

ORDINANCE 1078

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BRUNSWICK, GEORGIA, AND PARTICULARLY TO AMEND CHAPTER 13, TO ADD ARTICLE XIX TO BE TITLED HOMELESSNESS; TO AMEND CHAPTER 23, TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

The commission of the City of Brunswick hereby ordains that the Code of Ordinances of the City of Brunswick, Georgia, is hereby amended by adding a section, article, chapter or other designation as the case may be, to be numbered Chapter 13, Article XIX, which shall read as follows:

SECTION ONE:

ARTICLE XIX. – HOMELESSNESS SERVICES

Sec. 13-652. – PURPOSE

This City of Brunswick finds that providing Homelessness Services is a particular charitable activity that is vital to the health, welfare, and economic progress of the City of Brunswick and its citizens. However, the location of shelters providing those services can have an impact on the surrounding businesses, residences, and other service providers. This section is intended to apply to all persons, businesses, or non-profit organizations presently engaged in or proposing to be engaged in the provision of services to homeless individuals.

Sec. 13-653. – Definitions.

For purposes of this section:

Homeless Day Shelter shall mean a shelter providing Homelessness Services whose primary purpose is to provide temporary non-overnight shelter for persons experiencing homelessness in general or specific subpopulations of those experiencing homelessness. This definition does not include substance abuse centers, thrift stores or second-hand stores.

Homelessness Services shall mean rapid rehousing services, homelessness prevention programs, educational services, hygienic services, job and job-training programs, mental health services, homeless management informational data collection, substance abuse programs, family crisis programs, homeless or unhoused veteran services, domestic violence prevention programs, youth counseling, food preparation and distribution, the supplying of clothing and other daily necessities, counseling provider or other endeavor intended to provide aid to homeless individuals on an exclusive basis.

Homelessness Services Provider shall mean a business or non-profit engaged in providing Homeless Services that is not contemporaneously operating as a Homeless Day Shelter or Homeless Shelter as defined in this Article.

Homeless Shelter shall mean a facility providing Homelessness Services intended to house unhoused persons on a temporary basis which may provide for overnight facilities for persons experiencing homelessness in general or specific subpopulations of those experiencing homelessness. This definition does not include substance abuse centers, thrift stores or second-hand stores.

Sec. 13-654. – Conditional Use Permit and License Required

Except as otherwise provided herein, it shall be unlawful for any business, or non-profit organization to open and operate as a Homeless Shelter, Homeless Day Shelter, or Homelessness Services Provider within the City. It shall be unlawful for any business, or non-profit organization to open and operate a Homeless Shelter or Homeless Day Shelter within the City without first obtaining a conditional use permit pursuant to Article XXVI and an occupational tax license as required by Section 20-40 of the City of Brunswick Code of Ordinances.

Sec. 13-655. – Consideration for Issuance

Upon the completion of the provisions Article XXVI, but before the public hearing final vote by the City Commission, the City Commission may consider the following provisions when determining whether or not to issue a conditional use permit required by this Ordinance:

- (a) An applicant's character and mental capacity to conduct the business, his or her personal associations, record of arrest and reputation in any community in which he or she has resided and whether or not he appears likely to operate the business in conformity with federal, state and local laws;
- (b) If the applicant previously operated a similar facility, whether or not the applicant violated any law, regulation or ordinance related to the operation of the facility and the circumstances of any violation;
- (c) If the applicant previously operated a facility, the manner in which he or she conducted such facility so as to reduce or increase the necessity for police observation or intervention;
- (d) If the application is for the operation of a Homeless Shelter, whether or not the applicant submitted an appropriate security plan for the operations of the facility;
- (e) Whether the applicant had a previously held conditional use revoked;
- (f) Other factors that may affect the general public health and welfare, including, without limitation, the number of existing facilities in the area, the type of facility applied for, the effect the facility would have on schools, college campuses and churches in the area, the effect the facility would have on existing land uses in the area, the character of the area and its suitability for the particular use sought, and the congestion of roads and streets;
- (g) Whether the applicant consulted with the appropriate Neighborhood Planning Association regarding the possible effects of the facility(s) on the surrounding areas;

- (h) Whether there are other shelters for the homeless, battered women, children, drug rehabilitation center, college campus or schools within a 500-foot radius of the property proposed to be used as a facility;
- (i) The granting of a conditional use under the provisions of this chapter shall be deemed a privilege only and nothing herein shall be construed as granting any person whose facility is subject to municipal regulation any right to be granted a conditional use permit to operate such facility.

Sec. 13-656. – Homeless Shelter

Homeless shelters shall be allowed in the GC, HC, or I districts with a conditional use permit, under the following conditions:

- (a) In addition to required setbacks, a minimum 25-foot-wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen.
- (b) There shall be no use on the property other than the shelter for the homeless providing such Homelessness Services defined herein.
- (c) Adequate shower and restroom facilities must be provided at the location to meet the needs of the overnight guests.
- (d) Beds must be provided for all overnight guests excluding staff and volunteer workers.
- (e) Loitering, camping, sleeping, etc. at the Homeless Shelter or surrounding streets and sidewalks is prohibited and such shelters shall ensure compliance with the City of Brunswick “Urban Camping Ordinance.”
- (f) Such shelters shall comply with all applicable city building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq. before a certificate of occupancy can be issued.
- (g) Agency or organization must be registered through the Georgia Department of Community Affairs in the HUD Continuum of Care Program, Permanent Supportive Housing Program or related State of Georgia Homelessness services program.

Sec. 13-657. – Homeless Day Shelter

Homeless day shelters shall be allowed in the GC, HC, or I districts with a conditional use permit, under the following conditions:

- (a) In addition to required setbacks, a minimum 25-foot wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen.

- (b) There shall be no use on the property other than the day shelter for the homeless providing such Homelessness Services defined herein.
- (c) Adequate shower and restroom facilities must be provided at the location to meet the needs of the daily guests.
- (d) After-hours loitering, camping, sleeping, etc. at the Homeless Day Shelter or surrounding streets and sidewalks is prohibited and such shelters shall ensure compliance with the City of Brunswick “Urban Camping Ordinance.”
- (e) Such shelters shall comply with all applicable city building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq. before a certificate of occupancy can be issued.
- (f) Agency or organization must be registered through the Georgia Department of Community Affairs in the HUD Continuum of Care Program, Permanent Supportive Housing Program or related State of Georgia Homelessness services program.

Sec. 13-658 – Homelessness Services Provider.

Homeless Services Providers shall be allowed in the GC, HC, or I districts with a conditional use permit, under the following conditions:

- (a) Adequate restroom facilities must be provided at the location to meet the needs of the daily guests.
- (b) After-hours loitering, camping, sleeping, etc. at the Homelessness Service Provider or surrounding streets and sidewalks is prohibited and such providers shall ensure compliance with the City of Brunswick “Urban Camping Ordinance.”
- (c) Such Providers shall comply with all applicable city building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq. before a certificate of occupancy can be issued.
- (d) Agency or organization must be registered through the Georgia Department of Community Affairs in the HUD Continuum of Care Program, Permanent Supportive Housing Program or related State of Georgia Homelessness services program.

Sec. 13-659. – Revocation of Conditional Use

Revocation of any conditional use granted hereunder shall be processed in accordance with the Code of Ordinances of the City of Brunswick. Provided however, that if an event occurs that threatens the safety, health or welfare of the community, the City Manager may, in his or her discretion, shut the facility down immediately for a period of three (3) days to investigate and make a determination as to the continued operation of facility.

SECTION TWO:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION THREE:

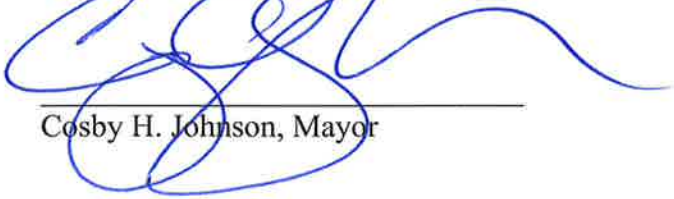
If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION FOUR:

This Ordinance shall be effective immediately upon its adoption by the City Commission.

SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS 19th DAY OF APRIL 2023.

CITY OF BRUNSWICK BOARD OF COMMISSIONERS:



Cosby H. Johnson, Mayor

ATTEST:



Naomi D. Atkinson, City Clerk

