

An Ordinance To Amend The Provisions Of Chapter 10 Of The Code Of Ordinances Of The City Of Porterdale, Georgia, By Renumbering Article XVI Of Said Chapter, Entitled “Sexually Oriented Business”, As Article XVII, And By Adding A New Article, To Be Numbered Article XVIII Of Chapter 10, And Entitled “Transitional Housing And Temporary Emergency Shelters”, Which New Article XVIII Shall Provide For Definitions, Access Of Individuals To Shelters, Design Standards For Shelters, Staffing And Training Of Staff For Shelter Operations, Space Requirements And Security, Length Of Time For Shelter Operations And Period Of Time For Transitional Housing Operations, Offering Of And Participation In Educational, Counseling, And Employment Programs, Provisions For Protection And Housing Of Minor Residents, Fire Safety Requirements, Health, Hygiene, And Sanitation Requirements, Operational Standards, Application For Licenses And Licensing Requirements, Inspections Of Shelter Operations, Compliance With Other Applicable Provisions Of Federal, State, And Local Laws And Ordinances, And For Enforcement Of And Penalties For Violations.

BE IT ORDAINED:

WHEREAS, pursuant to Sections 1.13(d), (e), (j), (k), (l), (n), and (w) of the City Charter, the City Council is authorized to regulate building and housing codes, regulate and license businesses, occupations, trades and professions, provide for fire regulations, to define and regulate any act, practice, conduct, or use of property which is detrimental to health, sanitation, welfare, and safety of the inhabitants of the City, and to provide for the enforcement of such standards, to proscribe standards of health and sanitation, and provide for the enforcement of such standards, and provide for penalties for violation of any ordinances adopted pursuant to the authority of the Charter and the laws of the State of Georgia;

WHEREAS, in the basic recognition of the need for transitional housing shelters and temporary emergency shelters, the intent of this transitional housing shelters and temporary emergency shelter ordinance is to establish the requirements, design standards, and operational standards for such facilities in a manner that promotes the health, safety, and general welfare of the citizens;

NOW, THEREFORE, the Mayor and City Council of the City of Porterdale hereby **ORDAIN** to amend the provisions of Chapter 10 of the Code of Ordinances of the City as follows:

Section 1. The City Council hereby amends the existing provisions of Chapter 10 of the Code of Ordinances of the City by renumbering Article XVI of Chapter 10, entitled “Sexually Oriented Businesses”, as Article XVII of Chapter 10 of the Code of Ordinances of the City of Porterdale.

Section 2. The City Council hereby amends Chapter 10 of the Code of Ordinances of the City of Porterdale by adding thereto as new Article, to be designed Article XVIII, which article shall be entitled “Transitional Housing and Temporary Emergency Shelters”, and which shall provide as follows:

ARTICLE XVIII
TRANSITIONAL HOUSING AND TEMPORARY EMERGENCY SHELTERS

DIVISION 1. GENERALLY

Sec. 10-800. Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. *Adult resident* means a resident who has passed his or her eighteenth birthday.
2. *Homeless* means an individual who, or family which, lacks a fixed, regular and adequate nighttime residence, or whose primary nighttime residence is (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or (2) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
3. *Minor resident* means a resident who has not passed his or her eighteenth birthday.
4. *Operator* means the individual who, or partnership, organization or corporation which, manages either a transitional housing shelter or a temporary emergency shelter on behalf of or in concert with the owner(s) whether or not for remuneration of any kind.
5. *Owner* means the individual who, or partnership, organization or corporation which is the applicant for a license for a transitional housing shelter, or for a temporary emergency shelter and who is responsible for filing with the City Manager a letter of notification for a temporary emergency shelter.
6. *Resident* means a homeless individual or a victim of domestic violence who, after being processed by respective staff member(s) either of a transitional housing shelter or of a temporary emergency shelter, is admitted to utilize such facility as a place of temporary lodging.
7. *Shelter* means both a transitional housing shelter and a temporary emergency shelter.
8. *Temporary emergency shelter* means a building which is opened on an urgent basis to provide shelter for the homeless from the elements for not more than four (4) weeks in any calendar year, including those operated in concert by churches and other religious organizations that permit the homeless to utilize their facilities as a place of temporary lodging.
9. *Transitional housing shelter* means a facility which provides congregate style temporary lodging either with or without meals and ancillary services on the premises to primarily the homeless for more than four (4) weeks in any calendar year but does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, a nursing home, or a temporary emergency shelter.

Sec. 10-801. Access

The owner(s) and/or operator(s) of a shelter shall:

1. Not discriminate on the basis of marital status, national origin, race, religion, or sexual preference;
2. Ensure that entrances, exits, steps, and walkways are not obstructed by litter and/or by refuse, or by ice, snow, and other hazards;
3. Provide direct physical access to the facility without unauthorized use of other private property; and
4. Allow residents twenty-four-hour access for restroom privileges and for the taking of medication.

Sec. 10-802. Design standards

1. All shelters shall comply with state and local fire codes, including occupancy limits.
2. Applicants for a license to operate a transitional housing shelter shall submit sprinkler plans for the building to the state fire marshal's office, Newton County Fire Marshal and City of Porterdale Housing Official/Code Enforcement Officer for approval prior to any installation and/or modification.
3. A commercial kitchen meeting all applicable codes shall be required in all transitional housing shelters.
4. A food service permit shall be required for the commercial kitchen in all transitional housing shelters.
5. Prior to occupancy, the City Housing Official/Code Enforcement Officer and Newton County Fire Marshal shall inspect the shelter for compliance with all applicable electrical, life safety, and building codes.
6. Emergency exits shall be clearly marked.
7. Sufficient access for emergency personnel and vehicles, as determined by the Newton County Fire Marshal, Chief of the Porterdale Police Department, Newton County 911 Department, and the City Development Department, shall be required. All required drives, including any rear access drives, shall remain open at all times to provide emergency services access.
8. The applicant for a shelter license shall work with the City, in good faith, to address any concerns such as noise, odor, glare, or other objectionable features.

Sec. 10-803. Staffing and training.

1. The owner(s) and/or operator(s) of a shelter shall maintain a minimum of two staff persons on site 24 hours a day, seven days a week at the facility, or, with respect to temporary emergency shelters, during days of operation. One additional staff person shall be required in increments of 12 occupants (i.e., 1-24 occupants require 2 staff persons, 25-36 occupants require three staff persons, 37-48 occupants require four staff persons, etc.).
2. The owner(s) and/or operator(s) of a transitional housing shelter shall ensure that all staff members are trained in the following areas:
 - A. First-aid, including CPR. Staff shall maintain current first aid and CPR certificates, which shall be made available on request.;
 - B. Fire and emergency procedures including the proper use of fire extinguishers;

- C. Resident complaint and grievance procedures;
 - D. Special needs of the homeless;
 - E. Resident confidentiality requirements;
 - F. The appropriate chains of authority or command within the shelter;
 - G. Staff must be able to coordinate with emergency response personnel as to the number of people in the facility and the number of people assigned to each individual room and shall be responsible for the accountability of the occupants. An on-site staff person must have access to all records and equipment such that they can be made available for inspection.
3. The owner(s) and/or operator(s) of a shelter shall not staff, with or without remuneration:
- A. In any position which entails direct contact with residents, any person convicted of arson, murder or attempted murder, or any degree of criminal sexual conduct; or
 - B. In any position which entails direct contact with residents, any person convicted of any crime involving assaultive or violent behavior, including domestic violence, or conviction for violation of OCGA § 16-5-100 (Cruelty to a person who is 65 years of age or older) for a period of ten (10) years from the date of conviction; or
 - C. In any position which entails contact with minor residents, any person convicted in any state or other country of any crimes against children as described in OCGA §§ 16-5-70 et seq. (Cruelty to Children), 16-5-80 (feticide), or 16-12-101 (Sale or Distribution of Harmful Materials to Minors).

To ensure compliance with these provisions, the owner(s) and/or operator(s) of a shelter shall require all such staff members to obtain a criminal background check and police clearance at the owner(s)' and/or operator(s)' expense, and to execute a sworn statement affirming that they do not have a criminal record involving the aforementioned offenses. Unless they receive actual knowledge which contradicts a clearance and/or sworn statement and fail to act upon the information, owners and/or operators of a shelter who are in possession of such clearance(s) and sworn statement(s) are deemed to be in compliance with this section.

Sec. 10-804. Space and security.

- 1. The absolute maximum occupancy for each shelter shall be established by the City of Porterdale Housing Official/Code Enforcement Officer.
- 2. The owner(s) and/or operator(s) of a shelter shall provide sleeping accommodations for each resident which shall consist either of a bed or of a crib with a mattress.
- 3. The owner(s) and/or operator(s) of a shelter shall provide adequate sleeping space and security for residents as well as safekeeping for their belongings which shall consist of at least forty-five (45) square feet of floor area per bed or crib and be limited to not more than eight (8) beds or cribs in any one (1) room.

Sec. 10-805. Residents, generally

1. Transitional housing shelters will be occupied only by families or individuals for a period of not more than 180 days per each family or individual. Anyone occupying the facility shall provide proof of progress toward self-sufficiency.
2. All residents, other than infants, permitted to reside at a shelter shall be ambulatory and capable of self-preservation in the event of an emergency.
3. All adult residents of a transitional housing shelter shall participate in appropriate counseling programs to assist in the transition to self-sufficiency through the acquisition of stable income and permanent housing within a reasonable period of time, generally not to exceed 180 days.
4. All shelter residents shall be verified as citizens of Newton County prior to admission.

Sec. 10-806. Minor residents.

1. At all times, minor residents of a shelter shall be attended to or supervised by a parent, a guardian, or a qualified staff member.
2. The owner(s) and/or operator(s) of a shelter shall not allow minor residents to sleep in areas which accommodate adult residents outside of each minor resident's immediate family without assigning at least one (1) staff member to monitor such minor resident. In order to facilitate monitoring by the assigned staff member, each minor resident should be placed in proximity to his or her respective family and to other minor residents or families with minor residents.
3. The owner(s) and/or operator(s) of a shelter shall:
 - A. Ensure that all school age minor residents are enrolled in, and have the opportunity to attend school as required under OCGA § 20-26-690.1;
 - B. Provide space and time to enable school age minor residents to complete homework assignments; and
 - C. Cooperate with parents, guardians, and appropriate school personnel to promote the educational needs of school age minor residents.
4. The owner(s) and/or operator(s) of a shelter shall make every effort to provide minor residents with recreational activities and facilities which are separate from those for adult residents.

Sec. 10-807. Additional fire safety requirements.

1. In addition to the requirements contained in the applicable fire prevention code, the owner(s) and/or operator(s) of a shelter shall:
 - A. Post emergency telephone numbers near each telephone including, but not limited to, 911 and poison control;
 - B. Provide a minimum of one (1) accessible fire extinguisher on each floor;
 - C. Equip each kitchen with at least one (1) accessible fire extinguisher independent of the floor requirement in subsection 1.B.; and
 - D. Not allow either cooking or smoking in any room which is used for sleeping.
2. Indoor smoking by residents, staff, or visitors shall not be permitted. Outdoor smoking shall be permitted only in designated areas, which areas shall not be located closer than twenty feet (20') of any property line of the property on which a shelter is located.

Sec. 10-808. Additional health, hygiene, and sanitation requirements.

In addition to the applicable statutory requirements, state rules and regulations, rules and regulations of the Newton County Health Department/East Metro Health District or its successor agency, and provisions of this Code of Ordinances, the owner(s) and/or operator(s) of a transitional housing shelter shall:

1. Provide clean towels, soap, toilet tissue, and bed linens to all residents for use at the facility;
2. Wash all clothing, towels, and bed linens of residents with communicable diseases or conditions separately from other laundry with detergent and bleach or an equivalent disinfecting agent in water which is at least one hundred thirty (130) degrees Fahrenheit; or have such items laundered by a commercial service; and
3. With respect to medication:
 - A. Keep all medication, except refrigerated and time-sensitive emergency medication such as nitroglycerin and inhalers, in a locked storage area;
 - B. Ensure that a staff member with access to the locked area be on-site and available at all times;
 - C. Provide refrigeration space, through staff members, for medication requiring refrigeration; and
 - D. Maintain a log for all prescription medication which indicates the name of the resident, the name of the medication, the prescribed dosage, the time to be taken, and time taken.
4. No alcoholic beverages or illegal drugs shall be permitted on the premises of a shelter.

Sec. 10-809. Operational Standards

In addition to the other requirements of this Ordinance affecting operations of shelters, the following conditions shall be applicable to operation of every shelter:

1. Emergency evacuation drills shall be held monthly. Records of these drills shall be made available to the state fire marshal's office, Newton County Fire Marshal, and to the Porterdale Police Department on request.
2. There shall be no food preparation (including coffee makers, hot plates, slow cookers, and similar items) in individual rooms or any room other than in a commercial kitchen.
3. The sprinkler system, fire alarm system, and fire extinguishers shall be checked and certified annually. The kitchen hood suppression system shall be checked and certified every six months. All letters of certification shall be maintained on site and available for inspection by the state fire marshal's office and Porterdale Housing Officer on request. Any deficiencies with the sprinkler system, fire alarm system, fire extinguishers, or kitchen hood system shall be repaired immediately.
4. A program shall be established for weekly checks of all smoke detectors, emergency lights, and exit lights to ensure their proper operation. A log of these checks shall be maintained and made available for review by the state fire marshal's office, Newton County Fire Marshal, and Porterdale Housing Official/Code Enforcement Officer on request.
5. No portable space heaters, electric or gas, shall be used in the shelter.

6. There shall be no use of extension cords in the shelter.
7. Each shelter shall develop a written statement of policies and procedures outlining the responsibilities of the management and of residents. The statement shall include procedures for handling acts which are not consistent with policies of the shelter including, but not limited to, the possession of weapons, controlled substances, and abuses against others.
8. The owner(s)/operator(s) of a transitional housing shelter shall provide written documentation of a structured program which includes job training, counseling, medical care and also requires the occupants to enter into an agreement such that they actively will participate in those programs. Upon refusal of participation, an occupant shall be required to vacate the premises.
9. A log shall be maintained of all residents currently living at a shelter, and kept updated on a daily basis.
10. The Newton County Fire Marshal and Porterdales Housing Official/Code Enforcement Officer shall be granted immediate access to all areas of the shelter and accessory buildings to ensure fire safety.
11. The Newton County Fire Marshal and Porterdales Housing Official/Code Enforcement Officer shall have the authority to require any corrections or amended programs as needed to ensure the safety of the residents and operators of the shelter and compliance with fire codes.
12. Transitional housing shelters shall provide transportation to the residents for the purposes related to increasing their level of self-sufficiency, such as, but not limited to, job search/interviews, medical appointments, and schooling.

Sec. 10-810. Temporary emergency shelters.

1. The owner(s) and/or operator(s) of a temporary emergency shelter shall maintain and post in a conspicuous place a valid occupancy permit for the usual purpose of the structure.
2. The owner(s) and/or operator(s) of a temporary emergency shelter shall be required to obtain an annual license under Division II of this Ordinance before any use may be made of the location for the provision of temporary emergency shelter.
3. Each time operation commences, the owner(s) and/or operators of a temporary emergency shelter shall file a letter of notification with the City Manager within forty-eight (48) hours thereof, excluding holidays and weekends. The letter of notification shall include a statement indicating compliance with this section and a statement of the expected length of operation.
4. Upon ending of operations, the owner(s) and/or operators of a temporary emergency shelter shall file a letter of notification with the City Manager stating the date on which operations ceased.
5. Resident occupancy at a temporary emergency shelter shall not exceed a period of 28 days within a calendar year.

Sec. 10-811. Criminal penalties.

The owners and/or operator(s) of a shelter who violate this article shall be guilty of a violation of this Code and shall be subject to the penalties set out in Section 1-7 of this Code of Ordinances.

DIVISION 2. LICENSE

Sec. 10-812. License required.

It shall be unlawful for any individual, partnership, corporation or organization to establish, maintain, conduct or operate a shelter within the city without first obtaining an annual license from City Clerk's Office.

Sec. 10-813. Application.

1. An application for license for a shelter shall be provided by, and filed with, the City Clerk. In addition to other required information, the application for license shall contain:
 - A. The address of the proposed shelter site;
 - B. If the applicant is an individual, his or her complete name, home address, telephone number, date of birth and social security number;
 - C. If the applicant is a partnership, the names, home addresses, telephone numbers, dates of birth, and social security numbers of the partners;
 - D. If the applicant conducts business under a trade or assumed name:
 - (i) All trade or assumed names which the applicant conducts business thereunder; and
 - (ii) The name(s), home address(es), telephone number(s), date(s) of birth, and social security number(s) of the person(s) conducting business under all trade or assumed names of the applicant.
 - E. If the applicant is a corporation:
 - (i) The complete and accurate corporate name;
 - (ii) The state and date of incorporation;
 - (iii) The complete names and home addresses of the officers of the corporation;
 - (iv) The complete name and address of the resident agent of the corporation; and
 - (v) Documentation which verifies incorporation as well as compliance with all legal reporting and filing requirements.
2. In addition, an application for license for a shelter shall contain the applicant's agreement, as manifested by the signature of the person(s) with authority to legally bind the applicant, to comply with the provisions of this article and to notify the Porterdales Police Department regarding the presence of any minor who is a resident without consent or knowledge of a parent, a guardian, or an adult legally charged with such minor.
3. If the applicant is leasing the property for the proposed shelter site, the minimum duration of the lease shall be for one (1) year.
4. The applicant must demonstrate the capacity to operate the shelter in full compliance with this article including obtaining documentation which verifies adequate funding sources for the operation of the facility.

Sec. 10-814. House rules required prior to licensure.

1. The owner(s) and/or operator(s) of a shelter shall submit, along with their application for license, appropriate written house rules which shall be reviewed and approved by the City Manager prior to issuance of a license by the City.
2. Such house rules shall clearly define the respective responsibilities of the owner(s) and/or operator(s), and of the residents.
3. Such house rules shall be posted on the premises of the facility.

Sec. 10-815. Food menu(s) required prior to licensure.

1. The owner(s) and/or operator(s) of a transitional housing shelter which provides food shall submit, along with their application for license, an appropriate menu or menus which has or have been approved by a dietitian registered with the American Dietetic Association (ADA) as verified by his or her name, signature and current ADA registration number, and such approval reviewed by the Newton County Health Department/East Metro Health District or its successor agency prior to issuance of a license by the City Clerk.
2. In preparing such menu or menus based upon rules promulgated by Newton County Health Department/East Metro Health District or its successor agency, the owners and/or operators of a transitional housing shelter shall:
 - A. Provide meals that, as recommended by the United States Department of Agriculture, are nutritious and adequate in quantity to meet the basic dietary needs of their residents; and
 - B. Make every attempt to meet the special dietary needs of their residents including, but not limited to, dietary restrictions based upon known medical conditions.
3. In addition, the owner(s) and/or operator(s) of a transitional housing shelter who provide food shall make a reasonable effort to make meals available for residents who indicate that, due to personal business reasons, they are unable to return to the shelter at mealtime.

Sec. 10-816. Inspections and investigations.

1. As appropriate, the City Manager shall refer an application for license for a shelter to the Porterdale Housing Official/Code Enforcement Officer, Porterdale Planning and Zoning Board, and to the Newton County Health Department/East Metro Health District or its successor agency. A license shall not be issued or renewed until satisfactory inspections and reviews are completed by such department(s), and written reports are issued indicating that the owner(s) and/or operator(s) are complying with all requirements contained in this Code and rules promulgated by the Newton County Health Department/East Metro Health District or its successor agency, as well as all requirements in applicable state statutes and administrative rules.
2. In addition, the City Manager shall refer each application:
 - A. To the Porterdale Chief of Police who shall cause an investigation whether:
 - (i) The applicant, or any of its officers or partners, as the case may be, has been convicted of fraud, embezzlement, arson, murder or attempted murder, any degree of criminal sexual conduct, or any crime against children as described in OCGA §§ 16-5-70 et seq. (Cruelty to Children), 16-5-80 (feticide), 16-12-101 (Sale or Distribution of Harmful Materials to

Minors) or OCGA § 16-5-100 (Cruelty to a person who is 65 years of age or older); or

- (ii) The applicant, or any of its officers, has been convicted of any other crime involving assaultive or violent behavior, including domestic violence, for a period of ten (10) years from the date of conviction; and
- B. To the director of the Porterdales Department of Public Works, who shall cause an investigation whether any water and/or sewerage bills regarding the proposed shelter site property are unpaid and outstanding; and
- C. To the City Clerk, who shall cause an investigation whether any property taxes and/or special assessments regarding the proposed shelter site property are unpaid, outstanding and/or delinquent.

A license for a shelter shall not be issued or renewed until the Porterdales Chief of Police, the director of the Porterdales Public Works Department, and the City Clerk have given their respective written approval.

Sec. 10-817. Compliance with applicable codes required prior to licensure.

The owner(s) and/or operator(s) of a shelter must comply with all applicable codes which are contained within this Code of Ordinances including, but not limited to:

- A. The zoning code;
- B. The fire prevention code;
- C. The building code;
- D. The electrical code;
- E. The plumbing code; and
- F. The mechanical code.

Sec. 10-818. Issuance, expiration, and renewal.

- 1. A license for a shelter shall be issued pursuant to this section and Article II of Chapter 10 of this Code.
- 2. All such licenses shall expire on December 31st of each year and shall be renewed on or before January 1st of each year. Applications for renewal of licenses shall be filed not less than thirty (30) days prior to expiration of the then current license.

Sec. 10-819. Continued compliance with applicable codes and promulgated rules required to retain licensure.

- 1. When licensed under the article, the owner(s) and/or operator(s) of a shelter are required to comply with all applicable provisions of this Code of Ordinances and any rules promulgated by the City Housing Official, City Manager, or the Newton County Health Department/East Metro Health District or its successor agency.

2. A violation of this article shall subject the owner(s) and/or operator(s) to the suspension, revocation or denial of renewal of their license(s) according to the provisions of Section 10-26 of this Code.

Sec. 10-820. Severability.

If any provision or subpart thereof contained in this regulation is found to be invalid, unconstitutional, or in conflict with O.C.G.A. by a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

Read and adopted in the regular meeting of the City Council held on this ____ day of _____, 2022.

ATTEST:

Kathy Boutry, City Clerk

Arlene Chapman, Mayor

Timothy D. Chambers, City Attorney

Kay Piper, Council Member Post 1

Linda Finger, Council Member Post 2

Michael Patterson, Council Member Post 3

Jill Minnoia, Council Member Post 4

Lowell Chambers, Council Member Post 5