

Uncovering Obscurity: Georgia's Little-Known Land Use Laws

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Abandoned cemeteries...junkyards...tourist courts...automated teller machines...timber harvesting...caves...dams...these are just some of the topics that are covered in Georgia law and, in many cases, by administrative rules that implement the laws. Yet, these provisions of law are not well publicized aspects of the Georgia Code. Most planners will be surprised by at least some of these code provisions. Knowing these unique and obscure code provisions may lead local government planners to cross-reference them in local codes, borrow definitions from state law, or at minimum be aware of how they can affect local development review processes.

Planners who attend this session (or who did not attend but who read this paper) will gain a broader understanding of how the Georgia Code and the administrative rules of state agencies regulate specific land uses. This paper and the presentation may ultimately impact local land development review processes in a more productive way, by educating professional planners about unique, little-known statutes in Georgia. The provisions cited and summarized in this paper (and discussed in the conference session) also raise important ramifications for everyday planning practice. Planners attending this session are likely to leave with the belief that they need to do at least one thing differently when they begin their jobs the next work day.

The contents of this paper were identified and compiled by the author after reviewing the general index to the Georgia Code, and through other research. The author used *West's Code of Georgia Annotated*, 2006 version. Supplements covering changes to the law passed by the Georgia General Assembly in 2007 were available to the author but were not consulted in all instances. Therefore, some changes to the code provisions cited in this paper could have been adopted by the General Assembly in 2007.

While the author took care to ensure the accuracy of the provisions of this paper, typographical areas can occur and are likely to be evident in this paper. Furthermore, the singling out of certain code provisions, as is done in this paper, may be taken out of context which could affect the overall applicability or meaning of the code provision cited. The author therefore does not warrant the accuracy of all contents of this paper, or the conclusions and speculations made in this paper or in the conference session. The author strongly urges users of this paper (and attendees of the conference session) to consult the specific Code provisions for themselves, and to seek legal advice, in terms of specific applications.

The author is not an attorney and the preparation and dissemination of this paper is for educational purposes only. It does not constitute and is not intended to constitute the giving of legal advice or counsel. Representations made, or answers given, as well as any issues and opinions offered by the author in this paper, or in the conference session itself, are those of an experienced professional planner but they are not those of an attorney authorized to practice law or give legal advice. Participants or readers are urged to consult with qualified legal counsel in all matters and not to rely on this paper or the conference session for anything other than a general introduction to some of the most obscure parts of Georgia's Code as it relates to land use planning and regulation.

Georgia Code Sections Described in this Paper

Soil and Water Conservation Districts Law (O.C.G.A. 2-6-20 et seq.)
Location of Alcoholic Beverage Retailers (O.C.G.A. 3-4-49)
Local Licensing and Regulation of Private Clubs (O.C.G.A. 3-7-40)
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Tattoo Parlors (O.C.G.A. 31-40-1 et seq.)
Local Authority to Require Permits for Utility Relocation (O.C.G.A. 32-4-92)
Enabling Authority for Street System Development (O.C.G.A. 32-4-92)
Local Reimbursement for Obstruction of or Encroachments on Local Roads (O.C.G.A. 32-6-1)
Placement of Signs in Rights-of-ways of Public Roads Unlawful (O.C.G.A. 32-6-51)
Certain Signs Unlawful; Obstructions of Clear Views (O.C.G.A. 32-6-51)
Strip Zoning vs. Comprehensive Zoning Plan (O.C.G.A. 32-6-71)

Rules and Regulations for Outdoor Advertising (O.C.G.A. 32-6-90)
Commercial Driveways Require Permit from Department; Rules (O.C.G.A. 32-6-131)
Department of Transportation Review of Subdivision Plats (O.C.G.A. 32-6-150 et seq.)
Control of Junkyards (O.C.G.A. 32-6-240 et seq.)
Ordinances Regulating Amusement Rides (O.C.G.A. 34-12-21)
Title 41 Nuisances (O.C.G.A. 41-1-1 et seq.)
The So-Called "Right to Farm" Law (O.C.G.A. 41-1-7)
No Retroactive Noise Laws for Existing Sport Shooting Ranges (O.C.G.A. 41-1-9)
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Unfit Buildings Ordinances (O.C.G.A. 41-2-7 et seq.)
Professional Engineers and Land Surveyors (O.C.G.A. 43-15-1 et seq.)
Destruction of Property Monuments Unlawful (O.C.G.A. 44-1-15)
Buyer and Seller Responsibilities Regarding Agricultural Land (O.C.G.A. 44-1-17)
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Georgia Land Sales Act (O.C.G.A. 44-3-1 et seq.)
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Rural Facilities Economic Development Act (O.C.G.A. 50-8-210 et seq.)
Georgia Regional Transportation Authority Act (O.C.G.A. 50-32-1 et seq.)
Protection of Tidewaters Act (O.C.G.A. 52-1-1 et seq.)
State Protection of Natural Resources, Environment and Vital Areas (O.C.G.A. 12-2-8)
Georgia Natural Areas Act (O.C.G.A. 12-3-90 et seq.)
Stone Mountain Memorial Association Act (O.C.G.A. 12-3-190 et seq.)
Jekyll Island—State Park Authority Act (O.C.G.A. 12-3-230 et seq.)
North Georgia Mountains Authority (O.C.G.A. 12-3-290 et seq.)
Lake Lanier Islands Development Authority (O.C.G.A. 12-3-310 et seq.)

Oconee River Greenway Authority (O.C.G.A. 12-3-401 et seq.)
Georgia Surface Mining Act of 1968 (O.C.G.A. 12-4-70 et seq.)
Cave Protection Act of 1977 (O.C.G.A. 12-4-140 et seq.)
Shore Protection Act (O.C.G.A. 12-5-230 et seq.)
Coastal Marshlands Protection Act of 1970 (O.C.G.A. 12-5-280 et seq.)
Georgia Coastal Management Act (O.C.G.A. 12-5-320 et seq.)
Georgia Safe Dams Act of 1978 (O.C.G.A. 12-5-370 et seq.)
Metropolitan River Protection Act (O.C.G.A. 12-5-440 et seq.)
River Basin Management Plans (O.C.G.A. 12-5-520 et seq.)
Metropolitan North Georgia Water Planning District Act (O.C.G.A. 12-5-570 et seq.)
Timber Harvesting (O.C.G.A. 12-6-24)
Forest Fire Protection Plans (O.C.G.A. 12-6-88)
Harvest and Sale of Pine Straw (O.C.G.A. 12-6-200 et seq.)
Erosion and Sedimentation Act of 1975 (O.C.G.A. 12-7-1 et seq.)
Southern Growth Policies Agreement (O.C.G.A. 12-10-20 et seq.)
Abandoned Cemeteries and Burial Grounds (O.C.G.A. 36-72-1 et seq.)
Local Government Code Enforcement Boards Act (O.C.G.A. 36-74-1 et seq.)
Adult Bookstores (O.C.G.A. 36-60-3)
Installation of Grates on Public Roadways (O.C.G.A. 36-60-5)
Smart Infrastructure Growth Act (O.C.G.A. 36-93-1 et seq.)

Soil and Water Conservation Districts Law (O.C.G.A. 2-6-20 et seq.)

This law refers to improper land use practices and factors that lead to soil erosion. It establishes a State Soil and Water Conservation Commission which has rulemaking authority with regard to implementation and administration of the federal Watershed Protection and Flood Prevention Act (16 U.S.C.A. 1001 et seq.). Soil and water conservation districts are also established, and the supervisors of each district have “authority to formulate regulations governing the use of lands within the district, in the interest of conserving soil and soil resources and preventing and controlling soil erosion” (O.C.G.A. 2-6-35). However, a referendum by the owners of land in the district, for approval or disapproval, must be conducted and the proposed regulations must be submitted to the State Soil and Water Conservation Commission. The regulations cannot be passed unless a majority of the votes cast are for approval of the regulations. Furthermore, the referendum does not obligate the district to adopt such proposed regulations (O.C.G.A. 2-6-36).

Location of Alcoholic Beverage Retailers (O.C.G.A. 3-4-49)

Municipalities and Counties are authorized to adopt regulations of any businesses described in this chapter (O.C.G.A. 3-4, Distilled Spirits); provided however that “on or after July 1, 1997, no municipality shall authorize the location of a new retail package liquor licensed place of business or the relocation of an existing retail package liquor licensed place of business engaged in the retail package sales of distilled spirits within 500 yards of any other business licensed to sell package liquor at retail, as measured by the most direct route of travel on the ground; provided, however, that this limitation shall not apply to any hotel licensed under this chapter” (O.C.G.A. 3-4-49).

Local Licensing and Regulation of Private Clubs (O.C.G.A. 3-7-40)

Municipalities and counties may license and regulate any bona fide private club located within its jurisdiction (O.C.G.A. 3-7-40).

Licensing of Pet Dealers and Kennels (O.C.G.A. 4-11-3)

The Commissioner of Agriculture shall license pet dealers and kennel, stable, and animal shelter operators (O.C.G.A. 4-11-3(b)), and the commissioner is authorized to promulgate and adopt rules and regulations necessary or appropriate to carry out this article” [i.e., the Georgia Animal Protection Act] (O.C.G.A. 4-11-14).

Automated Teller Machines (Remote Service Terminals) (O.C.G.A. 7-8-1)

This Code Chapter is intended to promote the safe use of remote service terminals, which are electronic information processing devices accepting or dispensing cash (O.C.G.A. 7-8-1(12)). On or before July 1, 1994, operators of remote service terminals are required to adopt procedures for evaluating the safety of such terminals, including lighting, landscaping or obstructions, and incidence of crimes of violence (O.C.G.A. 7-8-2). Such facilities must meet lighting requirements including minimum 10 candlefoot power at the face of the terminal and two candlefoot power within certain distances from the face of the remote service terminal (O.C.G.A. 7-8-3).

Required Language on Permits Issued to General Contractors and Homebuilders (O.C.G.A. 8-2-26)

“Any county or municipal building permit issued in this state to a general contractor or homebuilder for residential or commercial construction shall have prominently printed thereon at least one inch apart from any other text on such permit and in type size and boldness equal to or greater than any other type size and boldness in the body of the permit the following:

‘The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics’ and materialmen’s liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer’s guide to the lien laws which may be available at building supply home centers’” (O.C.G.A. 8-2-26). The same statement is also required for mechanical, plumbing, or electrical permits on existing residential or commercial property (O.C.G.A. 8-2-26).

Minimum Standard Codes (O.C.G.A. 8-2-28)

“On and after October 1, 1991, any municipality or county either enforcing or adopting and enforcing a construction code shall utilize one or more of the state minimum standard codes established pursuant to this part” (O.C.G.A. 8-2-28). Minimum standard codes are adopted by the state in O.C.G.A. 8-2-20 and may be amended pursuant to O.C.G.A. 8-2-23. Such minimum standard codes “have state-wide application and shall not require adoption by a municipality or county” (O.C.G.A. 8-2-25). Municipalities and counties can provide requirements not less stringent than those specified in the state minimum standard codes, under certain circumstances after review and recommendation by the department [Community Affairs] (O.C.G.A. 8-2-25).

Factory Built Buildings and Dwelling Units (Industrialized Buildings) (O.C.G.A. 8-2-110 et seq.)

An “industrialized building” is “any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof” (O.C.G.A. 8-2-111). This article is important to note because state inspection and approval of industrialized buildings, if they bear an insignia of approval issued by the Commissioner [of the Department of Community Affairs], are not subject to local building inspection. “All industrial buildings bearing an insignia of approval issued by the commissioner pursuant to this part shall be held to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the manufacture or installation of such buildings” (O.C.G.A. 8-2-112). However, the same section of law does not prevent inspection and approval by local government, as it states: “Industrialized buildings which have been inspected and approved by any local government agency shall not be modified prior to or during installation unless approval for the modification is first obtained from the commission. The commissioner is authorized per O.C.G.A. 8-2-113 to promulgate rules and regulations to interpret this part of the law. Georgia DCA has interpreted this provision as preempting installation standards by local governments. There was litigation involving the City of Gainesville on this very matter (resolution unknown).

Manufactured Homes (O.C.G.A. 8-2-130)

This section et seq. is titled “The Uniform Standards Code for Manufactured Homes Act.” This section provides definitions of manufactured home and mobile home that are recommended for inclusion in all local zoning ordinances. Basically, the difference between the two is that mobile homes were manufactured prior to June 15, 1976, whereas manufactured homes were manufactured thereafter. Sec. 8-2-132 gives the Georgia Safety Fire Commissioner rulemaking authority (see also 8-2-161 and 8-2-162). “No person may manufacture, sell, or offer for sale any manufactured home unless such manufactured home and its components, systems, and appliances have been constructed and assembled in accordance with rules issued by the Commissioner [Georgia Safety Fire Commissioner] for the purpose of affording reasonable protection to persons and property with respect to the construction, assembly, and sale of such manufactured homes and unless compliance with such rules is shown in the manner required by the Commissioner’s rules” (O.C.G.A. 8-2-134).

Manufactured home installers are required to be licensed (8-2-164). Hence, local governments could rely on enforcement of state law to ensure manufactured homes are properly installed, but it might be wise to include the following legal provision verbatim: “Any installation of a manufactured home or a mobile home in this state shall be performed in strict compliance with the applicable manufacturer’s installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Commissioner” (O.C.G.A. 8-2-165). “No political subdivision may adopt or enforce any requirement not consistent with this part [Part 3, Installation of Manufactured Homes and Mobile Homes]” (O.C.G.A. 8-2-167).

Housing Projects of Housing Authorities Subject to Local Zoning Laws (O.C.G.A. 8-3-7)

“All housing projects of an authority shall be subject to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which the housing project is situated” (O.C.G.A. 8-3-7).

Features Making Housing More Accessible (O.C.G.A. 8-3-172)

After July 1, 2000, the Office of Housing (Georgia Housing and Finance Authority) will not award state or federal funds to construct single-family affordable housing unless the application indicates the units will be constructed with the following accessibility specifications. Although the specifications are not general requirements, they may be appropriately referenced by planners in other contexts. Each unit shall have:

- (1) At least one entrance door, whether located at the front, side, or back of the building; (A) is on an accessible route served by a ramp or no-step entrance; and (B) has at least a standard 36 inch door;
- (2) On the first floor of the building: (A) each interior door is at least a standard 32 inch door, unless the door provides access only to a closet of less than 15 square feet in area; (B) each hallway has a width of at least 36 inches and is level, with ramped or beveled changes at each door threshold; (C) each bathroom wall is reinforced for potential installation of grab bars; (D) each electrical panel or breaker box, light switch, or thermostat is not higher than 48 inches above the floor; and

(3) The main breaker box is located inside the building on the first floor.” (O.C.G.A. 8-3-172)

Regulation of Number of Occupants per Dwelling (O.C.G.A. 8-3-205)

“Nothing in this article [Article 4, Fair Housing] limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. The provisions of this article regarding familial status shall not apply with respect to housing for older persons” (O.C.G.A. 8-3-205). See also O.C.G.A. 36-13-2 which authorizes codes by county governing authorities to include “floor area per occupant.”

Local Ordinances against Discriminatory Housing Practices (O.C.G.A. 8-3-220)

“A political subdivision of this state may adopt verbatim the laws against discriminatory housing practices cited in Code Section 8-3-202, 8-3-203, 8-3-204, 8-3-205, or 8-3-222 of this article as a local ordinance but may not expand or reduce the rights granted by this article” (O.C.G.A. 8-3-220).

Building Permit Required for Construction on Abandoned Landfill (O.C.G.A. 8-6-1 et seq.)

This law, known as the “Construction Activity Prohibition on Abandoned Landfills Act of 1988”, requires a permit issued from the local governing authority for construction of any building or enclosed structure of any type, kind, or design on a landfill (O.C.G.A. 8-6-4). Note that this says Local Governing Authority (not a local building inspector). It is also instructive to consider that such a permit is required even if the local government does not have a building permit requirement.

Flea Markets (O.C.G.A. 10-1-360)

Article 14A is titled “Flea Market Vendors’ Record Keeping.” It provides a definition of “flea market” (see below) as well as “nonregistered vendor” and “vendor” and requires the latter two to “maintain a permanent record book of property acquired for the purpose of retail sale. Such record of purchase transactions must be open to inspection by any law enforcement officer during ordinary business hours, or at any reasonable time (O.C.G.A. 10-1-360). This article does not prohibit ordinances or resolutions by counties and cities that are as stringent or more stringent than the requirements of this article (O.C.G.A. 10-1-362).

Flea market means any event (1) at which two or more persons offer personal property for sale or exchange; and (2) at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange; or (3) at which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange; or (4) regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if the event is held more than six times in any 12 month period. The term “flea market” is interchangeable with and applicable to “swap meet,” “indoor swap meet,” or other similar terms regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. The term “flea market” shall not mean and shall not apply to (1) an event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee

charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of personal property, whether in the form of a percent of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event; or (2) any event at which all of the personal property offered for sale or displayed is new, and all persons selling, exchanging, or offering or displaying personal property for sale or exchange are manufacturers or licensed retail or wholesale merchants (O.C.G.A. 10-1-360).

Warehouses for Cotton (O.C.G.A. 10-4-55)

The Commissioner of Agriculture is designated as the State Warehouse Commissioner (O.C.G.A. 10-4-50). "The Commissioner shall have power to acquire property. It shall be his duty to foster and encourage the erection of warehouses in the various counties, upon plans and specifications adopted by him" (O.C.G.A. 10-4-55). This provision of law was adopted in 1918 and was intended to encourage and provide for cotton warehousing. Note the implicit plan making and rulemaking authority given to the Commissioner via the reference to plans and specifications.

Self-Service Storage Facility Act (O.C.G.A. 10-4-210 et seq.)

State law prohibits the occupation of self-service storage units for residential purposes (O.C.G.A. 10-4-211, see definition of "self-service storage facility").

Standards for Maps and Plats (O.C.G.A. 15-6-67)

This Code Section, "preparation, contents and recording of maps and plats; minimum standards and specifications," is very important in the context of subdivision regulation. It is found in a title (i.e., "Courts") of the Georgia Code where most planners would not think to look, and it may therefore be an obscure one. O.C.G.A. 15-6-67 establishes specifications for plats to be recorded in the Clerk of Superior Court's office of the county in which the subdivision is located include line widths, sheet sizes, closure data, and equipment used. If the plat meets the requirements of this code section, "it shall be the duty of the clerk of superior court to file and record" such plat.

The specifications raise questions as to whether all survey plats are really prepared with all the statutory information and according to specifications of this code section. Further, what is the responsibility of the local planner reviewing the subdivision plat, or the Clerk of Superior Court, for that matter, to enforce the plat specifications? Are planners and clerks checking line types and statements of equipment used on surveys and plats recorded in the county records?

Those questions may be less troublesome than others that arise from this Code Section. O.C.G.A. 15-6-67 also implies that planning commissions can adopt subdivision regulations: "Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority adopts subdivision regulations..." This is probably just an example of poor wording, and not intended to imply a delegation of legislative authority to planning commissions to actually adopt subdivision regulations.

O.C.G.A. 15-6-67 goes on to say that when local subdivision regulations are adopted, the plat cannot be filed or recorded "without the approval thereon of the municipal or county planning commission or governing authority and without such approval having been entered in writing on

the plat by the secretary of the municipal or county planning commission or governing authority. The clerk of the superior court of the county shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required by this subsection.” What may be troublesome is who constitutes the “governing authority.” If a local government elects to have a planning commission it seems that no one would question a staff planner signing a plat for recording as a duly authorized representative of the planning commission. But what about the case of the local governing authority, where no planning commission exists? Does this mean that the local government planner cannot sign a plat, but only the Mayor? Local legal counsels could interpret this provision as requiring the chief elected official to sign the plat, and indeed that all final plats in localities without planning commissions must be approved by the local governing authority (i.e., the Board of Commissioners or City Council).

This Code Section also goes on to exclude certain activities that are exempt from this requirement to record a plat: “Notwithstanding any other provision of this subsection to the contrary, no approval shall be required if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat of survey containing thereon a certification from the licensed surveyor that the provisions relative to this subsection do not require approval shall entitle said plat to record.”

This provision is particularly troublesome, if someone who wants to record a plat that does not meet local requirements can get a surveyor to agree to such statement of certification on the plat. Does this provision preempt local governments from regulating such subdivisions? What if the local government regulates the subdivision and it would not be lawful under the local subdivision ordinance – is it still entitled to be recorded?

Title 25 Fire Protection and Safety (O.C.G.A. 25-2)

Chapter 2 of Title 25 is titled “Regulation, Etc. of Fire and Other Hazards to Persons and Property Generally.” It creates the office of the Safety Fire Commissioner (O.C.G.A. 25-2-2), who has rulemaking authority which shall have statewide application; in fact the Commissioner “shall” (rather than may) adopt rules and regulations (O.C.G.A. 25-2-4). This makes rulemaking mandatory. “The commissioner shall appoint a state fire marshal” (O.C.G.A. 25-2-5). The fire marshal has powers of arrest just like those granted to county sheriffs (O.C.G.A. 25-2-9) relating to criminal statutes related to arson.

State fire safety standards adopted in the rules and regulations promulgated pursuant to this Chapter, including all subsequent revisions thereof, must be adopted by the following (O.C.G.A. 25-2-12):

The county governing authority in any county having a population of 100,000 or more, and the municipal governing authority in any municipality having a population of 45,000 or more, each as determined by the most recent decennial census published by the United States Bureau of the Census, and those municipalities pursuant to subsection “(b) of this Code section [municipalities with populations of less than 45,000; they “may” adopt the standards (O.C.G.A. 25-2-12). Within its jurisdiction, with some exceptions for stated buildings and structures, each local governing authority shall be responsible for enforcing such fire standards within its jurisdiction and “shall...review plans and specifications for proposed buildings and structures, issue building permits when plans are approved, and conduct fire safety inspections of such buildings and structures... (O.C.G.A. 25-2-12).

An important preemption provision exists in this chapter – local governments cannot grant variances to state minimum fire safety standards: “No such local governing shall have the authority to grant any waiver or variance which would excuse any building, structure, or proposed plans for buildings or structures from compliance with the state minimum fire safety standards as adopted in the rules and regulations promulgated pursuant to this chapter” (O.C.G.A. 25-2-12).

The State Fire Marshal has authority to deputize local fire marshals, defined in the singular as “any employee or independent contractor of any municipality, county, or other governing authority not adopting the state minimum fire safety standards as provided in subsection (a) of Code Section 25-2-12 who is responsible for performing fire safety duties for such municipality, county, or governing authority and who has been or is seeking to be deputized pursuant to this Code section” (O.C.G.A. 25-2-12.1).

Plans and specifications for certain proposed buildings must be submitted to and receive approval of either the state fire marshal, the proper local fire marshal, or state inspector before any state, municipal, or county building permit may be issued or construction started (O.C.G.A. 25-2-14): such uses include among others, buildings three or more stories in height used as a residence by three or more families; places where more than 15 sleeping accommodations for hire are provided; schools and academies, hospitals racetracks, theaters, churches with occupant load of 500 or more persons, department stores of 25,000 square feet on one floor or with three floors or more; group day care homes, and personal care homes (O.C.G.A. 25-2-23).

Fire Prevention Regulatory License for Traveling Shows (O.C.G.A. 25-2-20)

“All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention regulatory license from the state fire marshal based upon compliance with this chapter, as set forth in rules and regulations promulgated by the Commissioner” (O.C.G.A. 25-2-20)

Georgia Blasting Standards Act of 1978 (Chapter 8, Title 25, 25-8-1 et seq.)

This chapter sets forth a general standard as follows: “In all blasting operations, except as otherwise provided in this chapter, the maximum particle velocity of any component of ground motion recorded on a three-component seismograph (where the components—transfers, vertical, and longitudinal—are arranged mutually perpendicular) shall not exceed two inches per second at the location of any dwelling house, public building, school, church, or commercial or institutional building normally occupied” (O.C.G.A. 25-8-3(b); see also O.C.G.A. 25-8-4). Records of blasts must be kept (O.C.G.A. 25-8-8). The Commissioner may promulgate rules and regulations to effectuate this chapter (O.C.G.A. 25-8-9)

State Zoning of Salt Waters (O.C.G.A. 27-4-131)

The Department is authorized to zone the salt waters of the state of Georgia for purposes of enforcing this article (Title 27, Article 4, “Seafood”). While the authors of this code provision may not have intended this authority to be the same as planners understand the term “zoning” in the conventional sense, it is interesting that the term “zoning” was used.

Tourist Courts (Chapter 28 of Title 31, O.C.G.A. 31-28-1 et seq.)

A tourist court is defined as “(1) any facility consisting of two or more rooms or dwelling units providing lodging and other accommodations for tourists and travelers and includes tourist courts, tourist cottages, tourist homes, trailer parks, trailer courts, motels, motor hotels, hotels, and any similar place by whatever name called; and (2) any facility or establishment operated in conjunction with an establishment described in paragraph (1) of this Code section for the purpose of providing food, beverage, laundry, or recreational services” (O.C.G.A. 31-28-1).

Tourist courts require a permit issued by the county board of health, or by the department [of Human Resources] in the absence of a functioning county board of health, and it is unlawful to operate without first having obtained a valid permit therefor (O.C.G.A. 31-28-2). Permits can be suspended or revoked by county boards of health where the health, sanitation, and safety of the public require such action (O.C.G.A. 31-28-3). The Department of Human Resources is authorized to promulgate and adopt rules and regulations to ensure the protection of the public health, sanitation and safety – such rules may include among other things, water supply, sewage disposal, garbage and refuse disposal, and spacing of trailer coaches and lighting of trailer parks (O.C.G.A. 31-28-5). Hence, there may be such regulations that tourist courts may have to meet with regard to “spacing” and “lighting,” and such regulations may need to be coordinated with (or acknowledged by) local land use regulations.

Tattoo Parlors (O.C.G.A. 31-40-1 et seq.)

Local governing authorities under (O.C.G.A. 31-40-9) are authorized to adopt more stringent laws governing tattooing than are provided in Chapter 40 of Title 31, “Tattoo Studios,” which requires that a permit be issued by the Department of Human Resources (O.C.G.A. 31-40-2). County Boards of Health are authorized to revoke permits where the health and safety of the public requires such action (O.C.G.A. 31-40-3). The Department also can promulgate rules and regulations prescribing reasonable standards for the health and safety of tattoo studios, and County boards of health are also authorized to adopt and promulgate supplementary rules and regulations (O.C.G.A. 31-40-5).

Local Authority to Require Permits for Utility Relocation (O.C.G.A. 32-4-92)

Municipalities can grant permits and establish reasonable regulations for utility installation, removal, and relocation, and so forth, but municipal regulations “shall not be more restrictive with respect to utilities affected thereby than are equivalent regulations promulgated by the department [of Transportation] with respect to utilities on the state highway system under authority of Code Section 32-6-174” (O.C.G.A. 32-4-92(a)(7)). Note that the state has preempted cities from being more restrictive than state rules for utility relocation. Counties have similar or the same authority pursuant to O.C.G.A. 32-4-42.

Enabling Authority for Street System Development (O.C.G.A. 32-4-92)

“In addition to the powers specifically delegated to it in this title, a municipality shall have the authority to perform all acts which are necessary, proper, or incidental to the efficient operation and development of the municipal street system; and this title shall be liberally construed to that end. Any such power vested by law in a municipality, but not implemented by specific provisions for the exercise thereof, may be executed and carried out by a municipality in a reasonable manner pursuant to such rules, regulations, and procedures as a municipality may

adopt and subject to such limitations as may be provided by law” (O.C.G.A. 32-4-92(b)). This authorization might therefore be cited in cases where a city wants to adopt an “official map” and reserve future rights-of-ways for better connectivity. Counties have a similar authority to municipalities (O.C.G.A. 32-4-42(10)).

Local Reimbursement for Obstruction of or Encroachments on Local Roads (O.C.G.A. 32-6-1)

It is unlawful to obstruct any public road. Obstruction includes “causing of any buildup of rock, gravel, mud, dirt, chemicals or other materials by continued ingress or egress of vehicles or for any natural waters dammed or redirected by diversion to an extent which presents a hazard to the traveling public” (O.C.G.A. 32-6-1). This Code Section also makes persons who unlawfully obstruct or encroach upon public roads that are part of the county road system or municipal street system responsible for reimbursing the county or municipality, as the case may be, for the “directly incurred” costs of removal of said obstructions or encroachments and the costs of repairs to the public road.

Placement of Signs in Rights-of-ways of Public Roads Unlawful (O.C.G.A. 32-6-51)

“It shall be unlawful for any person to erect, place, or maintain within the right of way of any public road any sign, signal, or other device except as authorized by subsection (d) of this Code section or as required or authorized by Code Section 32-6-50 or any other law” (O.C.G.A. 32-6-51). The two exceptions relate to commercial advertisements on bus shelters and traffic control signs. This provision raises an interesting question: Is a municipality that wants to string a banner over the right of way of a municipal street a person acting without authority and in violation of this Code Section? Or, is a municipality not a “person” under the law?

Certain Signs Unlawful; Obstructions of Clear Views (O.C.G.A. 32-6-51)

For those drafting sign codes, it may be useful to know that the state already prohibits certain signs visible from any public road (not just the state highway system). “It shall be unlawful for any person to erect, place, or maintain in a place or position visible from any public road any unauthorized sign, signal, device, or other structure which: (1) Imitates, resembles, or purports to be an official traffic-control device; (2) Hides from view or interferes with the effectiveness of any official traffic-control device; (3) Obstructs a clear view from a public road to any other portion of such public road, to intersecting or adjoining public roads, or to property abutting such public road in such a manner as to constitute a hazard to traffic on such roads; or (4) Because of its nature, construction, or operation, constitutes a dangerous distraction to or interferes with the vision of drivers of motor vehicles” (O.C.G.A. 32-6-51). The same code provision provides authority for the officials having jurisdiction over the road in which such a violation occurs, to order the removal of the sign or structure. After 30 days, if not removed, the officials are authorized to remove the sign or structure and collect expenses incurred.

This provision could have important ramifications for local zoning codes that make unlawful a structure (e.g., fence) within a “sight visibility triangle.” To the extent municipal or county enforcement procedures differ from this Code Section (i.e., less time allotted before removal), a local government could run afoul of this provision.

Strip Zoning vs. Comprehensive Zoning Plan (O.C.G.A. 32-6-71)

The state's outdoor advertising statute (O.C.G.A. 32-70 et seq.) contains rather complicated provisions for the placement of outdoor advertising. In its definitions, it defines "zoned commercial or industrial" as follows: "those areas which are zoned for industrial or commercial activities pursuant to state or local zoning laws or ordinances as part of a comprehensive zoning plan. Strip zoning shall not be considered as a bona fide comprehensive zoning plan. Comprehensive zoning plans for the purposes of outdoor advertising only shall be approved by the board when an application for a permit has been made" (O.C.G.A. 32-6-71(29)).

This provision has at least four interesting implications, all of which have little if anything to do with the immediate context of regulating outdoor advertising. First, what does one think was meant by "state zoning" and would state zoning now be unconstitutional? Second, could this definition in state law be argued in other contexts that all zoning ordinances must be "comprehensive?" Third, has there been cases where local governments "strip zoned" land to provide for billboards? And finally, the "Board" [Transportation] has approval authority for zoning ordinances established for the purposes of regulating outdoor advertising – does this mean a county without zoning but wanting to impose a sign code by districts must get the Board's approval?

Rules and Regulations for Outdoor Advertising (O.C.G.A. 32-6-90)

In addition to the regulatory provisions of the outdoor advertising law itself, the department is authorized to promulgate rules and regulations governing the issuance and revocation of permits for the erection and maintenance of outdoor advertising (O.C.G.A. 32-6-90). The state law regarding outdoor advertising does not preempt local ordinances from being more restrictive with regard to its own sign ordinances (O.C.G.A. 32-6-97).

Commercial Driveways Require Permit from Department; Rules (O.C.G.A. 32-6-131)

This code provision makes it unlawful to construct or otherwise alter commercial driveways without obtaining a permit from the department [Transportation] (O.C.G.A. 32-6-131). Rulemaking authority is given to the Department (O.C.G.A. 32-6-133).

Department of Transportation Review of Subdivision Plats (O.C.G.A. 32-6-150 et seq.)

This Code Section defines subdivision and provides a procedure for the Department to receive, review, and recommend to localities whether to approve subdivision plats when the subdivisions abut on any part of the state highway system. This provision does not give the Department veto authority over a local decision to approve a subdivision. Such departmental recommendations are not binding on planning commissions (presuming they are the platting authority) (O.C.G.A. 32-6-151). Interestingly, in cases where there is not a planning commission in the locality, if the department recommends rejecting the subdivision, it "shall be binding on the county or municipality concerned unless the county or municipal governing authority concerned, by official action recorded in its minutes, overrules such department action" (O.C.G.A. 32-6-152).

Control of Junkyards (O.C.G.A. 32-6-240 et seq.)

Article 8 of Title 32 addresses junkyards. Location restrictions on junkyards are provided in O.C.G.A. 32-6-241, cited below. Rulemaking is authorized (O.C.G.A. 32-6-243). If zoned for

industrial use or in an unzoned industrial area, junkyards are not prohibited under this Code Section. Unlawful junkyards are declared to be public and private nuisances (O.C.G.A. 32-6-246). The state can call on the local government law enforcement to assist with enforcement of this article (O.C.G.A. 32-6-247).

“It shall be unlawful for any person to establish, operate, or maintain any junkyard, any portion of which is within 1,000 feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except: (1) Those which are screened by natural objects, plantings, fences, or other appropriate means or which are otherwise removed from sight so as not to be visible from the main traveled way of such highway systems; (2) Those located within areas which are zoned for industrial use under authority of law; (3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations promulgated by the commissioner; and (4) Those which are not visible from the main traveled way of the systems” (O.C.G.A. 32-6-241).

Existing junkyards (in existence on April 6, 1967), within 1,000 feet of and visible from any public road on the interstate or federal-aid primary system, shall “whenever feasible” be screened by the department so as not to be visible from such public road. The department is required to do this in the right of way of the road or by acquiring land outside the right of way (O.C.G.A. 32-6-242).

This chapter defines automobile graveyard, junk, junkyard, and scrap processor. Interestingly, only “junkyard” appears to be referenced in the article. Incidentally, terms defined in state law, like these, are often appropriately placed in local zoning ordinances.

Ordinances Regulating Amusement Rides (O.C.G.A. 34-12-21)

Amusement rides are mechanical devices not permanently fixed to a site and carrying or conveying passengers along, around or over a fixed route or course or within a defined area for the purpose of giving passengers amusement, pleasure, thrills, or excitement (O.C.G.A. 34-12-2). The Department of Labor “shall formulate standards and regulations...for the safe assembly, disassembly, repair, maintenance, use, operation, and inspection of all amusement rides” (O.C.G.A. 34-12-5). Variances may be allowed by the Department (O.C.G.A. 34-12-15). Local governments are prohibited from passing ordinances regarding the same subject matter, but they are not preempted from applying local ordinances and other regulations regarding location, siting, development standards, and noise levels generated (O.C.G.A. 34-12-21). The same preemption provision applies to “carnival rides” (O.C.G.A. 34-13-23).

Title 41 Nuisances (O.C.G.A. 41-1-1 et seq.)

Nuisance is defined (O.C.G.A. 41-1-1), as are public and private nuisances (O.C.G.A. 41-1-2). This title contains the so-called “right to farm law.” O.C.G.A. 41-1-1 establishes state policy to reduce losses of the state’s agricultural resources by limiting the circumstances under which agricultural facilities and operations may be determined a nuisance.

The So-Called “Right to Farm” Law (O.C.G.A. 41-1-7)

“No agricultural facility or agricultural operation at an agricultural facility shall be or shall become a nuisance, either public or private, as a result of changed conditions in or around the locality of such agricultural facility if the agricultural facility has been in operation for one year or more.

The provisions of this subsection shall not apply when a nuisance results from the negligent, improper, or illegal operation of any agricultural facility” (O.C.G.A. 41-1-7(c)).

No Retroactive Noise Laws for Existing Sport Shooting Ranges (O.C.G.A. 41-1-9)

“No rules, regulations, statutes or ordinances relating to noise control, noise pollution, or noise abatement adopted or enacted by a unit of government shall be applied retroactively to prohibit conduct at a sport shooting range, which conduct was lawful and being engaged in prior to the adoption or enactment of such rules, regulations, statutes, or ordinances (O.C.G.A. 41-1-9).

Nuisance Abatement (O.C.G.A. 41-2-1 et. seq.)

Sometimes, there may be a property owner discontent with a particular action and who seeks redress through the local government. If the local government does not have an ordinance that prevents or restricts the activity, it may nonetheless be a private nuisance. Local planners can inform such complaining property owners in such instances that “a private nuisance may be abated upon filing of a petition by the person injured” (O.C.G.A. 41-2-3). If the nuisance complained of is in a city, the municipal court of the city has jurisdiction to hear the question of existence of a nuisance, and to order its abatement if it exists (O.C.G.A. 41-2-5). The Magistrate Court of the County has jurisdiction and authority to abate a nuisance in unincorporated areas, unless otherwise provided by local law (O.C.G.A. 41-2-5).

Unfit Buildings Ordinances (O.C.G.A. 41-2-7 et seq.)

Local governments are authorized by O.C.G.A. 41-2-9 to adopt ordinances related to dwellings, buildings, or structures which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, which are vacant and being used in connection with the commission of drug crimes, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. This Code Section specifies the required contents of such ordinances. These code sections pertaining to unsafe or unfit building ordinances also specify enforcement powers of local officials (O.C.G.A. 41-2-11), and describe how complaints will be served (O.C.G.A. 41-2-12).

Professional Engineers and Land Surveyors (O.C.G.A. 43-15-1 et seq.)

O.C.G.A. 43-15-2 defines land surveyor and professional engineer. A State Board of Registration for Professional Engineers and Land Surveyors is established (O.C.G.A. 43-15-3). The board has rulemaking powers (O.C.G.A. 43-15-4 and 43-15-6). The practice of land surveying by someone other than a land surveyor and the practice of engineering by a person other than a professional engineer, as defined, is unlawful (O.C.G.A. 43-15-7). Since subdivision regulations and land development ordinances typically define the terms land surveyor and professional engineer, it may be appropriate to mirror the state definitions. The State Board can after notice and hearing revoke or suspend a certificate of registration (O.C.G.A. 43-15-18). Any person can make a complaint in writing to the State Board for fraud, deceit, gross negligence, incompetency, or unprofessional conduct (O.C.G.A. 43-15-25).

Destruction of Property Monuments Unlawful (O.C.G.A. 44-1-15)

It is unlawful to remove, destroy, injure or displace “geodetic control monuments” and “property corner monuments” (O.C.G.A. 44-1-15). Because these definitions are likely to reappear (or be appropriate) in local land subdivision regulations, they are reiterated here.

“Geodetic control monuments” means those survey monuments which are established by federal, state, local, and private agencies, the position of which monuments on the earth’s surface has been fixed by high-order surveying and computation for use by surveyors and engineers in the extension of geodetic position to property corners, improvements to property, utility systems, streets and highways, and such other objects and things as may be located by surveying. Such monuments may be in the form of metal disks set in concrete, rock, metal, or some other fixed permanent object, the position thereof having been published by the agency which established the monument and made available to the public as well as to land surveyors and engineers for public use (O.C.G.A. 44-1-15).

“Property corner monuments” means those survey monuments which are established to identify property corners, the location and description of which are made a part of any plat or any instrument pertaining to real property filed in the office of the superior court of any county of this state. Said survey monuments may be any permanent or semipermanent objects or any live or dead plant material, including, but not limited to, iron or steel pipes, bars, or rods; concrete markers, including highway right of way markers; stone or rock, whether natural or erected; trees, stumps, stakes, and marks, including those marks made on trees, stones, rocks, concrete or metal; and such other monuments as may be described in said plats and instruments of record (O.C.G.A. 44-1-15)

Buyer and Seller Responsibilities Regarding Agricultural Land (O.C.G.A. 44-1-17)

When real property is purchased, and the property is within a county which has land zoned for agricultural or silvicultural use, or identified on an approved county land use plan as agricultural or silvicultural use, it is the property owner’s responsibility to determine whether the subject property is within or adjacent to any property zoned or identified on an approved county land use plan as agricultural or silvicultural use. If within or adjacent to land zoned or identified on an approved county land use plan as agricultural or silvicultural use, the owner shall deliver the prospective purchase notice as follows (O.C.G.A. 44-1-17):

“It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that the property in which they are about to acquire an interest lies within, partially within, or adjacent to an area zoned, used, or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that include, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24 hour period, storage and disposal of manure, and the application of spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards” (O.C.G.A. 44-1-17). This provision shall not create a cause of action for damages or equitable relief.

This provision is notable on more than one account. First, it is an expression of state policy in support of resource (farm and forest) lands that implies public concern that residences are locating in farm areas in the state (i.e., rural sprawl). Second, it is quite significant in that this may be one of the few instances where state law references a county land use plan and gives it some sort of legal credence. Third, the author also notes that this provision formed the basis of a unique provision in the Georgia Department of Community Affairs' Model Land Use Management Code relative to agricultural use waivers. Fourth, to the extent that property attorneys are enforcing this state law provision, it could mean much more work for county planners, as due diligence would suggest that property lawyers be checking with them about agricultural zoning boundaries, and, in the case of counties without agricultural zoning, agricultural land use plans.

Record of Plats Permissible (O.C.G.A. 44-2-26)

"The owner of real property or of any interest therein or any holder of a lien thereon may have a plat of the property or a blueprint, tracing, photostatic copy, or other copy of a plat of the property recorded and indexed in the office of the clerk of the superior court of the county in which the property or any part thereof is located. It shall be the duty of the clerk to record and index any plat or any blueprint, tracing, photostatic copy, or other copy of the plat" (O.C.G.A. 44-2-26).

This code provision is interesting as it relates to local subdivision regulation. Note that there is no cross-reference or provision in this Code Section that qualifies this mandate to record plats. For instance, what if someone files a subdivision plat that has not been approved by the local planning commission or governing authority, as the case may be, or the plat violates minimum lot size and lot width requirements of a local subdivision control ordinance? As noted earlier in this report, "the clerk of the superior court of the county shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required by this subsection" (O.C.G.A. 15-6-67).

Georgia Land Sales Act (O.C.G.A. 44-3-1 et seq.)

It is unlawful to sell subdivided land except in compliance with this Article, which includes the requirement for sellers to provide prospective purchasers a property report including certain specified information, including "the provisions of any zoning ordinances and regulations affecting the subdivided land and each lot or unit thereof" (O.C.G.A. 44-3-3). However, provisions applying to subdivisions are limited by the definition of "subdivision" or "subdivided land" as follows: "(A) Any contiguous land which is divided or is proposed to be divided for the purpose of disposition into 50 or more lots, parcels, units, or interests, or (B) Any land, whether contiguous or not, which is divided or proposed to be divided into 50 or more lots, parcels, units, or interests which are offered as a part of a common promotional plan" (O.C.G.A. 44-3-3). Every subdivider shall make available to every purchase many documents which include the following:

"(P) If the county or municipality in which the subdivision is located has a planning and zoning ordinance in effect, a certificate of approval or compliance from the local governing authority stating that the subdivision is in compliance with the applicable ordinance or, if the county or municipality in which the subdivision is located has no planning and zoning ordinance in effect, a certificate of approval from the appropriate regional development center" (O.C.G.A. 44-3-3).

This provision is interesting to note, because for any subdivision with 50 or more lots, the subdivider is going to have to come to the local zoning office to get a letter of compliance. This raises questions to the author as to whether this provision is very well known, followed by subdividers, or required by local zoning agents. And, it is also interesting that regional development centers are cited in the law to certify subdivision compliance when no local planning and zoning ordinance is in effect.

Certain transactions (offers or disposition in an interest in land) are exempted from the Georgia Land Sales Act. These include (but are not limited to) the following: cemetery lots; subdivisions where each lot, parcel or unit being offered or disposed of is five acres or more in size; a subdivision that is made pursuant to the order of any court of the state; a subdivision registered under the provisions of the federal Interstate Land Sales Full Disclosure Act;" lots within recorded subdivision plats if certain conditions exist (relative to improvements); lots within a subdivision plat accepted by a board of county commissioners and properly recorded (subject to road maintenance and installation of improvements, etc.; and subdivisions where not more than 150 lots, parcels, units or interests are offered for sale, (O.C.G.A. 44-3-4).

Georgia Property Owners' Association Act (O.C.G.A. 44-3-220 et seq.)

This law describes how property owners' associations must provide for assessments among all of the lots benefited (O.C.G.A. 44-3-225); the law requires the incorporation of associations (O.C.G.A. 44-3-227). It seems appropriate to cross reference this law in cases of local zoning or land use regulations that mandate a so-called "homeowners" association or property owners association. For instance, within planned unit developments and conservation subdivisions where common open spaces are held, it would be appropriate in the author's opinion to cross-reference these state law provisions.

Ownership of Running Water (O.C.G.A. 44-8-1)

"Running water belongs to the owner of the land on which it runs; but the landowner has no right to divert the water from its usual channel nor may he so use or adulterate it as to interfere with the enjoyment of it by the next owner" (O.C.G.A. 44-8-1).

Easements Acquired by Prescription (O.C.G.A. 44-9-1)

"The right of private way over another's land may arise from an express grant, from prescription by seven years' uninterrupted use through improved lands or by 20 years' use through wild lands, by implication of law when the right is necessary to the enjoyment of lands granted by the same owner, or by compulsory purchase and sale through the superior court in the manner prescribed by Article 3 of this chapter" (O.C.G.A. 44-9-1).

Private Ways for Land Locked Parcels Granted by Superior Court (O.C.G.A. 44-9-40)

The superior court has jurisdiction to grant private ways to individuals to go from and return to their property and places of business. Such private ways shall not exceed 20 feet in width and may be less than that. Private ways must be kept open and in repair by the person on whose application they are established or the successor in title (O.C.G.A. 44-9-40). A person who has no means of access, ingress, and egress to property owned may file a petition with the superior court to obtain a judgment condemning an easement of access, ingress, and egress not to exceed 20 feet in width over and across the property of another private person or corporation (O.C.G.A. 44-9-40).

Prescriptive Right of Way (O.C.G.A. 44-9-54)

“Whenever a private way has been in constant and uninterrupted use for seven or more years and no legal steps have been taken to abolish it, it shall not be lawful for anyone to interfere with that private way” (O.C.G.A. 44-9-54)

Construction of Way into Public Road (O.C.G.A. 44-9-60)

“Once a private way is established, the judge of the probate court may declare it a public road, provided it is of sufficient length and importance and the number of persons who habitually use it can and will do as much work thereon as is their proper share in working the road alone or in connection with adjacent roads” (O.C.G.A. 44-9-60).

Approval for Construction of a Tramway (O.C.G.A. 44-9-90)

This code section dates back to 1887. “Any person or corporation desiring to build or construct any tramway to connect with any waterway or railway in this state for the purpose of transporting lumber, naval stores, and timber by means of the same may make application in writing to the judge of the probate court or the county commissioners of the county in which the tramway is to be located, which application shall set out the length of the tramway, the starting place and the terminus, and the line of its location” (O.C.G.A. 44-9-90).

Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10-1 et seq.)

This law provides a definition of conservation easement (O.C.G.A. 44-10-2). Since that term is defined by state law, it is recommended that local ordinances define it the same way as in state law. The law provides for the creation and conveyance of conservation easements (O.C.G.A. 44-10-3).

Historic Preservation Act (O.C.G.A. 44-10-20 et seq.)

This act, well known to historic preservationists, was passed in 1980. Since it is familiar to preservation planners, the details of its provisions are not summarized here. The author focuses here only on the intersection of that law with local zoning laws. On that point, it is instructive to be aware of O.C.G.A. 44-10-26(a)(1), which requires, for ordinances adopted by local governing bodies to designate historic properties or historic districts, the following (among other requirements): “Any ordinance designating any property as a historic property or any district as a historic district shall require that the designated property or district be shown on the official zoning map of the county or municipality adopting such ordinance or that, in the absence of an official zoning map, the designated property or district be shown on a map of the county or municipality adopting such ordinance and kept by the county or municipality as a public record to provide notice of such designation in addition to other notice requirements specified by this Code section” (O.C.G.A. 44-10-26(a)(1)).

This code provision creates all sorts of potential procedural problems for local governments. It appears that this provision could cause any local government’s historic preservation ordinance that does not require historic properties or historic districts be shown on the local official zoning map to be overturned as unlawful, despite the possible expediency and clarity of showing such historic properties or historic district boundaries on a map separate from the official zoning map. It appears that a separate map can only be used if there is no official zoning map. And, if not

done in the manner required by this code section, all subsequent preservation commission actions are at risk of being overturned.

Underground Gas Storage Act (O.C.G.A. 46-4-50 et seq.)

This law requires an application be made to the Public Service Commission and a public hearing by the Commission prior to installing an underground reservoir for natural or manufactured gas (O.C.G.A. 46-4-53). An investigation is then made on the application by the State Geologist and the Environmental Protection Division also reviews the application, with attention to whether the proposed storage project will injure, pollute, or contaminate any usable fresh-water resources (O.C.G.A. 46-4-54). The commission then issues an order, which may be approval, conditional approval, or disapproval (O.C.G.A. 46-4-55). The right to judicial review is provided to parties appearing at the hearing who are directly affected (O.C.G.A. 46-4-56). The Board of Natural Resources has authority to adopt rules and regulations necessary for underground reservoirs (O.C.G.A. 46-4-60).

Rural Facilities Economic Development Act (O.C.G.A. 50-8-210 et seq.)

This law was passed in 1991 to provide a means of helping the most economically distressed counties (and municipalities within) in the state. It specifies "local plans" which are the consolidated prioritization of facility needs contained in various comprehensive plans (O.C.G.A. 50-8-212). A facilities development committee is created in each "less developed" county (O.C.G.A. 50-8-214), and the Commissioner of the Department of Community Affairs is authorized to establish rules for policies and procedures of the committees (O.C.G.A. 50-8-215). The facilities development committee "shall review" facility plans for the county and cities within, "consolidate such comprehensive plans," and prepare a "local plan which prioritizes the combined facilities needs contained in each comprehensive plan" and submit it to the Commissioner (O.C.G.A. 50-8-216), who is required to provide by rule or regulation for the submission of local plans (O.C.G.A. 50-8-218) and shall review and approve or disapprove the local plans (O.C.G.A. 50-8-219). Then, less developed counties are entitled to receive state matching grants for facilities development.

Georgia Regional Transportation Authority Act (O.C.G.A. 50-32-1 et seq.)

The Georgia Regional Transportation Authority is created by O.C.G.A. 50-32-3. Broad powers are set forth in O.C.G.A. 50-32-11; they include the coordination of planning for land transportation and air quality purposes within the geographic area of its authority, the adoption of a regional plan or plans; and review and recommendations regarding regional land transportation plans and transportation improvement programs prepared by metropolitan planning organizations within its jurisdiction. Of particular interest to the author is the following enumerated power:

"(33) Subject to any covenant or agreement made for the benefit of owners of bonds, notes, or other obligations issued to finance roads or toll roads, in planning for the use of any road or toll road which lies within the geographical area over which the authority has jurisdiction, the authority shall have the power to control or limit access thereto, including the power to close off, regulate, or create access to or from any part, excluding the interstate system, of any road on the state highway system, a county road system, or a municipal street system to or from any such road or toll road or any property or project of the authority, to the extent necessary to achieve the purposes of the authority; the authority may submit an application for an interstate system right of way encroachment through the state Department of Transportation, and the

department shall submit the same to the Federal Highway Administration for approval. The authority shall provide any affected local governing authority with not less than 60 days notice of any proposed access limitation” (O.C.G.A. 50-32-11(33)).

In the case of a development of regional impact, if expenditures of state or federal funds are involved to create land transportation services or access to such development, the expenditure of such funds is prohibited unless and until the plan for such development and such expenditures is reviewed and approved by the authority. And the authority’s decision is final and nonreviewable, “except that such decision shall be reversed where a resolution for such purpose is passed by vote of three-fourths of the authorized membership of the county commission of the county in which the development of regional impact is planned or, if such development is within a municipality, by vote of three-fourths of the authorized membership of the city council. Such a vote shall not constitute failure or refusal by the local government for purposes of Code Section 50-32-33” (O.C.G.A. 50-32-14).

Protection of Tidewaters Act (O.C.G.A. 52-1-1 et seq.)

This law declares the state’s ownership of the beds of all tidewaters in the state (O.C.G.A. 52-1-2). Any structures located upon tidewaters which are used as places of habitation, dwelling, sojournment, or residence interfere with the state’s proprietary interest or the public trust, or both, and must be removed (O.C.G.A. 52-1-2). Such structures are declared to be a public nuisance and unlawful (O.C.G.A. 52-1-4).

State Protection of Natural Resources, Environment and Vital Areas (O.C.G.A. 12-2-8)

“The state has an essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas”...“the department [of Natural Resources] is therefore authorized to development minimum standards and procedures” (O.C.G.A. 12-2-8). This same section defines “mountain” or “protected mountain,” and “river corridor.” This provision is the state legislative authority for the Department of Natural Resources to adopt its Rules for Environmental Planning Criteria, also known popularly as the “Part Five (V)” Standards. The state, in passing this provision of the Georgia Planning Act of 1989, established detailed development standards in the law itself, which were then reiterated and in some cases expounded upon in the DNR rules. DNR adopted its first set of Rules governing water supply watersheds, groundwater recharge areas, and wetlands in 1990, then followed in 1992 with rules for protected mountains and protected rivers, pursuant to the Mountain and River Corridor Protection Act.

Significantly, and independently of any DNR rules, “local governments shall identify existing river corridors and adopt river corridor protection plans as part of their planning process.” This means that any local plan with a “river corridor” is planning unlawfully if it does not prepare a river corridor protection plan (O.C.G.A. 12-2-8). The river corridors must also be appropriately identified and mapped in land use plans. It is interesting to note that, apparently, no such similar provision appears in the Code section to apply to protected mountains.

Georgia Natural Areas Act (O.C.G.A. 12-3-90 et seq.)

This law declares that there are certain relatively undisturbed natural areas that are in need of preservation (O.C.G.A. 12-3-91). It defines natural areas as: “a tract of land in its natural state which may be set aside and permanently protected or managed for the purpose of the preservation of native plant or animal communities, rare or valuable individual members of such

communities, or any other natural features of significant scientific, educational, geological, ecological, or scenic value” (O.C.G.A. 12-3-92). While this law seems to stop short of authorizing regulation, and instead seems to refer to land to be designated or acquired as natural areas, it provides that the Department of Natural Resources has power and authority to “take such other action as may be deemed advisable to facilitate the administration, development, maintenance, or protection of the natural area system or any part or parts thereof” (O.C.G.A. 12-3-93).

Stone Mountain Memorial Association Act (O.C.G.A. 12-3-190 et seq.)

This state law creates a Stone Mountain Memorial Association with perpetual existence (O.C.G.A. 12-3-192). The association is “empowered to exercise such of the police powers of the state as may be necessary to maintain peace and order and to enforce any and all user and personal conduct restrictions upon the properties and facilities” under its jurisdiction, and such police powers may extend up to 500 yards from the park boundaries adjacent to entrances and exits (with certain exception). The association also has the authority to adopt reasonable ordinances (O.C.G.A. 12-3-194.1). The association shall be guided by a master plan to develop, manage, preserve, and protect Stone Mountain (O.C.G.A. 12-3-194.2).

Jekyll Island—State Park Authority Act (O.C.G.A. 12-3-230 et seq.)

This authority is created for 99 years (O.C.G.A. 12-3-232). Like the Stone Mountain Memorial Association, the Jekyll Island—State Park Authority is empowered to exercise the police powers of the state and to enforce any and all zoning, user, and personal conduct restrictions upon properties and facilities and the persons under its jurisdiction (O.C.G.A. 12-3-236). The authority can also adopt reasonable ordinances (O.C.G.A. 12-3-236.1). The authority can subdivide and lease or sell not more than 35 percent of the land area of Jekyll Island which lies above water at mean high tide (O.C.G.A. 12-3-243). The authority must also cause to be created a master plan (O.C.G.A. 12-3-243.1).

North Georgia Mountains Authority (O.C.G.A. 12-3-290 et seq.)

This authority is created for 99 years (O.C.G.A. 12-3-290). It can acquire real and personal property, exercise the power of eminent domain, construct projects, and adopt rules and regulations (O.C.G.A. 12-3-294). It must prepare a master plan for its projects (O.C.G.A. 12-3-294.1). The jurisdiction of the authority is the following counties: Banks, Catoosa, Chattooga, Cherokee, Dade, Dawson, Fannin, Forsyth, Franklin, Gilmer, Gwinnett, Habersham, Hall, Lumpkin, Murray, Pickens, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield” and “such other counties as may from time to time be admitted by resolution of the authority” (O.C.G.A. 12-3-299).

Lake Lanier Islands Development Authority (O.C.G.A. 12-3-310 et seq.)

Lake Lanier Islands are defined at O.C.G.A. 12-3-4(a)(1). This authority is created by O.C.G.A. 12-3-311. It has similar powers to the other authorities described here, including police powers of the state (O.C.G.A. 12-3-315). It can survey, subdivide, improve, and lease any of the property of the islands in Lake Lanier (O.C.G.A. 12-3-320).

Oconee River Greenway Authority (O.C.G.A. 12-3-401 et seq.)

This authority is created in Baldwin County and may with county approval extend into other counties bordered by or through which flows the Oconee River (O.C.G.A. 12-3-401). It is similar in composition to the other authorities described, including exercising the police powers of the state (O.C.G.A. 12-3-406).

Georgia Surface Mining Act of 1968 (O.C.G.A. 12-4-70 et seq.)

This act gives authority and responsibility to the Environmental Protection Division of the Georgia Department of Natural Resources to examine and pass upon surfacing mining land use plans submitted by operators (O.C.G.A. 12-4-73) and to adopt rules and regulations (O.C.G.A. 12-4-74). Permits are required for the operation of surface mines (O.C.G.A. 12-4-75).

Cave Protection Act of 1977 (O.C.G.A. 12-4-140 et seq.)

A cave is "any naturally occurring subterranean cavity, including, but not restricted to, a cavern, pit, pothole, natural well, sinkhole, and grotto (O.C.G.A. 12-4-142). It is unlawful to disturb the natural condition of any cave (O.C.G.A. 12-4-143) or to harm or disturb any wildlife found in any cave (O.C.G.A. 12-4-146).

Shore Protection Act (O.C.G.A. 12-5-230 et seq.)

Coastal sand dunes, beaches, sandbars and shoals are vital natural resources known as the sand sharing system. The board of natural resources has authority to prepare rules and regulations for the implementation of this law (O.C.G.A. 12-5-236). Permits are required prior to erection of any structure or to engage in shoreline engineering activity or land alteration (O.C.G.A. 12-5-237). Permit application requirements include a certificate or letter from the local governing authority or authorities of the political subdivision in which the property is located, stating that the applicant's proposal is not violative of any zoning law (O.C.G.A. 12-5-238). Local governments are authorized to adopt more restrictive ordinances in regard to activity on sand dunes and beaches (O.C.G.A. 12-5-243).

Coastal Marshlands Protection Act of 1970 (O.C.G.A. 12-5-280 et seq.)

This law declares the coastal marshlands of Georgia to be vital natural resources, defines coastal marshlands, establishes a protection committee, provides for rulemaking authority by the Board of Natural Resources, and requires permits for construction or alteration from the Coastal Marshlands Protection Committee.

Georgia Coastal Management Act (O.C.G.A. 12-5-320 et seq.)

This law was adopted in 1997 and is intended to bring Georgia into compliance with the federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Sections 1451 and following (O.C.G.A. 12-5-322). Under this law, Georgia's Department of Natural Resources shall prepare a Georgia coastal management program for submission to the Governor, who then shall have authority to submit the Georgia coastal management program to the secretary of commerce for approval as outline in the federal Coastal Zone Management Act of 1972 (O.C.G.A. 12-5-327). This law has an automatic repealer, which repeals it on July 1, 2004 unless reestablished or continued by the General Assembly.

Georgia Safe Dams Act of 1978 (O.C.G.A. 12-5-370 et seq.)

This law provides for inspection and permitting of certain dams to protect health, safety, and welfare and to reduce the risk of dam failure (O.C.G.A. 12-5-371). The Board of Natural Resources has rulemaking authority to adopt standards governing the construction and maintenance of dams or artificial barriers (O.C.G.A. 12-5-374). A permit is required to construct a dam (O.C.G.A. 12-5-376) and permission must be obtained to remove a dam (O.C.G.A. 12-5-377).

Metropolitan River Protection Act (O.C.G.A. 12-5-440 et seq.)

This law was adopted in 1973, and is well known to planners in metro Atlanta. It defines the stream corridor as all land within 2000 feet of the watercourse, or within the flood plain, whichever is greater (O.C.G.A. 12-5-441). This law is an example of preemption in the sense that it expresses the General Assembly's intent that local governments enforce the provisions of the law and that the state will enforce it if the appropriate political subdivision has failed or refused to do so and if the public interest requires it (O.C.G.A. 12-5-442). Regional development centers have duties per the law, including preparation and adoption of comprehensive, coordinated land and water use plans for the stream corridor (O.C.G.A. 12-5-443). Regional development centers are also directed to make "such rules and regulations as may be necessary to implement the purposes of this part" (O.C.G.A. 12-5-443). Hence, this is one of the few examples where RDCs are given rulemaking authority. Local governments must issue certificates for proposed uses within the stream corridor, and it is unlawful after the RDC has adopted a protection plan to engage in land disturbing activity in the stream corridor that is inconsistent or incompatible with the plan (O.C.G.A. 12-5-444). The governing authority "shall delineate and clearly label the stream corridor on the zoning map and the official map of such governing authority" (O.C.G.A. 12-5-444). This means that local government zoning maps with MRPA jurisdiction that do not have the stream corridor boundary delineated are not in compliance with this law. The law's requirements are in addition to and do not supersede other requirements of law including the zoning and building regulations of the political subdivision involved (O.C.G.A. 12-5-449).

MRPA also requires each governing authority to adopt ordinances or regulations governing the use of all land which is within the drainage basin of any tributary (O.C.G.A. 12-5-453). "Tributary" is defined as "any flowing stream which flows into the major stream at a point which is within the stream corridor" (O.C.G.A. 12-5-441). If a local government fails to adopt and enforce buffer area and erosion and sediment control ordinances or regulations, the Regional Development Center must give notice to the local government of its intent to request the director of EPD to undertake enforcement of erosion and sediment control regulations in the drainage basin of the tributary (O.C.G.A. 12-5-453).

River Basin Management Plans (O.C.G.A. 12-5-520 et seq.)

The Director of EPD is required to develop river basin management plans for major rivers in the state (O.C.G.A. 12-5-521) according to contents specified by law (O.C.G.A. 12-5-522). The Director of EPD is also directed to apply for the maximum amount of available funds pursuant to the federal Clean Water Act (O.C.G.A. 12-5-525).

Metropolitan North Georgia Water Planning District Act (O.C.G.A. 12-5-570 et seq.)

This law was passed in 2001 and is well known to planners in the district's jurisdiction. The district is authorized to prepare plans for storm-water management, waste-water management, and water supply (O.C.G.A. 12-5-574). The district was mandated to prepare model ordinances for storm-water management for local governments (O.C.G.A. 12-5-282). "Local governments within the district shall implement the provisions of the district plans that apply to them. Should any jurisdiction fail to do so, the director [of EPD] shall exercise his or her powers pursuant to this chapter" (O.C.G.A. 12-5-582; see also O.C.G.A. 12-5-583 with regard to waste-water plans and O.C.G.A. 12-5-584 with regard to water supply and water conservation management plans). Further, any local government failing to adopt the model storm-water management ordinance developed by the district shall be ineligible for state grants and loans for storm-water related projects (O.C.G.A. 12-5-582).

Timber Harvesting (O.C.G.A. 12-6-24)

A county governing authority or municipal governing authority may by ordinance or resolution require all persons or firms harvesting standing timber for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant to provide notice of such harvesting operations to the governing authority or designated agent thereof (O.C.G.A. 12-6-24). Such an ordinance must meet specified requirements, which may include rules and regulations of the director of EPD (O.C.G.A. 12-6-24).

"No county, municipality, or other political subdivision in this state shall require any person or firm harvesting standing timber therein for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state to obtain any permit for such harvesting or hauling of forest products, including without limitation any permit for any new driveway in connection with timber harvesting operations; provided, however, that this paragraph shall not otherwise limit the authority of a county or municipality to regulate roads or streets under its jurisdiction in accordance with Title 32" (O.C.G.A. 12-6-24).

Forest Fire Protection Plans (O.C.G.A. 12-6-88)

The State Forestry Commission shall prepare for each unit forestry board a plan for forest fire protection for the fiscal year...(O.C.G.A. 12-6-88).

Harvest and Sale of Pine Straw (O.C.G.A. 12-6-200 et seq.)

This law was passed in 1989 in response to continuous and repeated trespasses onto owners of timbered property (O.C.G.A. 12-6-201). As a condition of selling pine straw to a pine straw dealer within the State of Georgia, the seller shall obtain and present to the pine straw dealer a certificate of harvest (O.C.G.A. 12-6-202). It is unlawful to sell pine straw to a pine straw dealer or seller without presenting the dealer or seller a certificate of harvest or landowner's certificate of harvest (O.C.G.A. 12-6-203).

Erosion and Sedimentation Act of 1975 (O.C.G.A. 12-7-1 et seq.)

"The governing authority of each county and each municipality shall adopt a comprehensive ordinance establishing the procedures governing land-disturbing activities which are conducted

within their respective boundaries. Such ordinances shall be consistent with the standards provided in this chapter” (O.C.G.A. 12-7-4).

“If a county or municipality has enacted ordinances which meet or exceed the standards, requirements, and provisions of this chapter and which are enforceable by such county or municipality, and if a county or municipality documents that it employs qualified personnel to implement enacted ordinances, the director may certify such county or municipality as an issuing authority for the purposes of this chapter” (O.C.G.A. 12-7-8(a)). In counties that are not certified pursuant to this law, applications for permits shall be issued by the [Environmental Protection] division (O.C.G.A. 12-7-7).

Southern Growth Policies Agreement (O.C.G.A. 12-10-20 et seq.)

This law enacts the Southern Growth Policies Agreement between the state of Georgia and any and all states legally joining therein (O.C.G.A. 12-10-20), which are many. The agreement creates a Southern Growth Policies Board, which has numerous powers, including the power to “make or commission studies, investigations and recommendations with respect to:...measures for influencing the population distribution, land use, development of new communities and redevelopment of existing ones” (O.C.G.A. 12-10-20). Hence, a multi-state regional board can address concerns about land use and population distribution through studies and recommendations. It would be interesting to see whether this Board wanted to address the current issue of water supply as it exists between Tennessee and Georgia relative to water withdrawal from the Tennessee River, or the so-called “tri-state” water disputes.

Abandoned Cemeteries and Burial Grounds (O.C.G.A. 36-72-1 et seq.)

This law requires that a permit be obtained from the governing authority of the municipal corporation or county where it is located, prior to the disturbance of a cemetery, burial ground, human remains, or burial object (O.C.G.A. 36-72-4). Contents for permit applications are specified in O.C.G.A. 36-72-5. The governing authority or local law enforcement agency shall inspect as necessary to determine whether the applicant has complied with the provisions of this chapter requiring cessation or limitation of activity and with the terms of the perm as issued by the governing authority or as modified by the superior court or reviewing court (O.C.G.A. 36-72-13). Disinterment and disposition of human remains or burial objects permitted under this chapter shall be supervised, monitored, or carried out by the applicant's archeologist and shall be done at the expense of the person or entity to whom the permit is issued (O.C.G.A. 36-72-15).

Local Government Code Enforcement Boards Act (O.C.G.A. 36-74-1 et seq.)

This law, passed in 2000, authorizes cities and counties to create by ordinance local government code enforcement boards (O.C.G.A. 36-74-3). Such a board can issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance (O.C.G.A. 36-74-8). This law was apparently passed out of frustration with poor records of courts in enforcing violations of local government ordinances.

Adult Bookstores (O.C.G.A. 36-60-3)

Cities and counties are specifically authorized to restrict adult bookstores, explicit media outlets, and adult movie houses to certain areas. “No explicit media outlet or adult move house shall be located within 1,000 feet of any school building, school grounds, college campus, public place of

worship, or area zoned primarily for residential purposes.” “Nothing in this Code section shall be construed so as to prohibit the adoption by the governing authority of any county or municipality of restrictions relating to the location of adult bookstores, explicit media outlets, and adult movie houses which are more stringent than the requirements of this Code section” (O.C.G.A. 36-60-3).

Installation of Grates on Public Roadways (O.C.G.A. 36-60-5)

Score one for the bicycle safety enthusiasts. “After July 1, 1978, each county and municipal corporation shall install all newly located grates upon any public roadway so as to accommodate bicycles traveling on the public road parallel to the lane of travel of vehicles proceeding over such roadways, except that this Code section shall not apply to limited access highways or other streets or roads on which bicycle travel is prohibited” (O.C.G.A. 36-60-5).

Smart Infrastructure Growth Act (O.C.G.A. 36-93-1 et seq.)

This law passed in 2007 and is effective January 1, 2009, contingent on a referendum on a proposed constitutional amendment at the November, 2008, general election. It authorizes the creation of infrastructure development districts after holding two public hearings and approving an ordinance or resolution (O.C.G.A. 36-93-3).

SELECTED REFERENCES TO GEORGIA RULES AND REGULATIONS

State Soil and Water Conservation Commission Chapter 600-8: Education and Training Certification Requirements for Persons Involved with Land Disturbing Activities.

Georgia Department of Agriculture Rules and Regulations, 40-14-4-.01 General Standards.

Georgia Department of Agriculture Rules and Regulations, 40-14-4-.02 Cotton Storage.

Georgia Department of Agriculture Rules and Regulations, 40-14-5-.01 Physical Standards in Auction Warehouses.

Rules of Georgia Department of Agriculture, Animal Protection Division Chapter 40-13-13 Animal Protection.

Rules of the Comptroller General, Safety Fire Commissioner, Chapter 120-3-7 Rules and Regulations for Manufactured Homes.

Rules of the Comptroller General, Safety Fire Commissioner, Chapter 120-3-3-.01 State Minimum Fire Safety Standards.

Rules of the Comptroller General, Safety Fire Commissioner, Chapter 120-3-14 Rules and Regulations for Natural Gas Systems.

Rules of the Comptroller General, Safety Fire Commissioner, Chapter 120-3-10 Rules and Regulations for Explosives and Blasting Agents.

Rules of the Department of Human Resources Chapter 290-5-18 Tourist Accommodations.

Rules of the Department of Labor, Chapter 300-8-1 Amusement Ride Safety.

Rules of the Georgia Department of Transportation Chapter 672-7 Outdoor Advertising.

Georgia Department of Transportation, Regulations for Driveway and Encroachment Control, March 2, 2004.

Rules of the Georgia Department of Transportation, 672-8 Rule sand Regulations Governing the Control of Junkyards.

Rules of Georgia Department of Natural Resources Coastal Resources Division, Chapter 391-2-3 Coastal Marshlands Protection Act.

Rules of Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-16 Rules for Environmental Planning Criteria.

Rules of Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-7 Erosion and Sedimentation Control.

Rules of Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-8 Rules for Dam Safety.

Rules of Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-3 Surface Mining.

Rules of the Georgia Forestry Commission, Chapter 224-2 Notification of Timber Harvesting Activity.