway that originates along a paved street.

(b) The maximum width where a new driveway attaches to a street shall be 12 feet, with an additional two feet apron permitted on each side of the driveway.

(c) Driveways may only have a single access point along the street frontage.

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(d) Driveways and parking pads shall be paved with concrete or other surface approved by the Jekyll Island Design Review Group.

(e) On lots having a side or rear property line abutting a street, a driveway into the attached or detached garage from the side or rear street may be permitted upon the written consent of the Jekyll Island Design Review Group.

(f) Off-street parking shall be permitted on a driveway, parking pad, in a garage or under a porte-cochere parking in yards, lawns and landscaped areas is not permitted.
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Secs. 20-26—20-30. Reserved.

ARTICLE III. RESIDENTIAL PROPERTY CLASSIFICATIONS

Sec. 20-31. Classifications.

Residential property shall be designated with one of the following use classifications as established by the authority:

(1) Class A, limited residential areas (A-L).

(2) Class A, multiple residential areas (A-M).

(3) Class B, limited residential areas (B-L).

(4) Class B, multiple residential areas (B-M).

(5) Class C, limited residential areas (C-L).

(6) Class C, multiple residential areas (C-M).

(7) Planned community (PC).
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-32. Class A, limited residence areas (A-L).

(a) Each building or premises shall be used only for the following purposes:

(1) Detached one-family dwellings with or without attached private garage. No more than one such dwelling shall be erected on any one lot, but any lessee may combine not use more than two lots as a site for a single dwelling.

(2) Accessory buildings. In addition to one one-family dwelling there may be erected on each individual lot, or group of two or more lots, one accessory building which may include a detached private garage and/or guest quarters, provided the use of such accessory building does not include any activity normally conducted as business, including rentals.

(3) Authority owned and operated parks and playgrounds.

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(b) A-L area standards.

(1) The minimum lot size in the A-L classification shall be 12,000 square feet.

(2) No lot shall be subdivided or subleased, except as a whole for the purpose of erecting a complete dwelling on any portion; provided, however, that any lot may be subdivided where the portions so created are added to the adjoining lots on any side, and the original portion will have a remaining area of not less than 12,000 square feet.

(3) The primary structure shall occupy a ground area of not less than:

a. One-story building: 2,000 square feet.

b. Two-story building: 1,500 square feet.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-33. Class A, multiple residence areas (A-M).

(a) Each building or premises shall be used only for the following purposes:

(1) Any use permitted in the restrictions applicable to class A, limited residence areas (A-L).

(2) Two-family houses of not less than 2,400 square feet of total area and containing no more than two-family units, no one of which shall contain less than 1,000 square feet of area.

(b) A-M area standards.

(1) The minimum lot size in the A-M classification shall be 12,000 square feet.

(2) No lot shall be subdivided or subleased, except as a whole, for the purpose of erecting a complete dwelling on any portion; provided, however, that any lot may be subdivided where the portions so created are added to the adjoining lots on any side, and the original portion will have a remaining area of not less than 12,000 square feet.

(3) The main structure shall occupy a ground area of not less than:

a. One-story building: 2,000 square feet.

b. Two-story building: 1,500 square feet.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-34. Class B, limited residence areas (B-L).

(a) Each building or premises shall be used only for the following purposes:

(1) Any use permitted in the restrictions applicable to class A, limited residence areas.

(b) B-L area standards.

(1) The minimum lot size in the B-L classification shall be 10,000 square feet.

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(2) No lot shall be subdivided or subleased, except as a whole, for the purpose of erecting a complete dwelling on any portion; provided, however, that any lot may be subdivided where the portions so created are added to the adjoining lots on any side, and the original portion will have a remaining area of not less than 10,000 square feet.

(3) The main structure shall occupy a ground area of not less than:

a. One-story building: 1,300 square feet.

b. Two-story building: 1,000 square feet.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-35. Class B, multiple residence areas (B-M).

(a) Each building or premises shall be used only for the following purposes:

(1) Any use permitted in the restrictions applicable to class B, limited residence areas.

(2) Two-family houses of not less than 2,000 total square foot area, containing not more than two-family units, no one which shall contain less than 800 square feet in area.

(3) No building or premises may be used alone or in addition to other uses as a place at which food and beverages are dispensed to or sold to the general public without the expressed written consent of the authority.

(b) B-M area standards.

(1) The minimum lot size in the B-M classification shall be 10,000 square feet.

(2) No lot shall be subdivided or subleased, except as a whole, for the purpose of erecting a complete dwelling on any portion; provided, however, than any lot may be subdivided where the portions so created are added to the adjoining lots on any side, and the original portion will have a remaining area of not less than 10,000 square feet.

(3) The main structure shall occupy a ground area of not less than:

a. One-story building: 1,300 square feet.

b. Two-story building: 1,000 square feet.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-36. Class C, limited residence areas (C-L).

(a) Each building or premises shall be used only for the following purposes:

(1) Any use permitted in the restrictions applicable to class B, limited residence areas.

(2) Two-family detached or semi-detached houses containing not more than two-family units, no one of which shall contain less than 600 square feet of area.

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(3) Horticultural nurseries, gardens, greenhouses, but not the raising of poultry, pets or livestock, no storage or use of odor or dust producing substances shall be permitted. A flower or nursery sales shop may be permitted as an accessory use on approval of the authority.

(4) Fire and police stations.

(5) Home occupations, in accordance with article V, section 20-26 of this chapter.

(b) C-L area standards.

(1) The minimum lot size in the C-L classification shall be 10,000 square feet.

(2) No lot shall be subdivided or subleased, except as a whole, for the purpose of erecting a complete dwelling on any portion; provided, however, that any lot may be subdivided where the portions so created are added to the adjoining lots on any side, and the original portion will have a remaining area of not less than 10,000 square feet.

(3) The main structure shall occupy thereon a ground area of not less than:

a. One-story building: 1,000 square feet.

b. Two-story building: 800 square feet.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-37. Class C, multiple residence areas (C-M).

(a) Each building or premises shall be used only for the following purposes:

(1) Any use permitted in the restrictions applicable to class C, limited residence areas.

(2) Multiple-family houses subject to the approval of the authority for:

a. The lots upon which such structures may be placed; and

b. The arrangement and adequacy of facilities provided for occupants.

(3) Apartment houses containing no more than eight units, no unit of which shall have less than a minimum of 400 square feet, subject to the approval of the authority for:

a. The lots upon which such structures may be placed; and

b. The arrangement and adequacy of facilities provided for occupants.

(4) Club or lodge, provided the primary activity is not carried on as a for-profit business.

(5) No building or premises may be used alone or in addition to other uses as a place at which food and beverages are dispensed or sold to the public.

(b) C-M area standards.

(1) The minimum lot size in the C-M classification shall be 10,000 square feet.

(2) No lot shall be subdivided or subleased, except as a whole, for the purpose of erecting a complete dwelling on any portion; provided, however, that any lot may be

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subdivided where the portions so created are added to the adjoining lots on any side, and the original portion will have a remaining area of not less than 10,000 square feet.

(3) The main structure shall occupy thereon a ground area of not less than:

a. One-story building: 1,000 square feet.

b. Two-story building: 800 square feet.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-38. Planned community (PC).

(a) *General.*

(1) *Purpose.*

a. The purpose of the planned community (PC) classification is to encourage creative and flexible projects that include compatible residential uses and related amenities unified by a development plan tailored to the surrounding area.

b. The PC classification shall be permissible when approved according to a site plan that ensures the conservation of the natural environment, efficient use of land, and efficiency in the extension of streets and utilities.

(2) *Objectives.* The planned community classification shall have the following characteristics:

a. *Open space.* Encourage ingenuity and resourcefulness in land planning techniques by developing functional open spaces.

b. *Sense of place.* Allow the design of communities that are architecturally and environmentally innovative and that achieve more efficient utilization of land than is possible through application of conventional subdivision standards.

c. *Mixture of density.* Accommodate a mixture of residential density which are compatible both internally and externally.

d. *Protection of natural resources.* Ensure the conservation of the natural environment including trees and vegetation, topography, beachfront, and geological resources such as groundwater, soils, and drainage areas.

e. *Buffers.* Provide buffers, screening and landscaping between the planned community and adjacent properties.

f. *Efficient land use.* Encourage efficient use of land, street networks, and utility locations.

g. *Compatibility and consistency.* Maintain compatibility with nearby development and consistency with the Jekyll Island Master Plan and Conservation Plan.

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(b) *Standards for planned community classification.*

(1) Land uses within each PC areas may include the following;

a. Residential dwelling units, including single-family, two-family detached or semi-detached houses, town house, and apartments;

b. Community centers, meeting facilities, and indoor or outdoor recreation facilities and spaces.

(2) The PC classification may be proposed only in locations that are consistent with the master plan to provide flexibility in the application of development and site design standards.

(3) Provisions for the permanent operation and maintenance of common open space shall be provided by covenant, deed restriction, or easement, by and for the benefit of a property owners association, land trust, or other legal authority.

(4) Provisions for street design and layout to accommodate access for fire and safety equipment.

(5) Provisions for sufficient off-street parking to accommodate all sizes of motor vehicles to serve each residential unit, including parking for visitors, shall be provided within the PC area to provide for the efficient use of streets and to ensure public safety.

(6) Development shall be designed and landscaped in a manner that ensures compatibility with residential uses within the PC and with development adjacent to the PC.

(7) Safe routes for pedestrians and bicyclists shall be provided to connect internally within the PC and externally to adjacent development.

(c) *Site plan requirements.* A PC shall require a site development plan to accompany the application for approval.

(1) Specific site design and development standards shall be set forth on the site plan and accompanying written narrative of use and design standards.

(2) All site plans shall be prepared to scale and with sufficient detail and clarity to demonstrate compliance with applicable codes, technical rules, and design guidelines.

(3) Site plans shall be prepared by a licensed professional engineer in the State of Georgia, unless waived by the authority.

a. Site plans shall clearly delineate and demonstrate the proposed land uses, densities, arrangement of streets, building sites, common areas, amenities, parking, landscaping, utility locations, and stormwater management areas;

b. The applicant shall demonstrate compliance with the tree protection ordinance and other applicable requirements of the development code.

(4) Upon approval of the PC, the site plan shall be binding on all future development and use within the PC development.

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(5) Building permits shall not be authorized for any PC development until final approval has been granted by the authority board of directors.

(d) *Effect of approval.*

(1) The approval of PC classification shall be effective for a period of two 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 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.

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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 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 20-15(e)(3) 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 20-15(e)(3);

i. Addition or reduction of driveways or access points, especially those which negatively affect connectivity or street safety;

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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.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Secs. 20-39—20-50. Reserved.

ARTICLE IV. RESIDENTIAL PROJECT REVIEW PROCESS

Sec. 20-51. 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.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-52. 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:

(1) Such modification is reasonably necessary to fully evaluate a development proposal, including by requiring the submittal of additional studies, documents and information; or

(2) 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.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

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Sec. 20-53. Design review process.

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.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-54. 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 formats:

a. Printed copies of plan drawings shall be submitted on either 24-inch by 36-inch or 30-inch by 42-inch drawing sheets;

b. An electronic copy of the plans shall be submitted in PDF format; and

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c. Submittal concurrently in Auto-CAD or another electronic format such as .dxf or .dwg is encouraged.

(2) At each stage of review, a cover letter that explains the current status of the project and lists its owners and agents shall accompany a copy of the immediately preceding DRG approval letters and the written comments.

(3) The authority shall have the right to require payment of reasonable fees for review of proposed plans, specifications and other material.

(d) *Meetings.* At each stage of the design review process, a meeting may be scheduled by the applicant by contacting the JIA as follows:

Physical address: The Jekyll Island-State Park Authority,
100 James Road
Jekyll Island, GA 31527

Telephone: 912.635.4000

Email: info@jekyllisland.com
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-55. Submission stages.

(a) This section established the steps required in the design review process.

(1) *Site visit and pre-concept.* A pre-concept meeting and site visit with JIA staff as a representative of the Jekyll Island Design Review Group is required prior to plan submission.

(2) *Concept plan submission package.*

a. *Concept plans.* Professionally prepared documents illustrating the proposed residential structure, including details of the property and initial investment estimate.

i. *Preliminary site plan.* Overall layout showing parcel limits, the Shore Protection boundary, known or potential wetlands, parking and building(s) location.

ii. *A lot plan shall also be included for the residence.* The lot plan should indicate setbacks, building footprints, driveway and parking location, walkways and other site improvements. The plan shall tabulate total lot and floor area, total greenscape and hardscape, amount of hardscape proposed to be pervious and impervious.

(3) *Schematic design submission package.*

a. *Site plan.* Updated site plan showing the lot boundaries, limits, and other requirements from the preliminary site plan submission.

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b. *Architectural floor plans.* Architectural floor plans of the residence shall be submitted to include the following:

i. A floor plan for all levels;

ii. All rooms shall be labelled including balconies, decks, atriums, garages, and accessory buildings; and

iii. The square footage of the residence and overall dimensions shall be indicated.

c. *Exterior elevations.* Sketch elevations shall show overall architectural character, style, and scale, including exterior materials, roof pitches and/or type, as well as other important design details.

d. *Rendering of project.* To assist the DRG with visualization of the completed residence, a rendering showing the overall site and building design may be submitted.

(4) *Site staking review.* The lot is to be physically delineated with wood stakes that are clearly labeled to identify proposed major lot features including, but not limited to, the proposed residence, accessory structures, driveways, walkways, and tree protection areas.

(5) *Design development submission package.*

a. *Site plan.* The site plan shall include all of the required information illustrated in the schematic design submission package with revised information where requested.

b. *Grading plan.* The grading plans shall include a clear delineation of the limits of the proposed grading, all final grades and elevations around the lot and proposed residence, walkways, walls, drainage structures, tree protection areas, and other site improvements.

c. *Landscape plan.* The final landscape plan shall indicate all planting, including trees, shrubs, and ground cover for the entire area lot. 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.

d. *Tree protection plan.* Professionally surveyed plan indicating all trees with the site boundaries at four-inch 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 Landscaping and Tree Protection Ordinance in chapter 10, article I, as well as in conformity with the Jekyll Island Conservation Plan.

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

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f. *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. Two 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.

(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 documents.

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

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

b. *Site visits.* After approval of the final construction documents by the design group, the construction, alteration or other work described therein shall be commenced and completed in accordance with the described procedures. The DRG has the right to enter the lot or premises for site visits, for the purpose of inspecting the project for compliance with the design guidelines.

c. *Remedying violations.*

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

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ii. Construction deemed to be in violation of the approved drawings and of the guidelines shall be corrected as instructed by the authority within 14 days of written notice to the owner of such violation.

iii. The authority shall have the right, but not the obligation, to enter such work site or premises with its employees, agents or contractors and to take all reasonable actions to halt, correct or remediate such unapproved or unauthorized construction that continues beyond the 14-day time frame.

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

d. *No liability.* Nothing in this article shall establish nor be deemed to establish any liability or duty on the part of the authority nor any employee, agent or contractor of the authority, to any person, nor shall any provision of this article establish any cause of action or right in favor of any person, relating to the authority's review, evaluation, approval or denial of any plans, specifications, 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.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-56. 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;

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(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 members appointed by the Board of Directors of the Jekyll Island Authority:

i. Two residents of Jekyll Island;

ii. Two 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.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Secs. 20-57—20-70. Reserved.

ARTICLE V. SUPPLEMENTAL USES

Sec. 20-71. Residential rentals.

(a) *Purpose and intent.* The intent of this article is to:

(1) Require that all lessees of residential property obtain a rental license prior to offering such residential property for rental;

(2) Establish standards for regulating the rental of residential property which will maintain and preserve the established coastal character and aesthetic quality of residential neighborhoods on the island;

(3) Promote the consistent provision of high quality, safe and sanitary lodging on the island;

(4) Ensure compliance with residential and multifamily land leases on Jekyll Island by lessees, licensees and other occupants of residential property; and

(5) Establish procedures for enforcement of these regulations, and consideration of variances and appeals.

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

(1) *Lease* means any residential or multifamily lease for a residential property with the following use classifications as established under the island plat and general notice and property restrictions:

a. Class A, limited residential areas (A-L).

b. Class A, multiple residential areas (A-M).

c. Class B, limited residential areas (B-L).

d. Class B, multiple residential areas (B-M).

e. Class C, limited residential areas (C-L).

f. Class C, multiple residential areas (C-M).

g. Planned community (PC).

(2) *Lessee* means any person with any interest in a lease whether as an initial party to such lease, or as a successor or assign to the lease.

(3) *License* means a license issued under subsection (d) of this section.

(4) *Licensee* means any holder of a license authorized by this section.

(5) *Long-term rental* means to permit or suffer occupancy in exchange for compensation, a residential property for a period of time equal to or greater than 30 consecutive days.

(6) *Loud or unruly conduct,* as used in this section, includes any of the following conduct if in violation of any provision of this Code or state law:

a. Loud noise;

b. Obstruction of a street or public right-of-way, including a sidewalk;

c. Public intoxication or drinking in public;

d. The service of alcoholic beverages to minors;

e. Possession and/or consumption of alcohol by minors;

f. Assault, battery, fights, domestic violence or other disturbances of the peace;

g. The sale or service of alcoholic beverages without a required state license;

h. Vandalism or destruction of property;

i. Littering;

j. Urinating or defecating in public; or

k. Trespassing.

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(7) *Loud or unruly gathering* means a gathering of persons at any residence where loud or unruly conduct occurs at the residence or within 500 feet of the residence, and which threatens or interferes with the public health, safety or welfare, or the comfortable enjoyment of life and property.

(8) *Minor* means any person under 21 years of age.

(9) *Owner* means any person who owns the residence and leases the land from the authority where a loud or unruly gathering occurs.

(10) *Percentage rent* means all percentage rent required to be paid under a lease.

(11) *Person* means an individual or any firm, association, organization, partnership, trust, business, corporation, company, or entity.

(12) *Rental agreement* means any written agreement setting the terms on which a lessee or licensee will rent any portion of residential property to a renter.

(13) *Rental amount* means the amount of consideration paid by a renter to a licensee as consideration for the right to occupy the residential property for a period of time.

(14) *Renter* means any occupant of residential property other than a lessee who pays consideration to a lessee for the right of occupancy.

(15) *Residence* means a building or portion thereof designed or used for human habitation, including all accessory structures and the residence's curtilage.

(16) *Residential property* means any property with the following use classifications as established under the island plat and general notice and property restrictions:

a. Class A, limited residential areas (A-L).

b. Class A, multiple residential areas (A-M).

c. Class B, limited residential areas (B-L).

d. Class B, multiple residential areas (B-M).

e. Class C, limited residential areas (C-L).

f. Class C, multiple residential areas (C-M).

g. Planned community (PC).

(17) *Responsible party* means any person who rents, leases, or otherwise is in charge of the residence where a loud or unruly gathering occurs; or any person who organizes or sponsors a loud or unruly gathering at a residence.

(18) *Short-term vacation rental* means an accommodation for transient guests where, in exchange for compensation, a residential property is provided for lodging for a period of time less than 30 consecutive days. Such use may or may not include an on-site manager. This is also identified and abbreviated as "STVR".

(19) *Short-term vacation rental agent* is a local contact person designated by the owner who shall be available at all times to respond to complaints regarding the condition, operation, or conduct of occupants of the STVR. The owner may serve in this role.

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Such person is customarily present at a location on or near Jekyll Island for purposes of transacting business and is responsible for taking remedial action to resolve issues.

(20) *To rent* means to permit or suffer occupancy of any residential property by a person who is not a lessee in exchange for consideration of any type.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-72. Short-term rentals.

(a) *Short-term vacation rental restrictions.*

(1) *Occupancy.* Occupancy of any short-term vacation rental property or unit shall be limited to two adults per bedroom identified as existing on the property plus an additional two occupants.

a. The number of bedrooms is subject to verification of building code compliance by the authority.

b. Children under the age of 16 shall not be subject to the occupancy calculations in this section.

c. Occupancy beyond the established limits in the permit shall be a violation of the ordinance.

(2) *Transfer of license.* Notwithstanding any other provision of the Code, the transfer of a lease by sale or any conveyance whatsoever shall not result in the transfer of the permit regarding the use of the property for short term vacation rentals.

(3) *Short-term vacation rental agent required.* Every rental license must have an agent identified per this article. The local agent must be available to respond to complaints regarding the condition, operation, or conduct of occupant, and be able to take remedial action to promptly resolve complaints. The owner may serve in this role. The owner or short-term vacation rental agent shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short-term vacation rental unit.

(4) *Parking.* Overnight parking of cars at short-term vacation rentals is only allowed within the driveway of the rental property and/or at its assigned spaces. Overnight parking by short-term vacation rental occupants is not allowed on street rights-of-way or in front yards. Cars blocking access to public streets or neighboring driveways at any time are prohibited. Cars improperly parked may be towed.

(5) *Solid waste collection service.* Short-term vacation rentals are required to be subscribed to an annual contract for "Back Door" service.

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(6) *Life safety.* The residence shall have the following:

a. Maintain a smoke alarm outside of each sleeping area, in the immediate vicinity of the sleeping rooms, and on each level of the dwelling including the basement.

b. Maintain a fire extinguisher that shall be certified and inspected annually or as require by law.

c. Maintain a carbon monoxide detector in dwelling units served with propane gas.

(7) *Loud or unruly gatherings prohibited.* Loud or unruly gatherings are prohibited and shall constitute a public nuisance subjecting the owner, rental agent, and/or responsible party to fines and/or penalties under this section. The authority may abate a loud or unruly gathering by all available means, including, but not limited to the Georgia State Patrol, requiring persons at the loud or unruly gathering to leave the residence, the issuance of a citation, and/or the arrest of any person committing a criminal violation under this section or any other applicable state or local law.

(b) *Rental license.*

(1) *Required.* It shall be unlawful for any lessee, or any party acting for or through a lessee, to rent or offer for rent any residential property or portion thereof without having first obtained a license from the authority therefor, except as provided for in this article.

(2) *Application.* All applications for licenses under this section shall:

a. Be filed with the authority;

b. Be completed on forms prescribed by the authority; and

c. Contain the following:

i. The name, address and telephone number of owners or lessees of residential property;

ii. The street address of the residential property to be rented;

iii. The signatures of all lessees having an interest in the residential property to be rented;

iv. The number of bedrooms;

v. The maximum adult occupancy to be permitted in the residential property under rental agreements, which shall be in compliance with all ordinances;

vi. A parking plan, that shall include a site plan of the property, specific locations on the property that are designated for parking areas, and the maximum number of vehicles that will be allowed to park on the property;

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vii. The name, address, and contact information for the agent of any short-term vacation rental residence, whose responsibility it will be to comply with the requirements of this section on behalf of the owner. The owner may be the agent. Payment of the license fee set forth in this section.

(3) *Issuance.* The procedure for issuing a license shall be as follows:

a. Upon receipt of an application for a license, the authority shall ensure that the lessees are in compliance with the applicable lease and this article.

b. If the applicant lessees are in compliance with the applicable lease and this article, the authority may issue a license and assign a license number to the lessee.

c. The authority shall not be required to issue a license if it is determined that the maximum adult occupancy set forth in the application is in excess of the parking and living space capacity of the residential property.

(4) *Fees.*

a. License fees under this article shall be paid each calendar year, or any portion thereof, at the rate that shall be established from time to time by the authority and shall be paid to the authority at the time of application.

b. Any lessee, or any party acting for or through a lessee, who rents or offers for rent any residential property or portion thereof without having first obtained a license from the authority shall pay a fine and the full cost of the license.

c. Each day a violation remains uncorrected is a distinct and separate violation subject to an additional citation and fine.

(5) *Expiration of license.* Licenses shall expire on December 31 of each year.

(c) *Conditions of license.* To maintain a license authorized under this article in good standing:

(1) *Percentage rent.* Licensees shall diligently calculate and promptly remit all percentage rent payable under the lease respecting the residential property being rented. Percentage rent shall be calculated and reported on forms prescribed by the authority.

(2) *Rental agreement.* Licensees shall obtain a rental agreement from each renter and maintain copies of such rental agreements for a period of 48 months from the date of any rental.

(3) *Disclosure of license number.* Licensees shall provide their license number to renters in their rental agreements or via other written notification.

(4) *Requirements of rental agreements.* Rental agreements shall:

a. Contain the name, address, and phone number of the renter; and

b. Require compliance by renters with all state laws including, but not limited to, the ordinances promulgated by the authority including this article.

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(5) *Audits.* Licensees shall cooperate with the authority and permit the authority, or their designee, to conduct audits of the collection and payment of percentage rent and hotel motel taxes. In connection therewith, within 30 days of demand by the authority, licensees shall provide all rental agreements and any records of rental amount or other information reasonably requested by the island authority in order to determine whether percentage rent and hotel motel taxes have been properly calculated, reported and remitted. Unless a lessee has been found to be in noncompliance with this article within any preceding 36-month period, such audits shall occur no more frequently than once per calendar year. If such a finding has been made, audits may be performed by the authority on a more frequent basis.

(6) *Inspections.* The authority, or representatives thereof, may conduct random inspections of rental properties in order to ensure consistent high quality, safe and sanitary lodging is being provided to all Jekyll Island guests. Licensees will be provided a minimum of three days' notice to make the home available for inspection.

(7) *Property standards.* Licensees shall maintain any residential property for rent in accordance with all ordinances promulgated by the authority and shall ensure that such property is kept in safe and sanitary condition.

(8) *Compliance with laws.* Licensees shall comply with all state laws including ordinances promulgated by the authority including this article.

(9) *Compliance with lease.* Licensees shall comply with all provisions of the lease.

(10) *Commercial use.* No use of the residential property by a renter for any purpose other than rental for residential purposes shall be permitted under any rental agreement unless such use is expressly permitted by the ordinances promulgated by the authority including this article.

(d) *Violations, penalties and enforcement.*

(1) *Enforcement.* The authority's code enforcement officer, and such other authority personnel as may be designated by the executive director, shall be empowered to enforce this article; provided, nothing herein shall preclude any member of the Uniform Division of the Georgia Department of Public Safety from enforcing this article or any other applicable law.

(2) *Penalties.*

a. *Generally.* Unless otherwise provided by applicable law, any person found in violation of any provision of this section 20-23 pertaining to short term rentals 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.

b. *Revocation of license.* In addition to the enforcement of this section 20-23 by citation or accusation, the authority may revoke any rental license issued under

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this article where (i) any licensee fails to comply with the requirements of this section 20-23 or any license issued pursuant to this section 20-23 and such noncompliance continues for a period of 30 days after notice thereof, or (ii) a licensee receives three violation notices during any three-year period. In the event the authority shall revoke the license under this section 20-23, the licensee shall not be eligible to reapply for a license until the date that is six (6) months following the date all violations have been cured to the authority's satisfaction.

(3) *Refusal to issue or renew license.* The authority shall not issue or renew any license for any person or property not in compliance with its lease, this article, or other applicable law. The issuance or denial of a license under this section 20-23 shall be in the sound discretion of the authority.

(4) *Violation by licensee.* It shall be unlawful for any person holding a license issued under this section 20-23 to allow or permit the violation of this section 20-23 by any occupant or tenant of the licensed property. The authority may enforce any violation of this section 20-23 against such licensee in addition to the enforcement of this section 20-23 against such occupant or tenant; provided, however, the authority shall issue such citation by personal service or by sending the citation certified mail or statutory overnight delivery, return receipt requested, to the licensee at the address of record maintained by the applicable tax commissioner.

(5) *Other remedies.* Nothing in this section 20-23 shall be deemed to preclude the authority from exercising any right or remedy available to it under applicable law or under any real property lease.

(e) *Variances and appeals.*

(1) *Technical appeals.* Appeals from technical decisions of the authority or any other official empowered to rule on license issues shall be in writing to the office of the executive director of the authority.

(2) *Variances.* Variances from the requirements of this section shall be processed by written justification to the authority.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-73. Long-term rentals.

(a) All restrictions, regulations and standards for short-term rentals as enumerated in section 20-23, subsections (b), (c), (d), and (e) shall apply to long-term rentals with the following exceptions:

(1) *Inspections.* The authority will not conduct random inspections of long-term rental properties.

(2) *Percentage rent.* Licensees for long-term rentals shall have the option to pay the percentage rent to the authority monthly, quarterly or annually.

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(b) The owner is ultimately responsible for water account service to long-term rental dwellings.

(c) If the occupancy of the long-term rental changes, the owner is responsible for payment of hotel motel taxes to the authority for the first 30 days of a new occupant.
(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-74. Vehicles and parking.

(a) *Purpose.* The purpose of this article is to provide for the regulation of the parking and storing and maintenance of vehicles, construction equipment, recreational vehicles, trailers, and equipment in residential areas. The regulation of parking, storage, and maintenance of vehicles as prescribed in this article will promote public safety, health, and welfare by reducing traffic hazards; maintaining healthy standards of sanitation; maintaining unobstructed access to public sidewalks, thoroughfares, and rights-of-way; and by preserving the residential and commercial character of the neighborhoods of the community.

(b) *Definitions.*

(1) The following words, terms, and phrases, when used in this article, shall have the following meanings ascribed to them in this section unless otherwise clearly apparent:

(2) *Carport* means a structure which is attached or detached from another building, and which is open on at least two sides with a covering for vehicle storage. Examples are shown below:





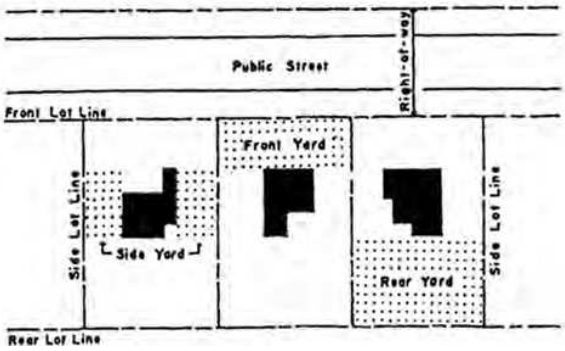

(3) *Cement pad* means an area constructed in compliance with the authority's code and guidelines then in effect which extends six inches beyond the total length and width of the recreational vehicle and/or its attached apparatus stored on such area.

(4) *Construction equipment* means any and all equipment associated with the construction trade; i.e., backhoe, cement mixer, skid steerer, woodchipper, etc.

(5) *Established driveway* means a paved, private accessway intended to serve as ingress and egress for vehicle traffic between a public right-of-way and any residential home or outer building which is part of the curtilage of such residential site.

(6) *Front, rear, or side yard* shall mean the front, rear, or side of the residential building on a lot and given their normal meanings. An example is shown below:

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(7) *Lot* means land occupied or to be occupied by a use, building, or structure and permitted accessory building(s) together with such open spaces, lot width, and lot area as are required by this article and having its principal frontage upon a public street or upon a private way used for street purposes. A lot need not be a lot of record.

(8) *Lot lines* means the property lines bounding the lot.

(9) *Street or alley lot line* means a lot line separating the lot from the right-of-way of a street or alley.

(10) *Parked* or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. A new 48-hour period for parking of recreational vehicles shall not commence until the vehicle has been removed for five consecutive days.

(11) *Recreational vehicle* means a vehicle, or any mobile or immobile apparatus originally designed, permanently altered, or in the process of alteration, which provides temporary living quarters for recreational, camping or travel use. A recreational vehicle or attached apparatus may have its own mode of power or may be designed to be drawn by a motor vehicle. "Recreational vehicle" shall include, but is not limited to, motor homes, truck campers, boats and trailers, travel trailers, fifth-wheels, folding camper trailers or converted vans or converted buses. "Recreational vehicle" shall also include all forms of watercraft, boat, jet ski, or any other form of powered or nonpowered motive devices used upon land, water, or air for recreational purposes. Examples of 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 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.

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(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 feet from a residential building on the property on which it is parked or stored; and no closer than ten 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 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.

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e. All units weighing more than 2,000 pounds shall be parked or stored on a cement pad as defined by this article. All units weighing less than 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 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 recreational vehicle upon any residential or commercial lot. For purposes of this limitation, two jet skis shall be considered one 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 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 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 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 days for the limited purposes of loading, unloading, trip preparation, and routine maintenance. For purposes of

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this limitation, an attached trailer used in conjunction with another unit, such as a boat mounted upon a boat trailer, shall be considered as one attached trailer.

b. A recreational vehicle with an attached trailer may be parked on an established driveway for a period not to exceed seven days, inclusive of subsection (4)a. above, as a result of visiting guest(s). Such visiting guest(s) may not use the recreational vehicle as a temporary residence. Such visiting guest(s) must abide by all other requirements of this article. For purposes of this limitation, an attached trailer used in conjunction with another unit, such as a boat mounted upon a boat trailer, shall be considered as one attached trailer.

c. No person shall park or store any unit upon any public property located in any commercial or residential area without previous authorization from the Authority, including public streets, alleyways, rights-of-way, sidewalks, and planting areas between sidewalks and curb lines.

d. Any person responsible for legally parked units under this article is also responsible for proper and adequate clearance around their recreational vehicle for emergency vehicles. Any owner of a unit which obstructs the path of an emergency vehicle shall be subject to an infraction under this article.

(e) *Responsibility for compliance.*

(1) The lessee of the lot from the authority on which the unit is parked or stored shall be responsible for compliance with this article.

(f) *Notice of violation.*

(1) A notice of violation shall be served upon the person or persons in violation of the provisions of this article directing the discontinuance of the illegal action or condition and abatement of the violation within 48 hours.

(2) Notices shall be left at the home where the unit is located, delivered by way of common carrier, or by affixing in a conspicuous place a notice of violation to the unit parked or stored in violation of the provisions of this article.

(3) If a violation occurs after a notice has been given under this section within the previous 12 months, a citation may be issued immediately without additional notice.

(g) *Compliance.*

(1) If the notice of violation is not complied with within 48 hours, a citation shall be issued to the person or persons violating the provisions of this article.

(h) *Penalties.*

(1) Any person found in violation of any provision of this section 20-25 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

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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.

(2) The authority may establish a schedule of monetary fines for each violation.

(3) Any unit that is parked or stored in violation of this article is deemed to be illegally parked. The authority may, in addition to any other enforcement action, remove or impound such illegally parked vehicle. Any towing and storage fees will be the owner's responsibility once the unit is towed and shall be paid for before the unit is released.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

Sec. 20-75. Home occupations.

(a) *Purpose.* The provisions of this section are designed to protect and maintain the residential character of a neighborhood while permitting certain limited business activities which are traditionally carried out in a home.

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

(1) *Home occupation* means any business, occupation or activity conducted for gain within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building.

(c) *Uses considered home occupations.* The following businesses, occupations or activities are permitted:

(1) Office for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants;

(2) Instruction or teaching, such as, but not limited to, academic tutoring, performing arts, or fine arts, provided that no more than two students are instructed at any one time;

(3) Administrative or clerical support services, such as transcription, court reporters, stenographers, notary public, or addressing services;

(4) Personal services such as beauty salon, barber, nail technician, dress-making or tailoring, limited to one station. Beauty shops and barbershops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.

(5) Pet grooming;

(6) Cottage industries, such as creation of intellectual property, light assembly of small equipment; and

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(7) Studios for artists, photographers, or artisans.

(d) An interpretation that a use not listed in the previous section is similar shall be based on the tasks and activities normally associated with the proposed use and the similarity of those tasks and activities with the tasks and activities normally associated with a listed use.

(e) *Uses prohibited as home occupations.* The following businesses, occupations or activities are specifically prohibited:

(1) Motor vehicle and accessory sales or rental, repair and/or painting, including trailer rental or sales.

(2) Medical or dental clinic.

(3) Restaurant.

(4) Kennel and veterinary clinic.

(5) Funeral home.

(6) Nursery school, but not family day care, with six or fewer children.

(7) Adult day care and visitation.

(8) Repair shops or service establishments, except the repairs of electrical appliances, computers, and cameras.

(9) Personal services such as beauty shops and barbershops with more than one station.

(10) Carpenter shop.

(11) Special event facility.

(f) *Standards.*

(1) The use of the dwelling unit for the home occupation or home-based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(2) All home occupations shall be conducted entirely within the enclosed building of the dwelling unit. No home occupation or home-based business shall be permitted in an open porch area, accessory structure, garage, or outside of the dwelling unit.

(3) The area used by the home occupation shall not occupy an area exceeding 25 percent of the gross floor area of the dwelling unit.

(4) No employees other than persons residing on the premises shall be engaged in the activities of the home occupation.

(5) There shall be no exterior displays and no exterior storage of equipment or materials that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling shall be allowed.

(6) Signage.

a. Signs advertising the home occupation shall not be permitted on the property.

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b. Window areas of the dwelling unit must not purposely or intentionally be used as display areas or offer merchandise for sale.

(7) Vehicles.

a. The home occupation shall not generate traffic or parking impacts beyond that which is customary with a residential dwelling unit.

b. The home occupation shall not involve the operation of delivery trucks originating from any residential dwelling unit.

c. On-site, overnight parking of commercial vehicles over two tons gross weight is prohibited.

d. Standard size delivery vehicles, such as UPS and FedEx vehicles, shall be permitted to pick-up and deliver packages to the home occupation.

(8) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses.

(9) A home occupation or home-based business shall be subject to all applicable taxes.

(g) *Penalties.*

(1) *Generally.* Any person found in violation of any provision of this section 20-26 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.

(2) In addition to the enforcement of this section 20-26 by citation or accusation, the Authority may take any action not prohibited by law to prevent or remediate a violation or threatened violation of this section 20-26, 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.

(3) *Other remedies.* Nothing in this section 20-26 shall preclude the authority from exercising any right or remedy available to it under applicable law or under any real property lease.

(Ord. No. O-2022-1, § 9(Att. 9), 6-21-2022)

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Chapter 24

STREETS AND RIGHTS-OF-WAY*

Article I. Generally

Sec. 24-1. Uniform rules of the road adopted by reference.
Sec. 24-2. Authorized areas for motor vehicles.
Sec. 24-3. Overnight parking.
Sec. 24-4. Abandonment of motor vehicles.
Secs. 24-5—24-20. Reserved.

Article II. Motorized Carts

Sec. 24-21. Purpose and definitions.
Sec. 24-22. Legality.
Sec. 24-23. Low speed vehicles.
Sec. 24-24. Personal transportation vehicles.
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Article III. Rental of Certain Vehicles

Sec. 24-31. Definitions.
Sec. 24-32. Licensing requirement.
Sec. 24-33. Bicycle rental requirements.
Sec. 24-34. Rented on demand devices.
Secs. 24-35—24-40. Reserved.

Article IV. Violations, Penalties and Enforcement

Sec. 24-41. Violations, penalties and enforcement.

***Editor's note—**Ord. No. O-2022-1, § 10(Att. 10), adopted June 21, 2022, repealed the former Ch. 24, §§ 24-1—24-5, and enacted a new Ch. 24 as set out herein. The former Ch. 24 pertained to traffic and motor vehicles and derived from §§ 5-101—5-103 of the 1981 Code; Res. of 12-6-1982, § 5-102; Ord. of 10-7-2014(2); Res. of 3-19-2019.

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ARTICLE I. GENERALLY

Sec. 24-1. Uniform Rules of the Road adopted by reference.

(a) *Adoption by reference.* The Uniform Rules of the Road contained in O.C.G.A. tit. 40, Ch. 6 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.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-2. 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.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-3. 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.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-4. Abandonment of motor vehicles.

It shall be unlawful for any person to abandon or to leave unattended for a period in excess of 48 hours any motor vehicle, golf-cart, bicycle, or electronic-assisted bicycle, boat or trailer on any street, road, alley or other public way within the Island.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

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Secs. 24-5—24-20. Reserved.

ARTICLE II. MOTORIZED CARTS

Sec. 24-21. Purpose and definitions.

(a) *Purpose.* There is a public interest in having a means of travel that is cost effective, energy efficient and an alternate means of travel for short distances on the Island instead of using motor vehicles. This article establishes the minimum standards for the operator to use when traveling upon public streets, roads and highways and property owned or leased by the authority.

(b) *Definitions.* For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

(1) *All-terrain vehicle* or *ATV* means a motorized vehicle originally manufactured for off-highway use which is equipped with three or more nonhighway tires, is 80 inches or less in width with a dry weight of 2,500 pounds or less, and is designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. This definition is the same as set forth in O.C.G.A. § 40-1-1(3). Any amendments to the definition set forth in O.C.G.A. § 40-1-1(3) shall automatically be incorporated herein.

(2) *Golf car* or *golf cart* means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour) on a level road surface with a 0.5 percent grade (0.3 degree) comprising a straight course composed of a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface. This definition is the same as set forth in O.C.G.A. § 40-1-1(17.3). Any amendments to the definition set forth in O.C.G.A. § 40-1-1(17.3) shall automatically be incorporated herein.

(3) *Low-speed vehicle* or *LSV* means any four-wheeled vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured or converted to comply with standards based upon those federal motor vehicle safety standards for low-speed vehicles set forth in O.C.G.A. tit. 49, Subtit. B, ch. V, pt. 571, subpt. A, § 571.3, as amended. This definition is the same as set forth in O.C.G.A. § 40-1-1(25.1). Any amendments to the definition set forth in O.C.G.A. § 40-1-1(25.1) shall automatically be incorporated herein.

(4) *Personal transportation vehicle* or *PTV* means:

a. Any motor vehicle:

i. With a minimum of four wheels;

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ii. Capable of a maximum level ground speed of less than 20 miles per hour;

iii. With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and

iv. Capable of transporting not more than eight persons.

b. The term does not include mobility aids, including electric personal assistive mobility devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability. The term also does not include any all-terrain vehicle or multipurpose off-highway vehicle.

c. This definition is the same as set forth in O.C.G.A. § 40-1-1(43.1). Any amendments to the definition set forth in O.C.G.A. § 40-1-1(43.1) shall automatically be incorporated herein.

(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-22. Legality.

(a) This section shall not apply to authorized authority or state agency employees in the performance of their duties, including police officers, fire department, and rangers.

(b) The operation of ATVs on the public streets, roads and highways within the geographic boundaries of Jekyll Island and on property owned or leased by the authority is prohibited.

(c) The operation of golf carts on the public streets, roads and highways within the geographic boundaries of Jekyll Island and on property owned or leased by the authority is prohibited, except as follows:

(1) Golf carts may cross public streets and roads while playing the game of golf in an area designated as a golf course and may be operated in an area designated as a golf course; and

(2) Golf carts may be operated on public streets and roads and on property owned or leased by the authority if operated in connection with a parade, a festival, or other special event, provided the consent of the sponsor is obtained and such vehicle is used only in conjunction with such event.

(d) The operation of LSVs and PTVs in compliance with the rules and regulations of this section and state law shall be permitted.

(e) LSVs and PTVs shall be parked in the same manner and place as designated parking for other motor vehicles. Stopping, standing or parking LSVs and PTVs in places and in a manner not allowed for vehicle parking or so as to impede the flow of traffic, pedestrian walkways or passageways are prohibited. Parking in reserved handicapped locations requires the appropriate handicap placard or sticker.

(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

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Sec. 24-23. Low speed vehicles.

(a) LSVs are regulated by state law. State law requires LSVs operating on public streets to register with the State of Georgia, to obtain and maintain insurance coverage, and to adhere to the equipment requirements of all applicable provisions of O.C.G.A. tit. 40, ch. 8, art. 1 and O.C.G.A. tit. 40, ch. 6, art. 13, pt. 3.

(b) Further, in accordance with state law, LSVs may only be operated on public streets which have a posted speed limit of 35 miles per hour or less. All LSVs operating on the public streets of Jekyll Island shall comply with all applicable provisions of state law.

(c) LSVs shall not be operated on sidewalks, bike paths, pedestrian-only paths in the Jekyll Island Club National Historic Landmark District, unimproved trails, service roads, or golf-cart paths at any time.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-24. Personal transportation vehicles.

(a) *Insurance required.*

(1) No owner of a PTV shall operate, or authorize any other person to operate, the PTV on public streets unless the owner has liability insurance with limits of not less than the amounts specified in O.C.G.A. § 33-7-11(a)(1)(A), as amended.

(2) The owner or operator of a PTV shall keep proof of the required insurance coverage in the PTV at all times.

(3) The executive director, at his or her discretion, may waive these insurance requirements for special events of a limited duration when it is likely that out-of-county residents may bring PTVs as participants. Such special events shall last no longer than seven calendar days.

(b) *Equipment.*

(1) In addition to any equipment required by state law, all PTVs shall be equipped with:

a. A braking system, including a parking brake, sufficient for the weight and passenger capacity of the vehicle;

b. A reverse warning device functional when the directional control is in the reverse position;

c. A main power switch - when the switch is in the "off" position, or the key or other device that activates the switch is removed, the motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the "off" position;

d. Functional headlights and taillights;

e. Functional front and rear turn signals;

f. Functional stop lamps (brake lights);

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g. Reflex reflectors;

h. A rearview mirror;

i. A horn;

j. Hip restraints;

k. Hand holds;

l. A seat belt for each designated seat; and

m. A slow-moving vehicle emblem consisting of a fluorescent, orange equilateral triangle with a two-inch red retroreflective border. The emblem shall be affixed to the rear of the PTV.

(2) Gasoline-powered PTVs shall be equipped with an exhaust system in good working order and in constant operation to prevent the escape of excessive smoke or fumes and to prevent excessive noise.

(d) *Operation.*

(1) PTVs shall not be operated on sidewalks, bike paths, pedestrian-only paths in the Historic District, unimproved trails, service roads, golf-cart paths, or upon highways that are part of the state highway system at any time.

(2) Each person occupying a PTV shall be restrained by a seat belt while the PTV is being operated on a public street.

(3) Every operator that transports a child under the age of eight years in a PTV on a public street shall provide for the proper restraint of such child in a child passenger restraining system that is installed and used in accordance with the manufacturer's directions for such system. The child may be restrained by a seat belt if such child weighs at least 40 pounds or if the child's height is over four feet and nine inches.

(4) PTVs must use headlights and taillights when operated on public streets during non-daylight hours, when it is raining, or when there is not sufficient visibility to render clearly discernible persons and/or vehicles at a distance of 500 feet ahead.

(5) The maximum occupancy of a PTV shall be one occupant per designated seatbelt.

(6) Operators of PTVs shall not overtake or pass in the same lane occupied by the vehicle being overtaken or passed.

(7) Operators of PTVs must possess a valid driver's license and must be at least 16 years of age.

(8) Operators of PTVs shall not operate between lanes of traffic or between adjacent lines or rows of vehicles.

(9) PTVs shall not be operated two or more abreast in a single lane.

(10) Operators of PTVs shall pull off the road at the first opportunity to safely do so if there are two or more motor vehicles immediately following the PTV.

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(11) Operators of PTVs shall abide by all traffic regulations applicable to vehicular traffic using public streets.

(12) PTVs operated on Jekyll Island are not required to be registered with Glynn County.

(13) PTVs operated by commercial delivery companies must abide by the requirements set forth in O.C.G.A. § 40-6-331(e), as amended.

(e) This subsection shall not apply to PTVs owned by golf courses, country clubs, or other such organized entities which own PTVs and make them available to or for use by members or the public on a rental or licensed basis, provided that such PTVs are used only on the premises of such golf courses, country clubs, or other such organized entities.

(f) *Liability disclaimer.* This section is adopted to address the interest of public safety. PTVs are not designed or manufactured to be used on public streets and the Jekyll Island Authority in no way advocates or endorse their operation on public streets or roads. The Jekyll Island Authority, by regulating such operation is merely trying to address obvious safety issues, and adoption of this section is not to be relied upon as a determination that operating on public streets is safe or advisable if done in accordance with this section. All persons who operate or ride upon PTVs on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, 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.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Secs. 24-25—24-30. Reserved.

ARTICLE III. RENTAL OF CERTAIN VEHICLES

Sec. 24-31. 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.

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(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 (one 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.*

a. The term "person" means any individual, firm, partnership, cooperative, joint venture, association, corporation (profit or nonprofit), trust, business trust or other legal entity, public or private or quasi-public, and the plural as well as the singular number.

b. The term "person" shall not be deemed to include the authority.

(10) *Renting* means to grant the possession and enjoyment of a vehicle for an agreed sum to be paid for the possession and use of that vehicle for a certain period of time.

(11) *Tour(s)* shall mean the use of vehicles to conduct a tour for hire whether or not the tour is conducted while the vehicle is operational or whether they are used for transportation to various locations where the tour is conducted.

(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-32. Licensing requirement.

(a) No person shall engage in the business of renting vehicles on the island or for delivery to the island, unless licensed to do so by the authority. Any person engaging in the business of renting vehicles on the island, who does not possess a valid license or does not fully comply with the provisions of this article as approved and adopted, and from time to time lawfully

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amended, shall be in violation of this division. The licensing requirement shall not apply to the rental, whether free or for charge, of EPAMDs rented solely for handicapped accessibility, but shall apply to all EPAMD tours.

(b) No license shall be issued for the renting of e-bikes on the island or for delivery to the island.

(c) No person shall operate or cause to be operated tours on a vehicle on the island without the expressed permission or authorization from the authority. E-bike tours and rentals are prohibited.

(d) The authority may enforce maximum limits on the number of licenses issued and number of vehicles licensed on an annual basis under this section.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-33. Bicycle rental requirements.

(a) All rented bicycles shall be equipped with a warning device, such as a bell or horn.

(b) All rented bicycles shall abide by state law as to helmet requirements.
(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Sec. 24-34. Rented on demand devices.

(a) *Purpose.* The purpose of this section is to prohibit rented on demand devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere on Jekyll Island, so as to allow for adequate pedestrian traffic flow and to promote public safety.

(b) *Definition.*

(1) *Rented on demand device* means any wheeled device, other than an automobile, motorcycle, electric personal assistive mobility device, electric assisted bicycle, electric personal transportation vehicles, moped, golf cart, or personal transportation vehicle as those devices are defined by state law, that is powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations.

(c) *General requirements.*

(1) It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a rented on demand device on property owned or leased by the authority, including, but not limited to, any public right-of-way or public property within the geographic boundaries of Jekyll Island.

(2) It is unlawful to operate a rented on demand device on property owned or leased by the authority, including, but not limited to, any public right-of-way or public property within the boundaries of Jekyll Island.

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(3) It is unlawful to provide or offer for use a rented on demand device anywhere within the boundaries of Jekyll Island.

(d) *Impoundment.* The authority or any member of the uniform division of the department of public safety, and any other law enforcement officer or agency having jurisdiction within Jekyll Island, may impound any rented on demand device that has been offered for use, placed in the public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this section. The impoundment shall be subject to an impound and storage fee as may from time to time be established by the authority.

(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

Secs. 24-35—24-40. Reserved.

ARTICLE IV. VIOLATIONS, PENALTIES AND ENFORCEMENT

Sec. 24-41. Violations, penalties and enforcement.

(a) Any person convicted of a violation of any provision of this chapter shall be punished as provided by applicable law. Unless otherwise provided by applicable law, 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.

(b) The board may establish a schedule of fines applicable to violations of this chapter for first and subsequent offenses where no specific fine is otherwise required by applicable law.

(c) The members of the Uniform Division of the Department of Public Safety and the duly authorized agents of the authority, and any other law enforcement officer or agency having jurisdiction within Jekyll Island, are authorized to enforce the provisions of this chapter by citation or accusation as provided by applicable law.

(Ord. No. O-2022-1, § 10(Att. 10), 6-21-2022)

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STATE LAW REFERENCE TABLE

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