

AN ORDINANCE

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AMENDING BOTH THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 2, ADMINISTRATION, BY ADDING A NEW ARTICLE VI, NON-DISCRIMINATION, AND THE UNIFIED DEVELOPMENT CODE OF GRIFFIN, GEORGIA, AT ARTICLE 4, PROCEDURES, BY ADDING A NEW SECTION 401 D, NON-DISCRIMINATION, SO AS TO IMPOSE A STANDARD GOVERNING THE ISSUANCE OF ALL PERMITS, LICENSES, AND APPROVALS BY THE CITY WHICH SHALL GOVERN CITY STAFF AND THIS COMMISSION IN DECISIONS RELATING TO DELIVERY OF CITY SERVICES AND BENEFITS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM BOTH THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY, AND THE UNIFIED DEVELOPMENT CODE, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia, is hereby amended at Chapter 2, ADMINISTRATION, by adding a new Article VI, NON-DISCRIMINATION, beginning at Sec. 2-15, and the Unified Development Code of Griffin, Georgia, is hereby amended at Article 4, PROCEDURES, by adding a new Sec. 401 D, NON-DISCRIMINATION, to provide as follows:

“Sec. 2-15 / Sec. 401 D. 1. Purpose and Intent.

Throughout this Code, provisions are made for the issuance by the City of various licenses, permits, and approvals. Some are required by federal or state law while others are part of a comprehensive regulatory scheme adopted by this Board of Commissioners. The Commission finds that the number of ever-increasing demands on City staff, resources, and infrastructure is limited, not only by budgetary constraints, but physical limitations and manpower. It is the objective of this Commission to utilize its resources wisely, fairly, and in the most efficient manner, while requiring consideration of criteria and standards without discrimination or favor. The intent of this [chapter / section] is to recognize and provide guidance for city staff and this Commission as the City’s governing authority to ensure that City services, privileges, and benefits are delivered in a non-discriminatory manner.

Most all forms of licenses, permits, and approvals required by the City involve some form of deployment of City resources. In order to conserve and allocate these resources wisely, the City often must balance competing factors affecting its citizens, property owners, residents and businesses. Licensing and permitting often requires some

form of due process, or notice, and can only be approved following a hearing or other means of allowing citizens to be heard. Adequate advance notice to the pertinent City staff is key to timely and relevant decision-making, as well as a full understanding of material facts and the applicant's objectives. Normally, the burden is on the applicant to apprise the City staff of material information by filing a complete application.

Fees charged in relation to permits or licenses are established to recoup the City's cost of permit/license review and administration. In certain cases, the fee will also seek to recoup anticipated costs to the City for the burden placed on infrastructure and services, such as additional security and traffic control. The upfront payment of required fees is part of the submission of a complete application. Waiver or reduction of fees and waiver of a complete written application is discouraged, except as incentives for economic development, and should only be approved by the City Manager, upon written recommendation of a department manager.

Last, while it is the general intent of this Commission to make its permitting and licensing procedures as simplified as possible, the need for fully informed decision-making by City staff and this Commission mandates the need for consistency and transparency, which are only attainable through a written application process, followed by documented verification and review. In all instances where applications are filed, the City will seek to provide a timely response to the applicant, with all final decisions (approval, denial, or approval upon reasonable conditions) given to the applicant in writing.

Sec. 2-16 / Sec. 201 D. 2. Non-Discrimination.

This provision shall apply to all licensing, permitting, and/or approval requests found in this Code. Though certain Code sections may contain objective criteria or standards relevant to the specific license, permit, or approval sought, this provision shall serve as an overlay and guide the decision-making process.

a. No license, permit, or approval shall be denied nor shall the applicant be given less favorable treatment as to time, place, or manner requirements or conditions on account of the race, color, creed, religion, gender, domestic relationship status, familial status, sexual orientation, national origin, political affiliation, or gender identity of the applicant and/or participants in the business, undertaking, event, or activity to be carried out by the applicant under such license, permit, or approval.

b. No license, permit, or approval shall be denied nor shall the applicant be given less favorable treatment as to time, place, or manner requirements or conditions based upon the message or content of speech of the applicant and/or participants in the business, undertaking, event, or activity to be carried out by the applicant under such license, permit, or approval.

c. Where it is assumed or reasonably believed that issuance of a license, permit, or approval is likely to result in unreasonable hostility by opponents of an

applicant and/or its group or entity, or there is a heightened risk to public safety, based upon the content of speech or the message conveyed by the applicant and/or participants in the undertaking, event, or activity to be carried out by the applicant under such license, permit, or approval, reasonable accommodation as to time, place, and manner requirements shall be afforded, including provision of city resources necessary for traffic control, and police and fire protection; provided, however, payment for or reimbursement of the cost of such accommodation may be imposed by the city as a reasonable condition for such approval.

d. All other conditions or modifications of the time, place, and manner requirements for a license, permit, or approval shall be reasonable and imposed based upon compelling reasons relating to public safety, health, or the environment. When approval is based upon the imposition of reasonable conditions, all such conditions shall be clearly set forth in the written notice of decision.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, and The Unified Development Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Codes by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading: January 26, 2016

Second Reading: February 9, 2016