



Agenda
City of Clarkesville
Council Work Session
5:00 PM May 5, 2025

1. *Call to Order*
2. *Unfinished Business*
 - 2a. *Discuss New Ordinances*
 - Uniform Municipal Court Rules*
 - Public Property or Use of Public Spaces*
 - Unauthorized Use of Municipal Water Services*
 - Leash Requirements for Dogs*
 - 2b. *Update on Mary Street Park*
3. *New Business*
 - 3a. *Discuss Potential Development*
4. *Open Discussion*
5. *Public Comment*
6. *Consider Going Into Executive Session*
7. *Adjournment*

AN ORDINANCE TO ADOPT THE UNIFORM MUNICIPAL COURT
RULES FOR THE MUNICIPAL COURT OF THE CITY OF
CLARKESVILLE, GEORGIA; TO REPEAL PRIOR LOCAL RULES OF
PROCEDURE; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER
PURPOSES.

WHEREAS, the Supreme Court of Georgia, has promulgated the Uniform Municipal Court Rules applicable to all Municipal Courts statewide; and

WHEREAS, the City of Clarkesville seeks to ensure compliance with and confirm that its Municipal Court operations are fully with those statewide rules; and

WHEREAS, the Supreme Court of Georgia has ordered that any local Municipal Court rules not approved by the Supreme Court are repealed and of no effect as of February 3, 2010; and

WHEREAS, the City Council of the City of Clarkesville deems it appropriate to confirm compliance with the Uniform Municipal Court Rules and to repeal any prior, conflicting, or obsolete local rules, ordinances, or procedures, if any.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE CITY OF CLARKESVILLE, GEORGIA:

Section 1. Adoption of Uniform Municipal Court Rules

The City hereby adopts and incorporates by reference the Uniform Rules for the Municipal Courts of the State of Georgia, as promulgated and amended from time to time by the Georgia Supreme Court, as the governing rules of procedure for the Municipal Court of the City of Clarkesville.

Section 2. Repeal of Prior Local Rules

All prior local rules, policies, ordinances, or procedures relating to the Municipal Court of the City of Clarkesville that are inconsistent with or redundant to the Uniform Municipal Court Rules are hereby repealed, rescinded, and declared of no further force or effect. This includes any such rules previously adopted by ordinance, resolution, or administrative order unless expressly approved by the Georgia Supreme Court.

Section 3. Compliance with Supreme Court Rules and Regulations

This ordinance affirms the City's intent to remain in full compliance with the Supreme Court's directive requiring uniformity of municipal court procedures statewide. No future deviation from the Uniform Municipal Court Rules shall be enacted except in strict accordance with Rule 1.2 of the Uniform Municipal Court Rules and only after approval by the Georgia Supreme Court.

Section 4. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or otherwise invalid, such invalidity shall not affect the remaining provisions of this Ordinance.

Section 5. Effective Date

This Ordinance shall become effective upon adoption.

SO ORDAINED, this ____ day of _____, 2025.

Mayor, Barrie Aycock

City Clerk, Julie Poole

[SEAL]

[New Chapter 43]

Public Property or Use of Public Spaces within the City

Sec. 43-1.

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

(1) “Camp” or “Camping” means occupying or using Public Property or private property for living accommodation purposes using any mobile, movable, or temporary structure providing shelter, including, but not limited to, tents, travel trailers, recreational vehicles, park trailers, storage buildings or containers, sleeping bags, blankets, or similar items. This includes but is not limited to:

- a) Lying or sleeping in a single place or limited area for any substantial prolonged period of time;
- b) Cooking, preparing meals, or creating fire or heat sources;
- c) Depositing or discharging human waste in areas not authorized by the City;
- d) Performing any activity commonly associated with residence or habitation.

(2) “Public Property” means any land, structure, or facility owned, maintained, or controlled by the City of Clarkesville, Georgia, including but not limited to:

- a) public parks, playgrounds, plazas, green spaces, monuments, and attractions;
- b) public streets, sidewalks, highways, alleys, bridges, medians, and benches;
- c) city-owned parking lots and garages;
- d) rights-of-way and easements;
- e) riverbanks, creeks, shorelines, and drainageways;
- f) any other property under City jurisdiction.

(3) “Structure or Shelter” means any dwelling or structure, makeshift or temporary, including any enclosure constructed of any material(s), including tents, tarps, lean-tos, shanties, boxes, or similar items, whether open or enclosed.

(4) “Storing Personal Property” means leaving one’s personal effects, such as clothing, bedrolls, cookware, luggage, knapsacks, or backpacks, unattended on Public Property for any substantial or prolonged period of time. This does not include bicycles or lawful modes of transportation temporarily secured.

Sec. 43-2. Urban Camping Prohibited

(a) It shall be unlawful for any person to:

- (1) Camp or engage in Camping on any Public Property, unless otherwise specifically authorized by permit or ordinance;
- (2) Erect, place, or maintain any Structure or Shelter on Public Property for the purpose of habitation, whether temporary or permanent;
- (3) Sleep, remain overnight, or lie down on any Public Property, including sidewalks, benches, park grounds, or other public infrastructure, with or without bedding or shelter;
- (4) Store or accumulate personal property on Public Property in a manner that interferes with ingress or egress, restricts public access, or obstructs maintenance or visibility;
- (5) Sit, lie, or store property on Public Property in a manner that interferes with entry to or exit from public or private premises.

(b) Exceptions:

This Chapter shall not apply to:

- (1) Activities authorized by a permit or written approval issued by the City of Clarkesville;
- (2) Use of public parks or facilities in compliance with posted hours and regulations;
- (3) Persons sitting or lying as a result of a medical emergency;
- (4) Emergency shelters or uses authorized by the City during declared emergencies or natural disasters.

(c) Hardship Variance - A hardship variance may be requested for use of private property in a residential zoning district that would otherwise violate this Chapter, subject to the following:

- (1) The request must be made by the property owner;
- (2) The hardship must involve dire financial condition, lack of subsistence, or similar extreme personal adversity;
- (3) Any such variance shall initially be granted by the City Manager or designee for a period not exceeding 15 days and may be renewed once for an additional 15 days;
- (4) Any further extension shall require approval by the City Commission pursuant to zoning hardship procedures under the City Code.

(d) Enforcement and Penalties

- (1) No person shall be cited or arrested for a violation of this Chapter unless and until an oral or written warning to cease the unlawful conduct has first been issued. Failure to comply following a warning shall result in enforcement action;

- (2) Any person in violation shall be subject to citation, removal from Public Property, and any lawful penalties prescribed under the City Code;
- (3) Each day a violation continues shall constitute a separate offense;
- (4) Enforcement may include removal and disposal of unauthorized structures or stored property.

Sec. 46-9 - Unauthorized Use of Municipal Water Services

(a) Definitions - For purposes of this ordinance, the following terms are defined as follows:

- (1) Unauthorized Use means any use of municipal water services without proper authorization, including tampering with meters, illegal connections, bypassing billing mechanisms, or using water for prohibited purposes.
- (2) Water Service Infrastructure includes any component of the municipal water system, including meters, mains, valves, hydrants, pipes, tanks, reservoirs, or other fixtures.
- (3) Superintendent means the municipal officer or their designee responsible for oversight and operation of the municipal water system.

(b) Prohibited Conduct - It shall be unlawful for any person to:

- (1) Connect to, tamper with, or alter any municipal water service infrastructure without authorization;
- (2) Bypass, disable, or otherwise interfere with the proper functioning of water meters or related equipment to obtain water services without payment;
- (3) Receive or use water services from the municipality without a valid account or agreement, or after services have been lawfully discontinued;
- (4) Aid or abet another person in committing any of the acts described above;
- (5) Take or use water from the water mains without paying for it, or open any stopcock, valve, meter, or other fixture without authority;
- (6) Injure, deface, impair, or cast any substance into any reservoir, tank, or part of the waterworks system;
- (7) Allow continuous streams of water to flow from hydrants, faucets, basins, urinals, or other devices;
- (8) Use municipal water for driving motors, syphon, turbines, hydraulic engines, elevators, or machinery of any kind;
- (9) After services have been shut off for nonpayment or violation of regulations, turn the water back on or permit water use without authority;
- (10) Open, operate, or draw water from any public fire hydrant without permission from the Superintendent, or obstruct access to any hydrant.

(c) Penalties - Violations of this ordinance shall be subject to the following penalties:

- (1) First Offense: A fine not exceeding \$250, and full restitution for the value of services obtained, as determined by the City;
- (2) Second Offense: A fine not exceeding \$500, and full restitution for the value of services obtained, as determined by the City;
- (3) Third and Subsequent Offenses: A fine up to \$1,000, as determined by the municipal judge, and full restitution. The judge may impose additional penalties, including community service or other appropriate measures.

(d) Enforcement

- (1) The City may:
Disconnect services immediately upon discovery of unauthorized use;
- (2) Charge the offender for the estimated value of services obtained unlawfully;
Investigate any suspected tampering, unauthorized use, or damage to infrastructure;
- (3) Refer matters to the appropriate law enforcement agency where criminal conduct is suspected.

(d) Additional Remedies - In addition to the penalties outlined above, the City may:

- (1) Recover the value of services unlawfully obtained;
- (2) Seek restitution for any damages to municipal property;
- (3) Seek injunctive relief or any other remedy available at law or in equity.

Sec. 46-10 - Defacing Public Property - No person shall advertise upon, paint, color or deface in any manner any public highway, street, pavement or other public place within the city.

Sec. 46-11 - Participation in criminal gang activity prohibited.

Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang shall be guilty of a misdemeanor.

Sec. 46-12 - Failure to keep control of vehicle.

(a) No person shall drive their vehicle of any kind or type through the streets of Clarkesville in a boisterous, disorderly, or reckless manner. It shall be unlawful for any person or persons to drive and operate a motor vehicle upon the streets or highways through Clarkesville at a rate of speed greater than is reasonable and safe having due regard for the width, grade, character, and traffic of said streets and highways.

(b) Violations of subsection (a) will be punished as a misdemeanor with a fine not to exceed \$1,000.00 or incarceration for a period of no more than 30 days.

Sec. 46-13. - Disorderly conduct in parking areas.

(a) Motor vehicles. It shall be unlawful for any person, on any public parking area, or on any private shopping center or other business establishment parking area, or upon any public or private drive serving such parking areas to race the motor of any motor vehicle; to cause the wheels of any motor vehicle to spin; to stop any motor vehicle in such manner as to cause its tires to slide or skid on any surface of such parking area or lot, or other part of said premises; or to cause to be made any loud or unseemly noise which disturbs the peace and tranquility of the city.

(b) It shall be unlawful for any person to willfully make or continue or cause to be made or continued, any loud, unnecessary or unusual noise by or within a motor vehicle which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness in the area, which would include business areas, as well as public streets and sidewalks. Included within this restriction are loud or no mufflers on motor vehicles and sound reproduction or amplification equipment in or on motor vehicles, such as radios, audio players, and megaphones, as well as any other device that transmits sound in violation of these provisions.

(c) Standards for Evaluation of Noise

The standards which may be considered in determining whether a violation of the provisions of this division exists may include, but are not limited to, the following:

- (1) The level of the noise;
- (2) The nature of the noise and whether it is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The level and intensity of the background noise, if any;
- (5) The proximity of the noise to residential sleeping facilities, hospitals, churches, facilities for the care of the elderly, ill or mentally ill, as well as any other area which historically is treated by the community as a quiet area;

- (6) The density of the inhabitation of the area within which the noise emanates;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The time of day or night the noise occurs;
- (9) Whether the noise is recurrent, intermittent, or constant.

[replace entire section existing section 10-2]

Sec. 10-2. Penalty for Violation of Chapter.

The violation of any provision of this chapter by any person shall be unlawful. Any person found guilty of violating any provision of this chapter shall, upon conviction, be punished as provided in section 1-12. Each instance or day of noncompliance shall constitute a separate offense.

[new section]

Sec. 10-46. Leash Requirements for Dogs.

(a) Leash Required in Public Areas.

Dogs must be leashed at all times, unless in an exempted area, with a physical lead no longer than six feet and under the control of a responsible person when off the owner's property.

(b) Exemptions.

The provisions of this section shall not apply to:

1. Dogs participating in organized dog shows, obedience training, or similar events where off-leash activity is explicitly permitted;
2. Designated off-leash areas or dog parks established or authorized by the city within the corporate limits of the city, provided such use complies with posted rules and regulations.

(c) Owner Responsibility.

The owner or custodian of any dog remains fully responsible for the behavior and control of their animal at all times, regardless of whether the dog is leashed or within an exempted area.

[new section]

Sec. 10-47. Dog Parks.

(a) The City Council or City Manager may designate specific areas within City parks as off-leash dog areas. Only dogs are permitted within these areas. Each designated area must be fully enclosed with a secure double-gated entrance and exit system.

(b) The following rules apply to all designated off-leash dog areas and shall be posted at each entrance and on the City website. Users are responsible for knowing and complying with these rules, regardless of signage. Failure to comply may result in fines or other penalties. The City Council, City Manager, or their designee may amend or supplement these rules as needed.

Rules for Use of Off-Leash Dog Areas:

1. All users assume the risk of injury to themselves, their dogs, and others, and accept full responsibility for any injury or damage caused by them or their dogs.

2. Owners must keep dogs within sight and under voice control at all times. Dogs must be leashed upon entering and exiting the off-leash area.
3. Owners must monitor their dogs' behavior. Dogs displaying aggression or involved in fighting must be immediately leashed and removed.
4. No more than three dogs per handler are permitted at one time.
5. All dogs must wear a collar with a current ID tag.
6. All dogs must be properly licensed, healthy, and vaccinated.
7. Puppies under sixteen (16) weeks of age are prohibited.
8. Dogs in heat are prohibited.
9. Pronged collars are not permitted inside the off-leash area.
10. Dogs that bark excessively must be removed or muzzled.
11. Owners must immediately clean up after their dogs and properly dispose of waste.
12. Owners must securely close and latch both gates upon entering or exiting.
13. Children under thirteen (13) years of age must be closely supervised by an adult.
14. No human or animal food, treats, or glass containers are allowed.
15. Feeding dogs within the area is prohibited.
16. Bicycles, skateboards, rollerblades, hoverboards, scooters, strollers, and jogging are prohibited.
17. Dogs are not allowed on benches or other park furnishings.
18. The City may temporarily close the off-leash area for maintenance, weather conditions, or at the City Manager's discretion.
19. All incidents involving injury must be immediately reported to the City and the City of Clarksville Police Department.
20. Owners must remain inside the off-leash area with their dogs at all times and must have a leash readily available.
21. Dog handlers must be at least sixteen (16) years of age.