

Chapter 16

ENVIRONMENT*

Article I. In General

Secs. 16-1 – 16-25. Reserved

Article II. General Nuisance Abatement Procedure

Division 1. Generally

Sec. 16-26. Conditions for nuisance declaration.
Sec. 16-27. Complaint.
Sec. 16-28. Abatement by city.
Sec. 16-29. Nuisance per se; exception; summary abatement.
Sec. 16-30.-16-55. Reserved.

Division 2. Junked and Abandoned Motor Vehicles

Sec. 16-56. Purpose.
Sec. 16-57. Definitions.
Sec. 16-58. Storage; License Required.
Sec. 16-59. Removal required after written notice.
Sec. 16-60. Failure to remove; unattended motor vehicles.
Sec. 16-61. Lien for removal or storage.
Sec. 16-62. Junk on premises; notification by Fire and Building Inspector.
Sec 16-63. Failure to comply; penalty.
Sec. 16-64. Violation and Abatement.
Sec. 16-65. Exemptions.
Secs. 16-66-16-74. Reserved.

Division 3. Tire Storage

Sec. 16-75. Purpose.
Sec. 16-76. Regulations for Tire Storage

***Cross References** – Health and Sanitation, ch. 20; Soil Erosion and Sedimentation Control, Section 22-391 et seq.

Chapter 16.

ENVIRONMENT

ARTICLE I. IN GENERAL

Secs. 16-1 – 16-25. Reserved.

ARTICLE II. NUISANCES*

DIVISION 1. GENERAL NUISANCE ABATEMENT PROCEDURES

Sec. 16-26. Conditions for nuisance declaration.

The following conditions being maintained or located on an owner's property may be declared to be nuisances when any one of them endangers the health, welfare or good of other persons or the good order of the community:

- (1) Stagnant water on premises;
- (2) Any dead or decaying matter, weeds, vegetation, fruit, vegetable, animal or rodent upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the city;
- (4) The pollution of public water or the injection of matter into the sewerage system which would be damaging thereto;
- (5) Maintaining a dangerous or diseased animal or fowl;
- (6) Obstruction of a public street, highway or sidewalk without a permit;
- (7) Loud or unusual noises which are detrimental or annoying to reasonable people, including without limitation unusual loud disturbances in or around churches or multiple-family complexes, such as loud music and other activities in swimming pool and clubhouse areas;
- (8) All walls, trees and buildings that may endanger persons or property;
- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent the activities;
- (10) Unused iceboxes, refrigerators and the like, unless the doors, latches or locks thereof are removed; and
- (11) Any other condition constituting a nuisance under state law or this Code.

This section shall not be construed to be the exclusive definition of nuisance within this Code.

(Ordinance 2190, October 5, 2015)

Sec. 16-27. Complaint.

- (a) Any official of the city or private citizen specially injured may direct a complaint of nuisance to the city police department or the city manager or his designee. Any complaint of nuisance shall be investigated by the police department or marshal of the city and may be placed on the municipal court docket for a hearing upon the basis of the investigation.
- (b) The municipal court, after five days' notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.
- (c) City building and license inspectors may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as police officers.

(Ordinance 2190, October 5, 2015)

Sec. 16-28. Abatement by city.

- (a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the municipal court judge, that it must be immediately abated, the judge may issue an order to the chief of police or marshal of the city directing the nuisance to be abated.
- (b) The chief of police or marshal of the city, in such case, shall keep a record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection as for city revenues generally and shall become a lien on the property of such persons. The marshal of the city shall enforce the collection of any amount due on such lien for costs incurred in connection with the abatement of the public health hazard or general nuisance to those residing in the vicinity, in the same manner in which tax liens are enforceable.
- (c) Other city departments shall assist the chief of police or marshal of the city as is necessary in abating nuisances hereunder.

(Ordinance 2190, October 5, 2015)

Sec. 16-29. - Nuisance per se; exception; summary abatement.

Nothing contained in this chapter shall prevent the municipal court judge from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

(Ordinance 2190, October 5, 2015)

Sec. 16-30.-16-55. Reserved.

DIVISION 2. JUNKED AND ABANDONED MOTOR VEHICLES*

Sec. 16-56. Purpose.

It is hereby declared to be the purpose of this article to protect the public health, safety and welfare of the residents of the city by eliminating the storage or accumulation of junk which would otherwise be harmful to and dangerous to the public health, safety and welfare of the residents of the city and which would further constitute an unsightly nuisance.
(Code 1968, Section 12-31)

***State Law References** – Authority to provide by ordinance for removal and disposal of junked vehicles, O. C. G. A. Section 36-60-4; when police officers may remove vehicles, O.C.G.A. Section 40-6-206; abandoned motor vehicles, O.C.G.A. Section 40-11-1 et seq.

Sec. 16-57. Definitions.

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

Abandoned Motor Vehicle means a motor vehicle or trailer:

- (1) Which is left unattended on a public street, road or highway, or other public property for a period of at least ten days and when it reasonably appears to the police department that the individual who left such motor vehicle unattended does not intend to return and remove such motor vehicle; or
- (2) Which has been left unattended on private property for a period of not less than 60 days without anyone having made claim thereto.

Any unregistered vehicle on premises not owned or occupied by the owner of the vehicle shall be deemed to have been abandoned.

Inoperable Condition. means a condition that prevents its use for the purpose for which it is originally manufactured.

Junk. means any mechanized equipment, machinery appliance, scrap metal, or other scrap material which has been located on the property for a period of 30 days or longer in an inoperable condition, other than motor vehicles or trailers.

Junk motor vehicle. means a motor vehicle or trailer, including parts thereof, which has been discarded, dismantled, wrecked, scrapped, ruined or junked, including an unserviceable motor vehicle which constitutes a health hazard or unsightly nuisance.

Owner. means the owner, lessor, lessee, security interest holders, and all lien holders as shown on records of the department of revenue, and, as used in this article, may apply to any person.

(Code 1968, Section 12-32)

Cross Reference – Definitions generally, Section 1-2.

Sec. 16-58. Storage; License Required.

No person shall deposit, store, keep or permit to be deposited, stored or kept in the open upon public or private property a junked motor vehicle, or parts thereof, unless a license for storage has been obtained from the proper authority, pursuant to the license ordinance and zoning laws of the city.

(Code 1968, Section 12-33)

Sec. 16-59. Removal Required after Written Notice.

The owner of any junked motor vehicle shall remove the vehicle within seven days after being ordered to do so in writing by the police department, or by the owner, lessee, or occupant of the premises where the vehicle shall be found. If the owner of the vehicle is not known or cannot be readily ascertained, written notice may be given by attaching the notice to the vehicle.

(Code 1968, Section 12-34)

Sec. 16-60. Failure to remove; unattended motor vehicles.

(a) Upon failure of the owner of a junked motor vehicle to remove the vehicle within the time limit described in section 16-59, the police department shall forthwith cause the vehicle to be removed from the premises to a garage or other place of safety.

(b) Any police officer who finds a motor vehicle unattended on a public street, road or highway, or other public property for a period of ten days, shall be authorized to cause such motor vehicle to be removed, if such police officer reasonably believes that the person who left such motor vehicle unattended does not intend to return and remove such vehicle.

(c) Any police officer who finds a motor vehicle which has been left unattended on a public street, road or highway, or other public property shall be authorized immediately to cause such motor vehicle to be removed to a garage or place of safety when such vehicle causes a threat to public health or safety.

(Code 1968, Section 12-35)

Sec. 16-61. Lien for Removal or Storage.

Any person who removes or stores any motor vehicle, pursuant to this article, shall have a lien on such vehicle for the reasonable fees connected with such removal or storage, provided such person has complied with the requirements of O.C.G.A. Section 40-11-1 et seq.

(Code 1968, Section 12-36)

Sec. 16-62. Junk on Premises; Notification by Building Inspector.

Upon receipt of notice in writing from the building inspector for the city, the owner or person in possession of any premises upon which is located any junk shall, within 30 days, either repair such junk and place it in operable condition, cause such to be removed from the premises and disposed of in a manner so as not to constitute a violation of any other ordinances of the city, and so as not to constitute a nuisance, or submit to the building inspector a plan satisfactory to that official for placing such junk in an operable condition within a time deemed by the building inspector to be reasonable under the circumstances.

(Code 1968, Section 12-37)

Sec. 16-63. Failure to Comply; Penalty.

Any person failing to comply with the provisions of Section 16-62 shall be tried in the municipal court and, upon conviction, shall be punished in accordance with Section 1-9.
(Code 1968, Section 12-38)

Sec. 16-64. Violation and Abatement.

Any junk remaining on premises in violation of the terms of this article, after the procedures prescribed in this article have been followed, is hereby declared to be harmful and dangerous to the public health, safety and welfare and is hereby declared to be a nuisance. The abatement of such junk shall be accomplished by the building inspector, and the cost of the removal shall be assessed against the owner or person in possession of the premises, and the city manager of the city shall be authorized and directed to issue an execution against the owner or person in possession of the premises for the amount expended in the removal of the junk. In furtherance of the authority and purposes contained in this article, the city council shall have authority to contract with private individuals and firms for the removal of such junk if the junk remains on the premises in violation of the terms of this article after the procedures prescribed in this article have been followed.

(Code 1968, Section 12-39)

Sec. 16-65. Exemptions.

Nothing contained within this article shall be deemed to apply to any motor vehicle or parts thereof which shall be located within the confines of any junkyard complying with the laws of this state relating to the licensing and regulating of motor vehicle junkyards.

(Code 1968, Section 12-40)

Sec. 16-66 – 16-74. Reserved.

DIVISION 3. TIRE STORAGE

Sec. 16-75. Purpose.

(a) It is hereby declared to be the purpose of this section to protect the public health, safety and welfare of the residents of the city by regulating the storage and/or the accumulation of tires which would otherwise be harmful to and dangerous to the public health, safety and welfare of the residents of the city and which would further constitute an unsightly nuisance.

(Ord. No. 2126, Section 1, 5-3-04)

Sec. 16-76. Regulations for Tire Storage.

(a) All persons, organizations, or businesses desiring to store old or damaged tires shall make application annually for a tire storage permit from the office of the city clerk. The application shall include information necessary to determine if the applicant can meet the regulations enumerated in this section. A fee may be set by the council from time to time.

(b) No person, organization, or businesses shall deposit, store, keep or permit to be deposited, stored or kept in the open upon public or private property more than 500 old or damaged tires at any one time. The number of old or damaged tires stored upon a property may be less than 500 if the city determines that the property is of insufficient size for adequate storage ensuring the health and welfare of the residents of the corporate limits.

(c) Old or damaged tires should at a minimum be maintained out of public view and in a manner that does not create an attractive nuisance to children or create health hazards for the general public. If necessary a business may be required to place old or damaged tires within a building or fence for storage. The enclosed areas shall be constructed of materials that sufficiently screen the tires from public view and/or rainfall.

(d) Old or damaged tires should be disposed of and removed from the property at a time not to exceed 27 days from receipt, purchase, or exchange. The individual, organization, or business shall be responsible for maintaining sufficient records showing date received, purchased, or exchanged. The intent of this paragraph is to ensure that tires are disposed of in a timely manner.

(e) Individuals, organizations, or business owners shall be responsible in accordance with state law for maintaining a record of the number of tires disposed of, including when and where they were shipped.

(f) Used tires for resale shall be stored within a building.
(Ord. No. 2126, Section 1, 5-3-04)